



**Human Rights Watch Submission
to the United Nations Committee on the Rights of the Child
Review of France
93rd Session
April 2023**

We write in advance of the 93rd session of the Committee on the Rights of the Child (the “Committee”) and its review of France. This submission includes information on the repatriation and reintegration of French children from northeast Syria and the situation of migrant children.

Repatriation and reintegration of children (articles 3, 6, 9, 19, 24, 28, 37, and 39)

At the time of writing, an estimated 100 French children are still arbitrarily detained in camps and detention facilities for suspected Islamic State (ISIS) members and their families in northeast Syria.¹ The vast majority are held in Roj, one of the locked camps primarily holding such family members. Other French boys, and young men who were detained as boys, are held in so-called “rehabilitation centers” and the Alaya military prison.

France repatriated only 35 children between early 2019 and early 2021 on a case-by-case basis but initially refused to repatriate women. The country repatriated women for the first time in July 2022, bringing back 16 women and 35 children. In October 2022, it repatriated an additional 16 women and 42 children,² and in January 2023, a further 15 women and 32 children.³ In total, it repatriated 109 children in 2022 and early 2023. According to available figures, more than 100 French children and about 50 French women are still unlawfully detained in northeast Syria.

As part of a multi-country study conducted in 2022, Human Rights Watch interviewed several family members caring for returned children in France, as well as a lawyer representing French family members and a psychiatrist who had assessed a dozen returned children, ages 3 to 15.⁴ We found that many of the returned children were receiving psychosocial support, and generally, were reintegrating well and

¹ Christophe Ayad, “Rapatriement de femmes djihadistes et de leurs enfants : les ratés des autorités françaises,” *Le Monde*, October 27, 2022, https://www.lemonde.fr/societe/article/2022/10/27/rapatriement-de-femmes-djihadistes-et-de-leurs-enfants-les-rates-des-autorites-francaises_6147490_3224.html (accessed October 31, 2022). Numbers given account for July and October 2022 repatriations.

² “Rapatriées de camps djihadistes en Syrie, dix femmes mises en examen et écrouées en France,” *Le Monde/AFP*, October 24, 2022, (accessed October 31, 2022).

³ “France Repatriates 15 women and 32 children from Syria jihadist camps,” *France 24*, January 24, 2023. <https://amp.france24.com/en/france/20230124-france-repatriates-15-women-32-children-from-syria-jihadist-camps> (accessed March 21, 2023).

⁴ These children fled Syria with their mothers in 2018 and were deported to France from Turkey in 2018 and 2019.

doing well in school.⁵ However, we also identified policy choices by French authorities that made reintegration in France more difficult and, in some cases, caused additional harm.

Separation of children from their mothers

Women repatriated to France from northeast Syria are usually indicted and placed in pre-trial detention immediately on their arrival in France for suspected ISIS-related offenses. Their children are immediately separated from them, often with short warning. The psychiatrist said that for the children, “It was the worst experience—more than the bombings and dead people and all of the horrors of the war. They were not prepared, their mother could not speak to them, there was no meeting to explain.”⁶

Inadequate Contact with Detained Parents

French mothers who are detained or imprisoned for ISIS-related crimes often have limited contact with their children and may be incarcerated several hundred kilometers from their children’s place of residence, making regular in-person visits impossible. For example, one mother is incarcerated in the Réau prison while her son, only 3 years old, lives in Saint-Brieuc, nine hours away.⁷ According to a lawyer following several cases of French repatriated women, some of the children repatriated in July had still not seen their detained mothers at time of writing.

Delayed or limited contact with extended family

In France, extended family members are often not allowed to care for returned children whose parents may be deceased or detained until the completion of lengthy assessments or investigations by authorities. In one case, a girl who arrived in France at age 5 spent three years in a foster family before her grandparents were allowed to take her home to care for her.⁸ Human Rights Watch also interviewed a French grandmother who waited nearly a year to be able to assume the care of her three grandchildren.⁹

When investigations of extended family members are prolonged, many children develop bonds with foster families, and the eventual transition to family care can further traumatize the child.

Delays in documentation

Some families experience lengthy delays obtaining identity papers for returned children; in some cases, they had still not received their documents three or four years after returning to France.¹⁰

Conditions for French Children Still Detained in Northeast Syria

⁵ Human Rights Watch, “My Son is Just another Kid”: Experiences of Children Repatriated from Camps for ISIS Suspects and Their Families in Northeast Syria (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/11/21/my-son-just-another-kid/experiences-children-repatriated-camps-isis-suspects-and>.

⁶ Human Rights Watch interview with psychiatrist (name and details withheld by Human Rights Watch), June 10, 2022.

⁷ Other examples include: A mother was transferred to the Dijon prison while her 7-year-old son resides in Seine-et-Marne (seven hours of travel). A mother is incarcerated in the Poitiers prison while her children reside in Versailles (eight hours of travel). Another mother is incarcerated in the Orléans prison while her children reside in Caen (seven hours of travel). Letter from French attorney to the French Defender of Rights, December 2022; copy provided to Human Rights Watch by the author.

⁸ Email communication from French attorney to Human Rights Watch, November 10, 2022.

⁹ Human Rights Watch interview (name and details withheld by Human Rights Watch), May 18, 2022.

¹⁰ Human Rights Watch interview, attorney (name and details withheld by Human Rights Watch), June 20, 2022.

Conditions in the camps and prisons in northeast Syria are increasingly dire.¹¹ Health care, clean water, shelter, education, and recreation for children are grossly inadequate. Women interviewed by Human Rights Watch said they hide their children in their tents to protect them from sexual or other gender-based violence, abusive camp guards, and ISIS recruiters and fighters.¹²

The camps have become increasingly dangerous, as detainees, including many loyal to ISIS, have carried out attacks against other detainees, camp authorities, and aid workers.¹³ The United Nations reported that 90 people were murdered in al-Hol in 2021, and 42 from January to mid-November 2022.¹⁴

Transfers of Women and Children to Other Detention Centers

Women whom regional authorities allege are ISIS morality police, including French nationals, are periodically transferred from the camps to a prison in al-Hasakah city. Scores of these women's children, ages 18 months to 13 years, have spent nights with them in prison and eight hours a day in a heavily guarded day care center inside the prison compound called Helat. When Human Rights Watch visited the day care center in May 2022, children from several countries, including France, played in a courtyard, but the Helat manager said they feared for their future and were struggling to adapt to nights in prison and days in day care. Several of the 10 children we spoke with there told Human Rights Watch that they would rather live in the locked camps than spend nights in prison.

Boys Detained Apart from Their Families

When they reach adolescence, scores or possibly hundreds of boys, including French nationals, are forcibly removed from al-Hol and Roj camps by Asayish intelligence and the Syrian Democratic Forces, a regional force backed by a US-led coalition against ISIS that includes France. The boys are then placed in separate detention centers in the region.¹⁵ A Doctors Without Borders report called the practice "routine and systematic."¹⁶ In many cases, guards took the children without informing their mothers, and camp authorities did not respond for weeks or months to mothers' pleas to know where their sons were being held, which would make their removals enforced disappearances.

¹¹ "Syria: Repatriations Lag for Foreigners with Alleged ISIS Ties," Human Rights Watch news release, December 15, 2022, <https://www.hrw.org/news/2022/12/15/syria-repatriations-lag-foreigners-alleged-isis-ties>.

¹² Courtney Kube and Carol E. Lee, "ISIS infiltrated a refugee camp to recruit fighters. Inside the Biden admin's plan to stop it," *NBC News*, October 6, 2022, <https://www.nbcnews.com/news/world/isis-syria-al-hol-camp-population-reduced-biden-administration-plan-rcna50877> (accessed February 15, 2023).

¹³ Rojava Information Center, *High Value Arrest and High Profile Assassinations Kick Off New Year*, February 7, 2021, <https://rojavainformationcenter.com/2021/02/report-high-value-arrest-and-high-profile-assassinations-kick-off-new-year/> (accessed September 8, 2022); Jane Arraf, "Violence Erupts at Syrian Camp for ISIS Families, Leaving a Child Dead," *New York Times*, February 9, 2022, <https://www.nytimes.com/2022/02/09/world/middleeast/syria-camp-violence.html> (accessed September 8, 2022).

¹⁴ UN Office for the Coordination of Humanitarian Affairs, "Joint Statement on the Killing of a Humanitarian Aid Worker, Al Hol Camp," statement by United Nations Resident Coordinator and Humanitarian Coordinator in Syria, Mr. Imran Riza, and Regional Humanitarian Coordinator for the Syria Crisis, Mr. Muhannad Hadi, January 12, 2022, <https://reliefweb.int/report/syrian-arab-republic/united-nations-resident-coordinator-and-humanitarian-coordinator-14> (accessed September 8, 2022); "Syria: UN Human Rights Chief condemns brutal killing of two girls, alarmed by sharp rise in violence at Al-Hol camp," Office of the United Nations High Commissioner for Human Rights press release, November 18, 2022.

¹⁵ UN Human Rights Council, "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic," A/HRC/51/45, September 14, 2022, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/report-coi-syria-september2022> (accessed January 17, 2023).

¹⁶ Médecins Sans Frontières, "Between two fires: Danger and desperation in Syria's Al-Hol camp," November 4, 2022.

During the night of January 31, 2023, local security forces took as many as 20 boys, including at least two French boys, from their families' tents in Roj camp. Some were as young as 12.¹⁷ According to a French lawyer representing family members, the region's Kurdish-led authorities told the boys' mothers they had taken the boys because of pressure from France "to teach them a lesson for their refusal to be repatriated."¹⁸

A few hundred foreign boys are held in so-called rehabilitation centers such as the Houry Center, a locked, heavily guarded building with dormitories and a courtyard,¹⁹ and Orkesh, a new locked center that opened in late 2022. During our visit to Houry in May 2022, boys from about two dozen countries, including France, milled around the center's courtyard or sat on cots in dormitories with vacant stares. An aid organization provides basic limited instruction in subjects such as English, Arabic, math, and music but the center lacks sufficient resources, said the camp administrator.

Dozens of other foreign boys and young men are held in a separate "rehabilitation center" at Alaya, a men's military prison. When we visited Alaya in May 2022, 30 foreign boys and young men were held there, confined for 23 hours a day to one crowded, locked cell, with one shower and one toilet, and with minimal activities. According to the prison manager, the boys came from more than a dozen countries, including France. Detained boys said they lacked adequate medical care and fresh food. A 19-year-old from France said his parents brought him to Syria in 2014, and that he was injured in a 2018 airstrike. He said, "Psychologically, I'm tired to death. I just want my mother. ... I also need a doctor. I can't move my left hand. My hand is dead."

In February 2022, this Committee found that France's failure to repatriate children from northeast Syria violated their right to life and exposed them to inhuman treatment.²⁰

In September 2022, the European Court of Human Rights ruled that France had violated the rights of five French women and children arbitrarily detained in camps in the region by failing to adequately and fairly examine their requests for repatriation.²¹

In January 2023, the UN Committee Against Torture found that France's failure to take the measures necessary to protect French women and children detained in northeast Syria against inhuman or degrading treatment violated its obligations under articles 2 and 16 of the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.²²

¹⁷ OHCHR, "UN Experts Alarmed by Reports of Boys Taken from Camp Roj by De Facto Authorities," February 16, 2023, [https://www.ohchr.org/en/press-releases/2023/02/syria-un-experts-alarmed-reports-boys-taken-camp-roj-de-facto-authorities#:~:text=GENEVA%20\(16%20February%202023\)%20%E2%80%93,authorities%20in%20North%20Deast%20Syria](https://www.ohchr.org/en/press-releases/2023/02/syria-un-experts-alarmed-reports-boys-taken-camp-roj-de-facto-authorities#:~:text=GENEVA%20(16%20February%202023)%20%E2%80%93,authorities%20in%20North%20Deast%20Syria).

¹⁸ Communication from French attorney to Human Rights Watch, February 8, 2023.

¹⁹ Human Rights Watch visits to Houry center, northeast Syria, June 24, 2019 and May 15, 2022. See also "Syria: Repatriations Lag for Foreigners with Alleged ISIS Ties," Human Rights Watch news release, December 15, 2022.

²⁰ "France violated rights of French children detained in Syria by failing to repatriate them, UN committee finds," OHCHR press release, February 24, 2022, <https://www.ohchr.org/en/press-releases/2022/02/france-violated-rights-french-children-detained-syria-failing-repatriate> (accessed April 6, 2023).

²¹ "Requests for repatriation of applicants' daughters and grandchildren held in camps in Syria rejected without any formal decision or judicial review ensuring lack of arbitrariness: violation of Article 3 § 2 of Protocol No. 4 to the Convention," European Court of Human Rights press release, September 14, 2022, <https://t.co/HO884JBpNk> (accessed April 6, 2023).

²² « Français dans les camps syriens : Paris enfreint la Convention contre la torture, estime l'ONU », Le Monde/AFP, January 21, 2023, https://www.lemonde.fr/international/article/2023/01/21/francais-dans-les-camps-syriens-paris-enfreint-la-convention-contre-la-torture-estime-l-onu_6158808_3210.html (accessed April 6, 2023).

Human Rights Watch recommends that the Committee ask the government:

- What steps are being taken to repatriate any remaining French children detained in northeast Syria?
- What is the timetable for their repatriation?
- What steps are being taken to maintain regular contact between returned children and their detained mothers? Will authorities consider noncustodial options to maintain family unity?
- What steps are being taken to ensure that extended family members can provide care to returned children with deceased or detained parents without undue delays?

Human Rights Watch encourages the Committee to call on the government to:

- Ensure the repatriation, as a matter of urgent priority, of all remaining French children arbitrarily detained in northeast Syria. Ensure repatriation with their mothers, absent compelling evidence that separation is in the best interest of the child.
- Provide returnees with appropriate rehabilitation and reintegration services. Conduct regular and individualized assessments to tailor assistance to each returnee's particular circumstances.
- Ensure that returnees obtain appropriate documentation, including birth certificates and identity cards.
- Identify long-term placements for children as soon as possible to avoid unnecessary transitions and upheaval, prioritizing family-based placements whenever possible.
- Facilitate contact between the child and extended family members as soon as possible after the child's return. Involve extended family members in decisions regarding the care and placement of the child.
- Provide foster families with necessary support, including from social workers and other professionals with appropriate training and experience regarding war-affected children.
- In cases where mothers are alleged to have committed ISIS-related crimes, consider noncustodial measures in lieu of detention or imprisonment, such as probation, suspended sentences, restrictions on movement, or law enforcement monitoring.
- If detention or imprisonment of a parent is deemed necessary, ensure regular and frequent telephone and video calls with the child/children, and frequent in-person visits of an adequate duration in a child-friendly environment. Ensure that the parent is detained in a facility as close to the child as feasible.

Migrant Children (articles 2, 8, 22, 24, 27, 28, and 37)

Degrading Treatment, Pushbacks, and Failure to Protect Unaccompanied Migrant Children

In October 2021, Human Rights Watch found that French officials regularly subjected children and adults in northern France to degrading treatment and failed to afford unaccompanied children appropriate care and protection.²³ As of late March 2023, a civil society organization told Human Rights Watch that French authorities had not taken meaningful action to curb these abusive practices.²⁴

Police have routinely required migrants to move temporarily off the land they were occupying while police confiscated—and often destroyed—tents, tarps, and sleeping bags the migrants had not managed to take with them. Police have also carried out continued mass evictions that removed everybody from

²³ Human Rights Watch, *Enforced Misery: The Degrading Treatment of Migrant Children and Adults in Northern France* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/10/07/enforced-misery/degrading-treatment-migrant-children-and-adults-northern-france>.

²⁴ Human Rights Watch interview with Utopia 56, Paris, March 27, 2023.

an encampment during which most people were forced to go to a reception center,²⁵ where they were usually able to stay no more than a few days. Moreover, authorities have not effectively identified nor taken specific steps to protect unaccompanied children.

These tactics leave children and adults constantly on alert and focused on their day-to-day survival. Many of the children and adults Human Rights Watch interviewed for its 2021 report were haggard, sleep-deprived, and, as the French Defender of Rights observed in 2020, “in a state of physical and mental exhaustion.”²⁶

Officials have also placed legal and practical restrictions on provision of and access to humanitarian assistance. Aggressive policing of aid groups has reinforced these impediments to humanitarian aid.

Such forms of harassment are not unique to Calais, as Human Rights Watch has found French authorities employing similar tactics against volunteers and aid workers assisting migrants in the French Hautes-Alpes along the French-Italian border.²⁷

Elsewhere on the French-Italian border, children are often detained with unrelated adults overnight at the French border post in Menton in prefabricated units each about the size of a shipping container, before being pushed back to Italy by French police. Children and adults said they were often hungry and cold in these cells, and some said the French police did not return all of their belongings before expelling them, including documents, phones with contact information, and, in a few cases, money.²⁸

Human Rights Watch and other groups have found that French police summarily expel dozens of unaccompanied children to Italy on a monthly basis, in violation of French and international law.²⁹

Children continue to be held in so-called transit zones (*zones d’attente*), alone or with their families, at Roissy Charles de Gaulle and other airports.³⁰ Unaccompanied children are also detained in significant numbers—often with unrelated adults—in the French overseas department of Mayotte.³¹ The

²⁵ Officially, a “reception and assessment center,” *centre d’accueil et d’évaluation des situations administratives*, or CAES.

²⁶ Défenseure des droits, “Visite de la défenseure des droits mardi 22 et mercredi 23 septembre à Calais,” September 24, 2020, pp. 1-2, <https://www.defenseurdesdroits.fr/fr/communique-de-presse/2020/09/visite-de-la-defenseure-des-droits-mardi-22-et-mercredi-23-septembre-a> (accessed April 3, 2023).

²⁷ Human Rights Watch, *Subject to Whim: The Treatment of Unaccompanied Migrant Children in the French Hautes-Alpes* (New York: Human Rights Watch, 2019), <https://www.hrw.org/report/2019/09/05/subject-whim/treatment-unaccompanied-migrant-children-french-hautes-alpes>.

²⁸ “France: Police Expelling Migrant Children,” Human Rights Watch news release, May 5, 2021, <https://www.hrw.org/news/2021/05/05/france-police-expelling-migrant-children>. See also Bianca Carrera, “The Rotten Truth Behind Menton, ‘the Pearl of France,’” *EU Observer*, February 23, 2023, <https://euobserver.com/migration/156740> (accessed April 3, 2023).

²⁹ This includes children who attempted to cross between Bardonnechia and Modane, in the Savoie department, and between Ventimiglia and Menton, in the Alpes-Maritimes department, as well as those who were apprehended in the Hautes-Alpes department. See Human Rights Watch, *Subject to Whim*, and “France: Police Expelling Migrant Children,” Human Rights Watch news release.

³⁰ Human Rights Watch interview with Association nationale d’assistance aux frontières pour les étrangers (Anafé), Paris, March 26, 2023. See also Anafé, *Refuser l’enfermement : Critique des logiques et pratiques dans les zones d’attente* (Paris : Anafé, September 2020) ; Human Rights Watch, *Lost in Transit : Insufficient Protection for Unaccompanied Migrant Children at Roissy Charles de Gaulle Airport* (New York: Human Rights Watch, 2009), <https://www.hrw.org/report/2009/10/29/lost-transit/insufficient-protection-unaccompanied-migrant-children-roissy-charles>.

³¹ See, for example, Défenseur des droits, *Établir Mayotte dans ses droits* (Paris : Défenseur des droits, 2020), <https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rap-mayotte-10.02.20-4.pdf> (accessed April 3, 2023).

immigration detention of children is never in the best interests of the child and is always a children's rights violation.³²

Arbitrary Age Determinations

To enable summary returns of unaccompanied children at the French-Italian border, French border police frequently record on official documents different ages or birth dates than the children declared.³³

Across France, unaccompanied migrant children face significant obstacles in accessing the protection to which they are entitled.³⁴ French authorities require most, if not all, unaccompanied migrant children to undergo age assessments before the child protection system (Aide sociale à l'enfance, ASE) will assume responsibility for their care and protection. The routine use of age assessments does not comply with international standards, which call for their use only as a matter of last resort, only where there are serious doubts about an individual's declared age, and where other approaches, including efforts to gather documentary evidence, have failed to establish an individual's age.³⁵

The Committee's findings in its March 2023 decision in the case of *S.E.M.A. v. France*, a case involving arbitrary age determination procedures in the department of Rhône,³⁶ are equally applicable to many other departments across France. As Human Rights Watch found in Paris and the Hautes-Alpes, age assessments do not afford the benefit of the doubt in favor of minority and are inconsistent with the principle of the best interests of the child.

In Paris, we found that many youths who requested protection from the child welfare system were turned away summarily following flawed age determinations, based on appearance alone;³⁷ others were rejected without written decisions after interviews lasting as little as five minutes, contrary to French regulations.³⁸

In the Hautes-Alpes as well as in Paris, children who received more extensive evaluations did not always understand the interpreters assigned to them, and some said that their interpreters criticized their

³² Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and Committee on the Rights of the Child, Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State Obligations Regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination and Return, U.N. Doc. CMW/C/GC/4-CRC/C/GC/23 (November 16, 2017), paras. 5-13.

³³ "France: Police Expelling Migrant Children," Human Rights Watch news release; Anafé, *À l'abri des regards : l'enfermement ex frame à la frontière franco-italienne* (Paris: Anafé, 2022), http://www.anafe.org/IMG/pdf/lpl_-_note_d_analyse_-_vf.pdf (accessed April 3, 2023).

³⁴ French law provides that unaccompanied migrant children should receive protection and care from the child protection system, the Aide sociale à l'enfance (ASE), and should be allowed to enroll in local schools. See Arrêté [Order] of November 17, 2016, Implementing Decree No. 2016-840 of June 24, 2016, art. 9; Code de l'éducation, art. L.111-1 ("The right to education is guaranteed to everyone in order to enable them to develop their personality, raise their level of initial and ongoing training, to integrate themselves into social and professional life, and to exercise their citizenship."); Circulaire No. 2012-141 of October 2, 2012, Organisation de la scolarité des élèves allophones nouvellement arrivés, art. 1.2 ("School is a right for all children residing on the national territory, whatever their nationality, migration status, or previous journey"), http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=61536 (accessed January 17, 2020).

³⁵ See, for example, UNHCR, Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, February 1997, para. 5.11; Committee on the Rights of the Child, General Comment No. 6, para. 31(i).

³⁶ *S.E.M.A. v. France*, Communication No. 130/2020, Committee on the Rights of the Child, U.N. Doc. CRC/C/92/D/130/2020 (March 6, 2023).

³⁷ Human Rights Watch, *"Like a Lottery": Arbitrary Treatment of Unaccompanied Migrant Children in Paris* (New York: Human Rights Watch, 2018), pp. 17-23, <https://www.hrw.org/report/2018/07/04/lottery/arbitrary-treatment-unaccompanied-migrant-children-paris>; "Paris: Dire Situation for Migrant Adolescents Arriving Alone," Human Rights Watch news release, October 5, 2018, <https://www.hrw.org/news/2018/10/05/paris-dire-situation-migrant-adolescents-arriving-alone>.

³⁸ French Ministry of Justice, Arrêté du 17 novembre 2016, arts. 2, 4, 9.

responses. Many children felt they had not been heard during their interviews, a conclusion reinforced when they saw the reports prepared by the examiner.³⁹

Lack of identity documents was a basis for denial of formal recognition even though French regulations and international standards reflect the reality that children may lose documents in transit or may never have had them. If, on the other hand, children do present birth certificates or other documents to establish their age and other aspects of their identity, authorities routinely questioned the validity of their documents.⁴⁰

In cases we reviewed, children received negative age assessments because, in the judgement of the examiner, they failed to provide clear accounts of their journeys—in reality, meaning that they made minor mistakes with dates, confused the names of places they travelled through, or did not want to discuss particularly difficult experiences with an adult they had just met. Alternatively, examiners deemed very precise accounts indicators of maturity.⁴¹

Examiners also cited the child's decision to travel unaccompanied as a sign of adulthood, even though many thousands of children travel on their own each year to France and other countries. Similarly, working in home countries or while in transit to Europe may be taken as an indication that the child is older than claimed, even though many children work at very young ages around the world. Life goals that examiners deemed unrealistic, such as overly optimistic assessments of career prospects, were also factors in negative age assessments.⁴²

In particularly egregious cases, some judges in Paris who reviewed age assessments ordered bone tests and other medical examinations to establish age,⁴³ even though such tests have been criticized as unreliable and unethical by medical bodies in France and elsewhere.⁴⁴

Authorities in Paris and elsewhere in France continue to employ these arbitrary practices, Human Rights Watch heard in March 2023.⁴⁵

Children who are incorrectly judged to be adults may face serious barriers in access to education and health services, even though education is in principle open to all in France,⁴⁶ and some forms of health

³⁹ Human Rights Watch, *"Like a Lottery,"* pp. 23-24; Human Rights Watch, *Subject to Whim*.

⁴⁰ Human Rights Watch, *"Like a Lottery,"* pp. 31-34.

⁴¹ Human Rights Watch, *"Like a Lottery,"* pp. 24-31; Human Rights Watch, *Subject to Whim*, pp. 50-57.

⁴² Ibid.

⁴³ Human Rights Watch, *"Like a Lottery,"* pp. 34-36.

⁴⁴ Défenseur des Droits, Avis du Défenseur des droits n° 17-03, p. 12; Défenseur des Droits, Rapport du Défenseur des Droits au Comité des Droits de l'Enfant des Nations Unies, February 27, 2015, para. 138, https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=16563 (accessed January 17, 2020); Médecins du Monde, *Parcours d'un mineur non accompagné à MDM* (Paris: Médecins du Monde, 2018), p. 45; Commission Nationale Consultative des Droits de l'Homme, "Avis sur la situation des mineurs isolés étrangers présents sur le territoire nationale," June 26, 2014, paras. 11-12; Commissioner for Human Rights, Council of Europe, "Methods for Assessing the Age of Migrant Children Must Be Improved," August 9, 2011, <https://www.coe.int/en/web/commissioner/-/methods-for-assessing-the-age-of-migrant-children-must-be-improv-1> (accessed March 24, 2023); Committee on the Rights of the Child, Concluding Observations: France, U.N. Doc. CRC/C/FRA/CO/4 (June 22, 2009), paras. 87-88.

⁴⁵ Human Rights Watch interviews, Paris, March 26 and 27, 2023.

⁴⁶ Code de l'éducation, art. L.111-1; Ministère de l'Éducation nationale, Circulaire n° 2012-141, section 1.2 (October 2, 2012).

services should be available regardless of a person's migration status.⁴⁷ In addition, because those who are not formally recognized as children—including those seeking review of negative age assessments—are not under the protection of the child welfare system, they are dependent on the overstretched emergency accommodation system for adults or on the generosity of private citizens.⁴⁸

Human Rights Watch encourages the Committee to call on the government to:

- End the practice of seizing tents, tarps, sleeping bags, and blankets from encampments in the departments of Pas-de-Calais, Nord, and elsewhere in France.
- Ensure that evictions are not carried out if they would deprive people of shelter, make them destitute, or expose them to other serious human rights violations.
- Increase efforts to identify unaccompanied migrant children and offer them emergency accommodation.
- End the immigration detention of unaccompanied children and families with children in border cells, airport transit zones, or other places of confinement.
- Apply the presumption of minority, as required by French law. Age assessments should be used only when authorities have serious doubts about an individual's claim to be under the age of 18. Age assessments should seek to establish approximate age through interviews and review of documents, as recommended by international standards. These procedures should afford the benefit of the doubt so that if there is a possibility that an individual is a child, that individual is treated as a child.
- End the use of bone tests and similar medical examinations as means to determine age.
- Ensure that departments have sufficient resources to carry out their child protection functions.
- Ensure that all those who are awaiting an evaluation receive emergency shelter in conditions that are safe, sanitary, and consistent with human dignity for the minimum period of five days or until the evaluation is completed. The period of emergency shelter should be extended to cover any period of appeal of an adverse age determination.
- Issue and implement clear guidance to examiners that age assessments should follow the November 17, 2016, order of the Ministry of Justice.
- Ensure that all unaccompanied migrant children in France have access to education and health services, in line with French law and international standards.
- Ensure that any amendments to immigration or other legislation are consistent with the Committee's recommendations and with international standards.

⁴⁷ See Direction des affaires juridiques et Direction des patients, des usagers et des associations, Hôpitaux de Paris, Accueil et accompagnement des mineurs non accompagnés: points de repères juridiques et recommandations (Paris: Hôpitaux de Paris, 2018).

⁴⁸ Children who receive negative age assessments are evicted from the temporary housing they receive while their age is being assessed, even if they seek review before a judge. Some find shelter with families who volunteer space in their homes. Others are housed in shelters for adults. Some stay on the streets. Human Rights Watch, Submission to the Committee on Economic, Social and Cultural Rights on France, January 21, 2020, <https://www.hrw.org/news/2020/01/21/submission-committee-economic-social-and-cultural-rights-france>.