



Intervention by Odile Maurin for HANDI-SOCIAL
Meeting with the UN rapporteur for France, Mr. Jonas Ruskus
(on Articles 9, 13, 16 and 29
of the UN Convention on the Rights of Persons with Disabilities)
27 July 2021 11am

Article 9: Accessibility

I regret that disabled and autistic people like me who have difficulty being synthetic are not given extra time to speak to you in accordance with the principles of the convention. Equality, fairness is not about having the same amount of time to speak as disability professionals who speak in our place, as some people here do.

Although France has had the obligation of accessibility in its laws and regulations for 46 years, it keeps postponing deadlines and limiting the scope of the regulations. This is evidenced by the 2014 accessibility ordinance and the 2018 ELAN law. The accessibility ordinance put an end to the notion of continuity of the travel chain and set up the programmed accessibility agendas, which we can see 7 years later that the commitments made have still not been met, without citizens being able to legally hold the authorities to account and obtain the promised work. Moreover, the accessibility ordinance allows an establishment open to the public to be declared accessible even though a person in a wheelchair cannot enter it. As for the Elan law, it has divided by 5 the production of new accessible housing, while we have many testimonies of people trapped in their inaccessible housing who have to wait for years to have accessible housing. Moreover, in social housing, the rare accessible housing is rented to able-bodied people because the State has made no provision.

Article 13: Access to justice

To oppose the regression of rights caused by the accessibility ordinance and then by the ELAN law, and after having used all institutional means of expression and participation for nearly 20 years, acting in a state of necessity, 16 Handi-Social activists, the majority of whom are disabled, had to carry out non-violent civil disobedience actions to denounce the discriminatory measures suffered by disabled people.

Although this civil disobedience movement was strongly supported by the people directly concerned, it was severely repressed at the end of an unfair trial during which the defendants lacked accessibility and means of compensation (absence of interpreters for a person with speech difficulties, of documents readable by a blind person, non-respect of sanitary measures, absence of

a sound system prejudicial to people with hearing difficulties, non-respect of safety rules, impossibility of going to the toilet, etc.). The Court had not foreseen anything despite the warnings.

Even more seriously, the Ministry of Justice does not respect French laws since it is unable to produce the approval of the programmed accessibility agenda which it should have held since 2015 and which concerns all the courts in France and indicates the commitments made in terms of finances and timetable to achieve accessibility of the courts.

For obstructing traffic for no more than an hour, those who are obstructed on a daily basis, 24 hours a day and all their lives, receive suspended prison sentences and fines, causing general indignation.

Article 16: Freedom from exploitation, violence and abuse

Situations of institutional abuse in the context of home help and support services are multiplying as a result of the insufficient pricing of these services by the State, aggravated by an insufficient number of hours of personal assistance granted. It should be noted, for example, that the rate of reimbursement of the Disability Compensation Allowance has increased by €0.20 in 15 years and that the allowance does not cover the need for household activities, as it is not considered essential to be able to do the shopping, prepare meals and wash clothes, for example.

The only area where equal rights have really progressed in France is in terms of police repression and violence, which people with disabilities are entitled to suffer just like able-bodied people. For example, during the Yellow Vests crisis, many able-bodied people became disabled as a result of police violence. Odile Maurin, who was demonstrating peacefully, suffered from five foot fractures and about thirty bruises all over her body from the police, who accused her of having violated them. In addition to the damage suffered, during this trial, the magistrate refused to look at the evidence of my innocence and the lies of the police. The situation has been denounced by Amnesty International and is documented by many local, national and international media.

Article 29: Participation in political and public life

Persons with disabilities do not benefit from the means of compensation necessary to conduct an electoral campaign on an equal footing with able-bodied candidates. As for the means of compensation necessary to carry out a mandate, the texts need to be more explicit in order to take into account all physical, cognitive and sensory needs. The amounts provided for are insufficient because they are capped without taking into account the reality of needs. Personally, I am an elected municipal official and I have to devote 80% of my elected allowance to my assistance as an elected official, unlike other able-bodied elected officials.

And to conclude, we affirm our full support for the contributions made by the associations clé autiste and Alliance autiste as well as all those who have no conflict of interest because of the dependency links they have with the State which finances their services.

Odile's contributions partly taken up by other associations

Article 4.3: (Autism Alliance)

Article 1 of the law of 11 February 2005 is contrary to article 4.3 of the convention.

It puts on an equal footing representative organisations and organisations that provide services and participate in the management of establishments and services, which is also contrary to recital 14 of general comment number 7 which states on the one hand that a distinction should be made between organisations of persons with disabilities and other civil society organisations, and on the other hand that State parties should give priority to the views of organisations of persons with disabilities when considering issues relating to persons with disabilities.

Furthermore, Article 1 of the law speaks of simultaneous presence, but does not define the share of each type of organisation, which allows civil society organisations that provide services to be in the majority.

Furthermore, the fact that the representatives of people with disabilities are appointed on the basis of proposals from their associations does not specify any conditions of transparency and fairness in the way they are appointed, and therefore leaves the authorities free to choose who they want, knowing that the associations that provide services are completely dependent on state funding and are reluctant to criticise the hand that feeds them. Contrary to points 52 and 57 of General Comment No. 7, the state has not put in place mechanisms to denounce conflicts of interest in which representatives of civil society organisations find themselves.

On the contrary, in France, it is these service provider organisations that claim to speak on behalf of those directly concerned and are the privileged interlocutors of the state. Self-representative organisations do not have the material and human resources to engage in the dialogue that the state reserves for service provider organisations. This has a major impact on all policy in France.

Odile Maurin, Handi-social

Points addressed by Odile Maurin in the questions and answers :

My interventions (3 mn at the end)

French legal system statement of principle but no means to make it effective

Discrimination Kevin sncf pissing on himself because train toilet not accessible not considered as unworthy

Access and sncf: State and finance ministry refuse to keep commitments made

Local association's right to look at sncf sites

DMA role in supporting doc with illegal measures which was supposed to be a model and not read

No independent system for monitoring accessibility in new buildings - prob 40% schools since 2005 that do not comply with regulations

Propose support mode and appointment of association representatives

Need to prohibit conflict of interest by ensuring that disabled associations are not managers

Propose elections in MDPH by disability

Training of special educators always based on psychoanalysis with Arseaa

Health tri covid which prevented access of disabled and elderly people in intensive care and deprivation of liberty

Defender of rights continues to support approach in institutions

France = communication but nothing in reality

So-called financial crisis leads to treating disabled people as a budgetary adjustment variable