

# Decisions and Views of the Committee on the Rights of the Child

## Children in War Zones and Children's Rights

The case of:  
F.B. and D.A. and others  
(on behalf of S.B. and others) vs. France



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## **F.B. and D.A. and others (on behalf of S.B. and others) vs. France**

This case is about the right to life, survival and development, the best interests of the child and the rights of children in detention.



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This case is about 49 French children who were living in very poor conditions in **refugee camps** in Syria. Their families were worried about the children and wanted them to come to France so that they would be safer. The government of France didn't bring the children back and so their families asked the **Committee on the Rights of the Child** to look and see if the **children's rights** were being looked after. The Committee looked and realised that the children's rights hadn't been respected. In particular, their rights to life, survival and development, their right to not be detained and their best interests were not being looked after. Because of this, the Committee gave the government of France a list of things to do to help the children. This included bringing them to France to be with their families.



You can find the original document of the case [here](#).

The meaning of words in **red** can be found under 'Glossary'.

## Section 1: Facts and Complaint

### Who are the authors of the complaint?


The grandparents, aunts, and uncles of 49 french children were worried because the children were living in very poor conditions in another country far away from them. So, they presented a complaint to the **Committee on the Rights of the Child** with the help of their lawyers and became **authors** of this complaint.

### What happened to the children?

Children were in **detention** in **camps** with their mothers in a country where there is a war, and they were possibly in danger of dying because:



- Children were not allowed to leave the camps, and the people in charge could not give them the basic things they needed to live.

- Children did not have enough food, clean water, and other things they needed to live a safe and healthy life. 



- Children were not able to get proper help from a doctor or a hospital when they got sick or injured.

### What did the authors of the complaint ask for to help children?

Since the children or their parents have French **nationality** and the children's relatives were living in France, the authors of the complaint asked the French government to bring these children to France. This is called **repatriation**. They believed that the children would be able to live in better conditions in France, where there is no war.



### How did the French government respond?

The French government said that they were doing their best to bring some of the children to France. They were making a priority for children in more possible danger. For example, children living in camps without their mothers.

The French government also said that they are not **responsible** for keeping all the children living in camps safe because they are in another country.

### Why did the authors present a complaint to the Committee?

The authors thought that not bringing these 49 children to France meant the French government was not respecting some rights in the **Convention on the Rights of the Child**:

- Article 2: Treating all children fairly (non-discrimination).
- Article 3: Putting the children's **best interests first**.
- Article 6: Protecting their right to **life, survival, and development**.
- Article 19: Keeping them safe from violence.
- Article 20: Giving special care and protection to children who don't have their families with them.
- Article 20: Making sure they have health care, clean water, good food, and a safe environment.
- Article 37: Not keeping them in camps (**right to not be detained**) where they can't leave and don't have enough food, water, or other things they need to be safe and healthy.

## **Section 2: Admissibility and Merits**

### **Can the complaints be accepted and studied by the Committee?**




Whenever the Committee receives a complaint, it must first check if some rules were followed to allow the Committee to accept the complaint and study if there was a **violation** or not. This stage is called the **admissibility**.

The Committee realised that 9 children did not need to be helped because the French government had already brought them to France and the violation of their rights had stopped. The Committee decided to look into the cases of the other 40 children still living in the camps.

### **Were the children's rights violated?**

Here the Committee looked into the complaint to see if there was a violation of the children's rights or not. This is where the Committee looks at the **merits** of a case.

The Committee decided that these rights from the Convention on the Rights of the Child were not respected:

Article 3	Article 6	Article 37
<p>The best interest of the child</p> 	<p>The right to life, survival, and development</p> 	<p>Their right to not be <b>detained</b> in camps without being able to leave and without enough food, water and other things they need to live a safe and healthy life.</p> 

This means that the Committee found that children were not safe, and their lives were in danger because they were living in a place where there was war. They couldn't leave the camps, they did not have enough water, food or medicine and their best interests were being ignored.

The authors who brought the case wanted the Committee to see if some other rights had been violated. The Committee decided that these three were the most important rights and covered all the other issues, so they did not discuss the other rights.

### **Why is the French Government responsible for helping?**

The Committee found that the government of France has the **responsibility** to help these children because:

- The children or their parents have French **nationality** and,
- The children's relatives were living in France.

The Committee decided that the government of France has the **capacity and power** to help the children because:

- The Government of France knows where the children live and how to bring the children back.
- The Government of France has already brought other children in the same situation from one of these camps to France.

The Committee said that the Government of France should bring these children to France because France is a safer country, and they can be with their families. They explained that the government of France should do what is best for the children. In this case, the Committee found that for the children it is best to leave the camps and live in France.



### **Section 3: Remedies and Recommendations**

When the rights of a children or children have not been respected in a country, the Committee can ask the government of the country to take actions to fix this. These are called **remedies**.

#### **What did the Committee tell the Government to do to help the 40 children in the case?**

The Committee decided that France had not met its **responsibilities** in this case, and it had the **capacity and power** to do more. They failed to think about what was best for both the children's well-being and their right to life. The Committee explained that France has to make sure that they provide help for those whose rights have been violated.

#### **France also had to make sure that no other children would go through the same thing ever again. What did the Committee say that France should do?**

- Respond to every request to bring the children back to France.
- Follows processes that are in line with the Convention on the Rights of the Child.
- Act fast and do the right thing to bring the children back home.
- Help each child who comes back to France to feel welcome and part of the community.
- While the children are still in these camps, France has to take extra steps to keep them safe, healthy, and able to grow and learn
- Tell the Committee within 180 days what they have done to fix the problem.

Share this information again in their future reports to the Committee.



## Annex 1: Glossary



**Admissibility:** Whenever the Committee receives a complaint it has to first check if some rules were followed that allow it to accept the case and study if there was a violation or not. This stage is called the “admissibility”. For example, if the children have not tried to find a solution in their country, the Committee cannot accept the complaint. This means that the Committee will not be able to decide if there was a violation or not. The Committee will write a decision saying those rules were not followed and it will call the complaint “inadmissible”.



**Authors of the case:** The person or people who bring the issue to the Committee for them to consider. Sometimes this can be the child or children themselves. When other people, like parents or lawyers, do it on behalf of the child or children, they are the authors of the complaint. In this case, the authors were the families of the 49 children.



**Capacity and power:** This is the ability to do something and having the resources to do it.

**Children’s rights:** These are human rights which apply only to children – people who are less than 18 years old. Children have some rights that adults don’t. This is to make sure that they are well looked after by their parents or by the government.

**Committee on the Rights of the Child:** The Committee is a group of 18 experts in children’s rights who come from all over the world. The experts discuss how children’s rights are being promoted and respected in each country that has signed the Convention.

**Convention on the Rights of the Child (CRC):** The Convention on the Rights of the Child is an important agreement by countries who have promised to protect children’s rights. The Convention explains who children are, all their rights, and the responsibilities of governments.



**Detained/detention:** This means that a person is stuck somewhere, and they aren’t allowed to leave. People, even children, can be detained in different ways. For example: adults in prison are being detained by the government but children can also get detention in school for misbehaving.



**Facts of the case:** This explains what happened to the child or children and why they believe their rights have not been respected by the government.

**Human rights:** These are rights that all people have. They make sure that everyone is treated the same and with respect.

**Merits:** If the Committee finds the admissibility rules have been followed, then the Committee is able to look if there was a violation or not. This stage is called the “merits”.



**Nationality:** Nationality tells us what country a person is from. It is usually written in a person's passport or identity document.

**OPIC:** OPIC means Optional Protocol on a Communications Procedure. It is a procedure which gives children the option to complain to the Committee on the Rights of the Child about violations of their rights



**Recommendations or remedies:** When the rights of a child or children have not been respected in a country, the Committee can ask the government of the country to take actions to fix this.

**Refugee Camps:** These are places where people who had to leave their country live for a short time. There aren't proper houses, so people live in tents with their families. In these places, people can get help and can be safe from danger.



**Refugee:** A refugee is a person who has to leave their country and look for protection in another country because they are in danger.

**Repatriation:** Repatriation is where someone gets sent back to the country of their nationality.

**Responsibility:** A responsibility is something that you're expected to do. Like a job for example. And if you don't do it, there are consequences which can affect you and other people.



**United Nations (UN):** A group of 193 countries from all over the world. Its role is to help these countries to keep their human rights promises.

**Violation:** A violation is when a government doesn't respect your rights.



## Annex 2: Additional explanations

### When are governments responsible for keeping children safe?

Usually, governments are responsible for keeping children living in their country safe. A country is like a family home, and a government is like the parents of that family. Just as parents are responsible for keeping children living in their family homes safe, governments are responsible for keeping children living in their country safe.



However, governments may also have some responsibilities to respect children's rights living in other countries. For example, when a child goes to school, the teachers become responsible for the child's safety. However, this does not mean that the responsibility of the child's parents is over. In the same way, governments may have responsibilities to keep children who are living in another country safe.

### Where is Syria?

Syria is a country in the west of Asia. It is next to Turkey and Lebanon and is on the Mediterranean Sea. A war started in Syria in **2011**. This made the country very dangerous for people living there, especially children.

### Where is France?

France is a country in the west of Europe. It is next to Italy and Germany and is on the Mediterranean Sea.





## **Annex 3: Useful Resources**

**Here are some useful links for you to use:**

- [Click here](#) to find the Committee on the Rights of the Child child friendly page.
- [Click here](#) to find other child friendly OPIC decisions.
- [Click here](#) to find the child friendly version of the Convention on the Rights of the Child.
- [Click here](#) to see Child Rights Connect' OPIC webpage, where you can find child friendly resources.
- [Click here](#) to access a child friendly dictionary.



**Here is the information to contact the Committee:**

### **Committee on the Rights of the Child (CRC)**

Human Rights Council and Treaty Mechanisms Division  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais Wilson - 52, rue des Pâquis  
CH-1201 Geneva (Switzerland)

#### **Mailing address:**

OHCHR-UNOG  
8-14 Avenue de la Paix, 1211 Geneve 10, Switzerland



**Email:** ohchr-crc@un.org

**Twitter:** @UNTreatyBodies

#### **For individual complaints and inquiries:**

Petitions and Inquiries Section  
Committee on the Rights of the Child  
Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
8-14 Avenue de la Paix, 1211 Geneve 10, Switzerland

**Email:** ohchr-petitions@un.org



This child-friendly version was developed using the model outlined in Child Rights Connect's template, "[How to Draft a Child-Friendly Version of an OPIC Case.](#)"

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