



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of France*

A. Purpose and general obligations (arts. 1–4)

1. Please inform the Committee on measures taken by the State party to:
 - (a) Ensure that its disability assessment mechanisms are in line with the human rights model of disability enshrined in the Convention, that the mechanisms indicate respect for the individual identity and requirements for the social inclusion of persons with disabilities, and that they recognize all disabilities, including autism and psychosocial disabilities;
 - (b) Withdraw interpretative declarations on article 15 (1) of the Convention, and ensure its full recognition.
2. Please provide information on:
 - (a) Efforts undertaken to guarantee the implementation of the plans laid out in the circular of the Prime Minister dated 4 September 2012 relating to the impact evaluation of all draft legislation on the situation of persons with disabilities;
 - (b) The scope and application of universal design within existing national policy and legislation in all areas covered by the Convention;
 - (c) Mechanisms in place to guarantee the involvement of organizations of persons with disabilities, including children and women with disabilities, in the development and implementation of legislation and policies at the national, regional, departmental and municipal levels, including through the National Consultative Council of Persons with Disabilities and the French Council of Disabled Persons on European Issues;
 - (d) Efforts undertaken towards, as well as human, technical and financial resources allocated for, the introduction of systematic training, based on the Convention, on the rights of persons with disabilities into the mandatory training programmes provided for policymakers and public officials at the national, regional, departmental and municipal levels, as well as for professionals working with persons with disabilities, including those working in the departmental homes for persons with disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please inform the Committee on measures taken to:

* Adopted by the pre-sessional working group at its twelfth session (23–27 September 2019).



(a) Recognize the denial of reasonable accommodation as a form of discrimination on the grounds of disability in all fields covered by the Convention;

(b) Recognize multiple and intersectional forms of discrimination, including on the grounds of disability, age, ethnic or national origin, religion, language, nationality, migration status, place of residence, sexual orientation, gender identity and sex characteristics;

(c) Provide legal redress and reparations for the types of discrimination mentioned above.

Women with disabilities (art. 6)

4. Please provide information on measures taken to:

(a) Ensure that women with disabilities are consulted in the development and implementation of laws and policies relating to, inter alia, gender equality, employment, health care and social security;

(b) Ensure that all legislation and policies, including those on gender equality and disability, guarantee the rights of women and girls with disabilities.

Children with disabilities (art. 7)

5. Please inform the Committee on measures taken to:

(a) Develop a national strategy for the protection of the rights of the child, which includes child asylum seekers and refugees, and Roma children with disabilities, and monitor and report on the outcomes for children with disabilities of such a strategy;

(b) End institutionalization of children with disabilities in residential medico-social institutions and provide them with family-based settings within the community instead;

(c) Ensure that children with disabilities fully enjoy the right to express their views on all matters affecting them, including in judicial and administrative proceedings and decisions, inter alia, by enforcing the implementation of article 388-1 of the Civil Code.

Awareness-raising (art. 8)

6. Please inform the Committee about measures taken to combat stereotypes, prejudices and harassment against persons with disabilities, in particular persons with psychosocial disabilities and autistic persons, in society and among professionals working with persons with disabilities, and to promote their rights through public awareness campaigns, including by using mass media.

Accessibility (art. 9)

7. Please provide updated information on:

(a) Progress made in the implementation of Law 2015-988 of 2015, and in the planned accessibility agenda in both metropolitan France and overseas territories, including with regard to the operationalization of networks of accessibility ambassadors;

(b) Legislative and other measures taken to ensure the accessibility of public and private services, including health-care, education and transport services, as well as accommodation and communication for persons with disabilities;

(c) The implementation of the second accessibility phase of the national emergency relay centre and the results of the evaluation of the emergency call centre, as well as on consequent measures taken.

8. Please inform the Committee about:

(a) Progress made in the definition of binding accessibility standards for public and private actors to guarantee access to information, communication and services open or

provided to the public to persons with disabilities, including persons with intellectual disabilities, and to autistic, blind or deafblind persons;

(b) Measures taken to promote the use of alternative and augmentative technologies, as well as the learning, teaching and use of Braille and Easy Read, and to implement the European Union directive on the accessibility of websites and mobile applications of the public sector.

Situations of risk and humanitarian emergencies (art. 11)

9. Please provide updated information on measures taken to:

(a) Closely consult and actively involve organizations of persons with disabilities in the management of risk, humanitarian emergencies and natural disasters;

(b) Guarantee that all persons with disabilities, including those who are asylum seekers or refugees and those who are living in refugee-like situations, have access to emergency accommodation and disability-inclusive humanitarian assistance in situations of risk, humanitarian emergencies and natural disasters.

Equal recognition before the law (art. 12)

10. Please inform the Committee on measures taken to repeal all legal provisions allowing for the deprivation of legal capacity on the grounds of disability, including in the Civil Code, the Code of Criminal Procedure, the Code of Civil Procedure and the Public Health Code, and to replace substitute decision-making regimes with supported decision-making mechanisms.

11. Please provide data, disaggregated by disability, gender, age, rural and urban areas, place of residence and socioeconomic status, on persons with disabilities who are deprived of legal capacity and placed under any form of substitute decision-making regimes.

Access to justice (art. 13)

12. Please provide information on:

(a) Protocols in place to guarantee the access of all persons with disabilities to court premises, appropriate procedural accommodation, accessible legal documents and information;

(b) The systematic and mandatory capacity-building on the rights of persons with disabilities that are provided to law enforcement and prison officials, police officers and members of the judiciary;

(c) Eligibility criteria to access legal aid and efforts undertaken to guarantee the access of persons with disabilities, including those who are deaf, those with intellectual or psychosocial disabilities and intersex persons with disabilities, to legal representation during criminal proceedings.

Liberty and security of the person (art. 14)

13. Please inform the Committee on legislative and other measures taken to:

(a) Eliminate the deprivation of liberty on the grounds of actual or perceived psychosocial disability or supposed dangerousness, including by abolishing Law 2013-869 of 27 September 2013, and ensure that all decisions relating to psychiatric treatment of persons with disabilities are taken with the free and informed consent of the person concerned;

(b) Eliminate the use of seclusion arrangements in places of detention and psychiatric hospitals;

(c) Guarantee the right to appeal decisions concerning the deprivation of liberty of persons with disabilities, including of migrants and children with disabilities.

14. Please also inform the Committee on measures taken to:

(a) Repeal all legislation authorizing medical treatment without the consent of persons with disabilities in institutions and in outpatient treatment programmes, including the use of excessive and forced medication, in order to prevent such treatment and to provide human rights-based rehabilitation;

(b) Ensure the provision of individualized supports and accommodations to all persons with disabilities deprived of their liberty, including those in migration, both during detention and upon their release;

(c) Oppose the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, in line with the statement on this subject that was adopted by the Committee during its twentieth session, in 2018.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

15. Please inform the Committee about efforts taken to prohibit:

(a) The use of physical, mechanical and chemical restraints against persons with disabilities in health services, such as in psychiatric hospitals and in residential care, including the lawfulness and practice of “packing” autistic persons;

(b) Non-consensual irreversible procedures on intersex persons, including children.

Freedom from exploitation, violence and abuse (art. 16)

16. Please provide information on:

(a) Measures taken to protect persons with disabilities, especially women and girls, from exploitation, violence and abuse, including domestic, sexual and institutional violence, such as in residential settings and psychiatric hospitals;

(b) Measures taken to guarantee the access of all women and girls with disabilities to assistance programmes and to shelters for victims of gender-based violence;

(c) Measures taken to monitor the implementation of recommendations of the national agency responsible for the evaluation of the quality of establishments, as well as of social and medico-social services, and on cases of abuse registered by regional health agencies;

(d) The outcomes of the 2007 national plan to combat abuse of older persons and persons with disabilities, as well as on a timeline for the adoption of a new action plan;

(e) Systematic and independent monitoring of psychiatric hospitals and residential institutions, with the active involvement of organizations of persons with disabilities.

Protecting the integrity of the person (art. 17)

17. Please inform the Committee about measures taken to:

(a) Repeal provisions of the Public Health Code allowing for the sterilization of persons with psychosocial disabilities without their free and informed consent;

(b) Ensure the provision of appropriate information and support about any irreversible treatment or intervention, including the provision of information to parents on the use of cochlear implants in newborn deaf children.

Liberty of movement and nationality (art. 18)

18. Please inform the Committee on measures taken to ensure that Roma persons with disabilities, including women and children with disabilities, can effectively exercise their liberty of movement, acquire a nationality on an equal basis with others and have appropriate living conditions, in areas of their choosing, with full respect for their dignity.

Living independently and being included in the community (art. 19)

19. Please inform the Committee about measures taken to:

(a) Repeal all legislation that allows for the forced institutionalization of children and adults with disabilities and to protect parents who refuse the institutionalization of their children from reprisals;

(b) Adopt a strategy for the deinstitutionalization of persons with disabilities, especially of children, as well as for the promotion of the right to live independently and be included in the community;

(c) Place a moratorium on new admissions to institutions.

20. Please provide data on:

(a) Persons with disabilities living in residential institutions;

(b) The number of persons with disabilities who have been deinstitutionalized;

(c) Persons with disabilities who benefit from support for their independent living in the community.

21. Please provide information on:

(a) A timeline for the adoption of the decree implementing Act No. 2005-102, which is aimed at capping support costs for persons with disabilities;

(b) The provision of personal assistance to persons with disabilities, including assistive devices and technical aids, and on results obtained through the implementation of comprehensive support plans and of Law 2015-1776 of 28 December 2015;

(c) The effectiveness of the agreement of December 2011 between the State party and Belgium on the reception of persons with disabilities from France in Belgium in order to ensure inclusion in the community, individualized support for persons with disabilities in the State party and independent living arrangements. Please also indicate how many persons with disabilities have been deinstitutionalized from institutions in Belgium.

Freedom of expression and opinion, and access to information (art. 21)

22. Please inform the Committee on:

(a) Measures taken to recognize and promote the use of sign language in all areas of life, as well as the use of Braille, audio or tactile information, Easy Read, pictograms, and augmentative and alternative communication and guide interpreters;

(b) Training of sign language interpreters and the availability of qualified sign language interpretation in all areas of life, including in overseas territories.

Respect for privacy (art. 22)

23. Please inform the Committee on measures taken to protect the data of persons with disabilities that are contained in the database of the regional health agencies of the processing of personal data, as well as the data used for support services by CapEmploi. Please also provide information on investigations made into the misuse of the data of persons with disabilities, such as in the case of the cross-sectoral linkage and support team for housing and care.

Respect for home and the family (art. 23)

24. Please provide information on:

(a) Legal and other measures taken to ensure the rights to marriage, family, paternity and maternity to all persons with disabilities, including to persons under guardianship regimes;

(b) The status of the reform of benefits awarded to the parents of children with disabilities, and on incentives in place to support parents with disabilities, including parents with intellectual or psychosocial disabilities and with autism, to raise their children.

Education (art. 24)

25. Please provide data on children with disabilities in the mainstream educational system, disaggregated by disability, age, gender, rural and urban areas, place of residence, socioeconomic status, and ethnic or national origin, as well as by educational setting (including segregated or inclusive classrooms within mainstream schools and in medico-social institutions) and level of education. Please also provide data on children with disabilities who are excluded from the educational system.

26. Please further inform the Committee about concrete measures taken to:

(a) Adopt a policy and concrete measures to promote the shift towards an inclusive educational system at all levels, including in preschool and in higher education, that also address the situation of persons considered “without a solution” and those currently in medico-social institutions;

(b) Train educational personnel, including examination authorities, on the right to inclusive education and flexible and multiple forms of examination methods;

(c) Ensure the access of young people and adults with disabilities to mainstream vocational education and support their transition into the open labour market;

(d) Include Roma children with disabilities in mainstream schools and provide information on legal prerequisites and practices in this regard.

Health (art. 25)

27. Please inform the Committee about measures taken to:

(a) Ensure the access of all persons with disabilities, including women and girls, Roma and intersex persons with disabilities, to health care – including gynaecological, dental and other health-care services, facilities, amenities and equipment – and to provide specific accessible amenities and equipment for women and girls with disabilities;

(b) Train health personnel, including those working in the areas of sexual and reproductive health, and mental health, on the rights of persons with disabilities;

(c) Raise awareness among health-care practitioners, persons with disabilities and their families on complementary health insurance benefits and coverage for persons with disabilities, and prevent indirect discrimination against them based on these entitlements;

(d) Integrate a human rights approach into territorial mental health plans.

Work and employment (art. 27)

28. Please provide information on:

(a) The rates and trends of employment and unemployment of persons with disabilities after 2013, disaggregated by disability, gender, age, rural and urban areas, place of residence, socioeconomic status, type of labour market (segregated or open) and sector (private or public);

(b) The agreements concluded with and measures undertaken by public and private sector enterprises to promote access to work and employment by persons with disabilities. Please also report on the results achieved through the multi-stakeholder agreement of November 2013 related to measures to improve access of persons with disabilities to work and employment;

(c) Political and legislative measures taken to promote the access by persons with disabilities to employment in the open labour market, including by promoting the transition from segregated “protected” employment to the open labour market;

(d) Measures taken to prevent discrimination and exploitation of persons with disabilities in employment and to ensure their professional, trade union and wage rights.

Adequate standard of living and social protection (art. 28)

29. Please provide data, disaggregated by disability, gender, age, rural and urban areas, place of residence and socioeconomic status, on the levels of poverty and homelessness of persons with disabilities.

30. Please also provide information on measures taken to:

(a) Address poverty among persons with disabilities and guarantee an adequate standard of living;

(b) Guarantee access of persons with disabilities to adequate social housing and accessible private housing arrangements, including flexible housing solutions;

(c) Adapt the level of disability compensation benefits to the actual costs of support measures and to use the European Union structural and investment funds for the implementation of these support measures.

Participation in political and public life (art. 29)

31. Please inform the Committee on measures taken to:

(a) Implement legislation on the accessibility of voting procedures, facilities, materials and election campaigns, including for deafblind persons and persons with intellectual or psychosocial disabilities;

(b) Promote the participation of persons with disabilities, including women, in the conduct of public affairs.

C. Specific obligations (arts. 31–33)**Statistics and data collection (art. 31)**

32. Please inform the Committee on the existence of a systematic and harmonized data collection mechanism on persons with disabilities that regularly collects data disaggregated by disability, gender, age, rural and urban areas, place of residence, ethnicity, and socioeconomic and migration status, and that is guided by human rights-based indicators and the Washington Group Short Set of Questions on Disability.

International cooperation (art. 32)

33. Please provide information on:

(a) Steps taken to ensure the implementation of the European Consensus on Development and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action;

(b) The use of European structural funds for the implementation of the provisions of the Convention and for the participation of organizations of persons with disabilities in the implementation of programmes using these funds.

National implementation and monitoring (art. 33)

34. Please provide information on:

(a) The mandate of disability and accessibility focal points and the interministerial commission on disability in relation to the implementation of the Convention;

(b) The role and capacity of the National Consultative Commission on Human Rights and the Defender of Rights in the promotion, protection and monitoring of the implementation of the Convention, as well as the technical, financial and human resources allocated to these entities;

(c) Support, including financial support, granted to organizations of persons with disabilities and measures taken to ensure their full and effective participation in the monitoring and implementation of the Convention.
