

## BICE special report for 25 years of the Convention on the Rights of the Child.

France and Western Europe - The view of **Pascale Boucaud**

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All member countries of the Council of Europe have ratified the Convention on the Rights of the Child.

All have ratified the Optional Protocol on the sale of children, child prostitution and child pornography, with the exception of Ireland.

All have ratified the Optional Protocol on the involvement of children in armed conflict.

In contrast, only six states have currently ratified the Optional Protocol establishing a communication procedure for allowing a child to contact the Committee on the Rights of the Child: Albania, Germany, Belgium, Spain, Portugal, Slovakia. France has not even signed the protocol. However, this possibility for recourse is fundamental to real effectiveness of rights.

Considerable progress has been made, particularly with regard to children speaking up, taking into account children's opinions and autonomy, the issue of juvenile justice, the protection of children in institutions, the ban on any form of corporal punishment and violation of the integrity of the child. However, there are still a number of concerns: victims of child trafficking, unaccompanied migrant children, children discriminated against because of their disability or ethnic origin etc.

The Council of Europe wished to complement the Convention and its protocols by adopting new texts whose effectiveness could be better controlled.

In addition to the Optional Protocol on the sale of children, child prostitution and child pornography, two European texts have emerged:

- The European Convention on Action against Trafficking in Human Beings, adopted May 16, 2005, and its group of experts, GRETA. The work of this group has helped to significantly change the discrimination of Roma children in Bulgaria and Albania; it has also helped to point out the plight of 7000 unaccompanied foreign children in France, trafficked and forced to commit crimes (theft, soliciting, etc.). The criminality of the act of using the services of a victim knowing she is a victim of trafficking, not only in cases of sexual exploitation but also labor exploitation, should be retained in national criminal law, even if the question is still the subject of much debate.

- The Convention of the Council of Europe on the protection of children against sexual exploitation and abuse: Text entered into force on 1 July 2010, which targets categories of offenses not yet considered by any other international instrument, including corruption of children (to make a child witness sexual acts, to engage in such acts in the presence of children), "grooming" or the solicitation of children for sexual purposes on discussion forums or online game sites.

Additionally, the Council of Europe has contributed significantly to the protection of children through the jurisprudence of the European Court of Human Rights (recent condemnation of France for servitude in the SILIADIN affair) and the European Committee of social rights.

Cultural diversity in Europe today is a richness for humanity. It is also a challenge, particularly for those states which are sometimes clueless when it comes to responding to this diversity within one society. Among the messages for leaders, I emphasize the need for educational programs appropriate for multicultural contexts, enabling us to effectively meet the needs of natives and migrants, and to provide all students with the same opportunities for success.