



CONTRIBUTION OF THE ASSOCIATION HANDI-SOCIAL EVALUATION OF FRANCE BY THE THE UN COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRDP) OF THE UNITED NATIONS

Toulouse, France 6 August 2021

Introduction of the contribution

This is the first time that the Handi-Social Association has taken part in the formal review of the implementation of the UN Convention by France.

We are an association that has existed for 20 years in Toulouse. Odile Maurin, its president and founder, has ensured, mainly in Toulouse but also all over France, a work of accompaniment for the access to the rights of the disabled people in front of the Cotorep¹ and then in front of the MDPH² applying the expertise acquired during ten years of fight against the Cotorep having ended in making jurisprudence in front of the State Council³. As a specialist in the guide for determining the rate of disability and the PCH appendix 2-5, and having participated in the drafting of the updated guide with the Ministry of Social Affairs, it relies as much on the law as on the medico-psycho-social aspects.

13 years ago, the association joined the CIAH 31 Collectif Inter Associatif Handicaps de la Haute-Garonne (25 associations, all types of disabilities) and then participated in the creation of the Comité d'Entente Régional des associations représentatives de personnes handicapées de Midi-Pyrénées puis d'Occitanie. In these capacities, it has participated and still participates in numerous specialised and non-specialised commissions:

- CDAPH (Commission départementale de l'autonomie des personnes handicapées), the decision-making commission of the MDPH in charge of granting rights, and where 1/3 of the representatives of associations sit
- COMEX (Executive Committee of the MDPH)
- CDCPH (Conseil départemental consultatif des personnes handicapées) which became CDCA (Conseil départemental consultatif de l'autonomie)
- Commission Handicap du CHU⁴ de Toulouse
- SNCF⁵ Occitanie Accessibility Commission
- CARUT Commission for the accessibility of the Tisseo urban network (public transport in and around Toulouse)
- Handicap and accessibility commission of the Occitanie region
- Communal and Intercommunal Accessibility Commissions of Toulouse and Toulouse Métropole

¹ Ancestor of the MDPH which existed until 2005

² Maison Départementale des Personnes Handicapées, one-stop shop for requests for access to rights (income, support, establishments, services)

³ <https://www.handi-social.fr/combats-d-handi-social/combats-d-handi-social-page-395>

⁴ Centre Hospitalier Universitaire

⁵ Société Nationale des Chemins de Fers

- CIL (Conférence Inter Communale du logement), which deals with housing policy in the Toulouse metropolitan area
- CESER (Regional Economic, Social and Environmental Council), the 2nd consultative assembly of the Occitanie region, composed of representatives of organised civil society

The association has unfortunately noted several problems with the representatives of the State and the various local authorities that organise these meetings: the representatives of associations are chosen in a discretionary manner by the organisers, who give preference to associations that manage specialised establishments, associations that speak in place of the people directly concerned. These are often associations that are bound by the subsidies they receive, and the commitments made by the local authorities and the State are very rarely respected.

The association has voluntarily chosen never to ask for subsidies from the public authorities and to operate solely on a voluntary basis, in order to keep a free voice. The association has also used the courts to have a social landlord and a Regional Council condemned for not respecting accessibility rules. We regret that the legal lever is so little used by French associations. However, French justice is very slow and, above all, ignorant of the living conditions and discrimination suffered by disabled people, and the judges still have a biomedical approach to the issue.

Faced with the decline in rights in France, and feeling that settling individual situations is not enough to reform the abusive institutional system, the association has reoriented its actions and has carried out non-violent civil disobedience actions⁶ to denounce the setbacks and to make the general public

⁶ <https://www.handi-social.fr/articles/actualites/suites-medias-operation-cac40-voleurs--blocage-economique-de-wfs-par-handi-social-et-gilets-jaunes-toulouse-4mars19-90185>
<https://www.handi-social.fr/articles/actualites/suites-marche-du-10-fevrier-pour-les-droits-et-la-dignite-des-personnes-handicapees-a-toulouse-89951>
<https://www.handi-social.fr/articles/actualites/aeroport-de-blagnac-31--on-passait-par-la-on-a-vu-de-la-lumiere-on-est-entres-blocage-pour-nos-droits--69749>
<https://www.handi-social.fr/articles/actualites/handi-social-des--gilets-jaunes--avant-lheure--toujours-actifs--67235>
<https://www.handi-social.fr/articles/actualites/suites-medias-blocage-tgv-gare-sncf-matabiau-de-toulouse-le-24oct18-pour-circuler-librement-59674>
<https://www.handi-social.fr/articles/actualites/pepy-tant-que-matabiau-gare-de-la-4e-ville-de-france-sera-inaccessible-en-autonomie-aux-pmr-et-handicapees-nous-paralyserons-le-traffic-sncf--57945>
<https://www.handi-social.fr/articles/actualites/suites-medias-blocage-economique-secteur-construction-a-toulouse-pour-retrait-art18-elan-25sept18--pret-a-recommencer-52361>
<https://www.handi-social.fr/articles/actualites/fffb-macron-lrem-avec-art18-elan-quota-20-logements-accessibles--vous-nous-paralysez-on-paralyse-l-economie-de-la-construction-51878>
<https://www.handi-social.fr/articles/actualites/quand-la-fffb-federation-du-batiment-s-attaque-a-notre-droit-au-logement--et-quand-des-parlementaires-cautionnent--denoncons-les-handiphobes--51231>
<https://www.handi-social.fr/articles/actualites/18sept18-suites-medias-blocage-vicat-betons-action-bordelaise-et-depute-mickaelnogal--trouillard-vendu-aux-lobbies-51030>
<https://www.handi-social.fr/articles/actualites/manu-fffb-laisse-beton--retrait-article-18-loi-elan-sinon-on-continue--18sept18-50673>
<https://www.handi-social.fr/articles/actualites/le-depute-mickael-nogal-lrem-a-t-il-vraiment-des-arguments-serieux-en-faveur-de-l-article-18-de-la-loi-elan--si-oui-il-acceptera-le-debat-france-3-50666>
<https://www.handi-social.fr/articles/actualites/suites-de-manu-laisse-beton--retrait-article-18-loi-elan-sinon-on-continue-et-on-sera-de--en--nombreux--50388>
<https://www.handi-social.fr/articles/actualites/laisse-beton-manu-retrait-article-18-loi-elan-sinon-on-continue-et-on-sera-de--en--nombreux--49191>
<https://www.handi-social.fr/articles/actualites/suites-medias-du-convoi-d-airbus-stoppe-dans-son-elan-par-un-bande-de-handi-en-colere-49083>

aware of the realities of life and of the treatment of people with disabilities. 12 activists of the association are today condemned to suspended prison sentences at the end of an undignified trial which did not allow the defendants to defend themselves by taking into account their disabilities. The President has been the victim of several trials denounced by Amnesty International and has been the victim of police violence after exercising her fundamental freedom to demonstrate peacefully.

At the national level, the association regularly collaborates informally and exchanges with associations and groups of people directly concerned by disability and self-represented, such as CLHEE, CLE - Autistes, Les Dévalideuses, CHA Coordination Handicap Autonome, CDTHED, Droit Pluriel, Objectif Autonomie, CCH Collectif Citoyen Handicap, Act Up, Accessible for All, Alliance Autiste, and it is a partner of the association Mobilité Réduite.

In order to produce this contribution, the association has drawn on the many individual situations that it knows and has experienced, here in Toulouse, but also throughout France, and which are representative of the French situation, but also on the knowledge and analysis of the texts that France has voted in contravention of the Convention. The contribution is also a response to the "Response of France to the list of issues concerning the initial report" published on 30 September 2020.

I regret that disabled and autistic people like me, who have difficulty being synthetic, are not given additional time to express themselves in front of you in accordance with the principles of the convention. Equality, fairness, is not about having equal time to speak with the disability professionals who speak in our place.

We provide in the footnotes a number of links to publications that the association has produced to highlight the many abuses and shortcomings in France, but also to make proposals. There will be a number of elements missing that have not been made public, but which I will certainly provide to the Committee at its request. We are in a position to provide evidence of what we are saying.

And to conclude, we affirm our full support for the contributions made by the associations Cle-Autistes, CHA and Alliance autiste, as well as all those who have no conflict of interest (linked to the dependence they have on the State which funds their services).

Articles 1 to 4 CRPD: Purpose, Definitions, General Principles, General Obligations

1) Contrary to the assertions made by France in point 1 of its response of 30 September, it is not true that "the self-determination of persons with disabilities and their support towards an expression of their own choice is the basis of France's commitment and action". This is what we will demonstrate in the course of this contribution.

2) Article 1 of the law of 11 February 2005 is contrary to Article 4.3 of the Convention. It does not allow for the "effective and constructive participation of persons with disabilities, through their representative organisations, which is at the heart of the Convention.

It equates representative organizations with organizations that provide services and participate in the management of facilities and services, which is also contrary to recital 14 of general comment No. 7, which states that "a distinction should be made between organizations of persons with disabilities and other civil society organizations, and that States parties should give priority to the views of organizations of persons with disabilities when considering issues relating to persons with disabilities.

3) Furthermore, Article 1 of the 2005 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.

For example, in point 11 of its response, France claims that people with disabilities are in the majority in the CNCPH⁷. This is not true. It even dares to take as an example the presence of the French Council of Disabled People (CFHE) within the CNCPH. However, the rapporteur Jonas Ruskus was able to note, as we did, that the representative of the CFHE who spoke at the hearing was a director, an employee, a professional, and not a disabled person, and the majority of the CFHE⁸ associations are managers.

This is symptomatic of the conception of France concerning the representation of people and the self-represented associations of disabled people do not yet have an organisation that federates them at the national level so as to counterbalance the discourse of the management organisations that welcome a few independent associations to give the impression that they are representative. Regarding the composition⁹ of the new mandate of the CNCPH, it should be noted that the disabled people who are members are chosen by the government and are mostly close to it. The associations present at the CNCPH are mostly management associations (some of which claim to be militant) and the fact that disabled people are on their Board of Directors does not mean that they actually run the association. It is the same thing with the CNSA¹⁰ board. There is also a mix between parents' associations and self-represented people.

4) Furthermore, the fact that representatives of persons with disabilities are appointed on the basis of proposals from their associations does not specify conditions of transparency and fairness in the way they are appointed, and therefore leaves the authorities free to choose who they wish, given 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 expose the conflicts of interest in which representatives of civil society organisations find themselves. Management associations that claim to be militant do not hesitate to exclude their members¹¹ when they become too critical and denounce compromises¹².

5) 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-representing

⁷ National Advisory Council of Disabled People

⁸ http://www.cfhe.org/que_faisons_nous_2.html : the 8 founders all manage institutions and services

⁹ <https://www.gouvernement.fr/documents-de-referance-du-cncph-1>

¹⁰ Caisse Nationale de Solidarité pour l'Autonomie

¹¹ APF excludes its best activist!

<https://www.yanous.com/tribus/moteur/moteur160108.html>

Judgment against the APF following the exclusion of one of its elected representatives: http://v2.handi-social.fr/wa_files/CourAppelChambery_140318_jugementAPF_contre_Andre_suiteexclusion.pdf

¹² http://v2.handi-social.fr/caapf_exclusion_democratie.html#anchor-raisonexclusion

organisations do not have the material and human resources to interfere in the dialogue that the state reserves for service provider organisations. This has a major impact on all policy in France.

Proposal¹³:

We call on France to make a distinction between associations representing people directly concerned, and those of parents and relatives of people with disabilities, on the one hand, and management associations, on the other, and to put an end to the mixing of genres that feeds the conflict of interest¹⁴. In line with observation n°7 on the participation of people with disabilities.

We propose, on the model of the representation of families in France or trade unions, that people with disabilities elect their representatives, and parents and relatives also elect their representatives, with a majority given to the people directly concerned. In each department, people who have an MDPH file, and those who have a disability, work accident or occupational disease file with social security, could elect their departmental representatives who would sit on the MDPH and social security boards, and on the rights and autonomy commission that grants MDPH rights. There could be colleges for each major disability family, to ensure balanced representation. The departmental representatives would elect their national representatives. The associations would be financed according to their number of members, and they could not under any circumstances manage establishments or services. For their part, the management organisations would be consulted on their professional issues, and the users of the establishments (which would disappear) and services would be formed into an association which would have a say in management decisions concerning users. This is, of course, a proposal that remains to be discussed with all the actors.

Article 5: Equality and non-discrimination

6) On point 17 of the French responses, in terms of discrimination, French justice considers it normal that a disabled person cannot go to the toilet when he or she takes the train, that he or she is obliged to urinate on it and that he or she remains soiled throughout the rest of the journey (Court of Cassation, Kevin Fermine against the SNCF and the French State¹⁵) The story of Kevin, one of our activists, is revealing: the TGV, high-speed trains, which run in France have toilets whose dimensions do not allow a person in an electric wheelchair to enter and close the door. The Court of Cassation rejected our activist's request, arguing that the SNCF had until 2024 to comply with accessibility requirements. Without taking into account that the legislative requirements have existed since 1975, and that France has voluntarily extended the deadlines and postponed the obligations several times. In France, judges and prosecutors have almost no training on disability situations and on the consequences of the lack of accessibility and reasonable accommodation.

¹³ Deinstitutionalisation requires representation - Odile Maurin in Yanous, 5 Jan 18

<https://www.handi-social.fr/articles/actualites/la-desinstitutionnalisation-passe-par-la-representation---tribune-odile-maurin-ds-yanous-du-5janv18-53251>

¹⁴ HANDI-SOCIAL declaration conflict of interest and management ? APAJH conference Adaptation and evolution of medico-social offer 2oct018 - Tlse <https://www.handi-social.fr/articles/actualites/declaration-handi-social-conflit-d-interet-et-gestion--colloque-apajh-adaptation-et-evolution-offre-medico-sociale-2oct018---tlse-53781>

¹⁵ <https://informations.handicap.fr/a-sncf-deboute-par-justice-etudiant-handicape-persiste-13432.php>

7) On point 19 of the French responses, it is not true that the building code, for new buildings, is subject to the obligation of accessibility. See the remarks contained in Article 9 on accessibility

8) On point 24 of France's response, the case of Kévin Fermine shows how, in civil law, a person who has suffered serious humiliation by urinating on himself has not obtained any compensation.

Article 6: Women with disabilities

9) Disabled women are further discriminated against through the Allocation Adulte Handicapé, which takes into account the spouse's income in its calculation, putting women in a situation of financial dependence, and exposing them to more situations of domestic violence. See Article 28 below.

Article 7: Children with disabilities

10) Point 35 of France's response refers to a policy of diversification of support provision even though the qualitative and quantitative responses in terms of support for children with disabilities in ordinary life settings are extremely limited. France continues to institutionalise children in medico-social establishments, although it speaks of "places that are fully open to their environment, places of encounter and social innovation,..." whereas these are places of deprivation of freedom, and families most often have no alternative, and even more so for the most disadvantaged families.

11) Point 40 claims that the child's voice and participation are sought in the development of the project, yet children are very rarely received in MDPHs. Generally speaking, the vast majority of applicants, whether adults or children, are never received: applications are processed on the basis of files, due to a lack of resources.

Article 8: Awareness raising

12) Point 41 of France's response refers to vague awareness-raising campaigns as an important measure. However, these are governmental communication operations such as DuoDay, which consists of a one-day presentation by an able-bodied sponsor of his or her work to a disabled person on that single day. The operation is more like a charity operation, devaluing disabled people.

Article 9: Accessibility

13) Although France has included the obligation of accessibility in its laws and regulations for 46 years¹⁶, it has constantly postponed deadlines and limited the scope of the regulations.

¹⁶ Articles 49 et seq. of the law of 30 June 1975 <https://www.legifrance.gouv.fr/loda/id/LEGISCTA000006125434> and articles 41 et seq. of the law of 11 February 2005 <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000809647/>

This is evidenced by the 2014 accessibility ordinance ratified in 2015¹⁷, and then by article 64 of the 2018 ELAN law¹⁸. The accessibility ordinance put an end to the notion of continuity of the travel chain, called into question certain rules, and set up the Ad'AP programmed accessibility agendas, which gave new deadlines (3, 6 and 9 years) to establishments that had not complied with the 1975 law and then the 2015 deadline (after a 10-year period), and for which we can see 7 years later that the commitments made are still not being met.

14) However, citizens cannot legally hold the authorities to account and get the promised work done. These agendas protect the managers of the establishments from being sued until 2024 for some of them, especially the most important ones.

15) In addition, the Accessibility Ordinance makes it possible to declare an establishment open to the public as accessible even though a person in a wheelchair cannot enter it.

16) 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.

HANDI-SOCIAL accompanied a family who had been waiting for 14 years for accessible housing and who had to take a young adult in a manual wheelchair up to the 6th floor every day, as well as fetching an electric wheelchair from her brother's house so that she could go to school, high school and university.

17) With the 2005 law, only ground floor dwellings served by a lift were obliged to be accessible, unless it was technically impossible, but it was enough to build buildings with a maximum of three floors to avoid the obligations. Moreover, it appears that since 2005, France has built less accessible housing than it did before 2005.

18) The Elan law only provides for 20% accessible housing and 80% adaptable housing for ground floor housing and housing served by a lift, i.e. housing that will require work to make it accessible. Moreover, in social housing, the few accessible units are rented to able-bodied people because the State has made no provision.

19) For example, in the Toulouse metropolitan area, there are more than 3,500 people with disabilities or incapacitating health problems who have been waiting for several years for social housing. And the number is increasing.

20) For example, in the Occitanie region, the December 2017 report¹⁹ by the State and the SNCF, who refuse to keep their commitments, unfortunately remains almost the same almost 4 years later.

¹⁷ LAW No. 2015-988 of 5 August 2015 ratifying Ordinance No. 2014-1090 of 26 September 2014 on the accessibility of establishments open to the public, public transport, residential buildings and roads for people with disabilities and to promote access to civic service for young people with disabilities

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000030972663>

¹⁸ Article 64 de la LOI n° 2018-1021 du 23 novembre 2018 portant évolution du logement, de l'aménagement et du numérique https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000041587333

¹⁹ December 2017: SNCF and State = unable to meet their commitments? delay #accessibility Ad'AP Occitanie region <https://www.handi-social.fr/articles/actualites/sncf-et-etat--incapable-de-respecter-leurs-engagements--retard-accessibilite-ad-ap-region-occitanie-18320>

Although the Handi-Social association obtained that the Occitanie region finance the works, the SNCF refuses to launch the necessary studies arguing the instructions of the Ministry of Finance.

21) The associations in Haute-Garonne have the greatest difficulty in working with the SNCF, which claims to discuss the work to be carried out locally only with the national associations, most of which are management associations and cannot therefore claim to speak on behalf of the people directly concerned. Our association had to refer the matter to the CADA²⁰ to get the SNCF's national management to make the national reference document for making stations accessible public, even though this document was going to apply to our local stations²¹.

22) Similarly, despite promises made in 2010 to the CIAH 31 associations, Toulouse station was not made accessible in 2015 as required by law, and the associations were not consulted about the choice of replacing a lift that kept the station inaccessible in terms of autonomy. It took Handi-Social activists blocking a TGV in 2018 for work to finally be carried out. And again, only 50% of the promise made by the SNCF in 2018 will finally be kept. Despite this, the SNCF, although at fault, will attack the activists, sentencing them to various disproportionate penalties, see article 13 below.

23) Although the obligation to carry out a census of accessible housing is incumbent on the communal and inter-communal accessibility commissions run by the town halls and inter-communal bodies, few of the latter have fulfilled their obligations. The CIAH31 associations had to give formal notice to three local authorities in Haute-Garonne before going to court to get the city of Toulouse to start fulfilling its obligations in this area²². It should be noted that no managing association has ever threatened any local authority to enforce the law, and it was necessary for a small association with no resources to do so.

24) In France, the Ministerial Delegation for Accessibility (DMA), under the authority of the two ministries of housing and transport, is supposed to coordinate public policies in this area. However, without the slightest review, it grants its label to electoral initiatives that promote insufficient or even illegal "solutions" on housing accessibility. It took the well-argued and documented denunciation of the Handi-Social association²³ to prevent the error-ridden document from being used as a model by other local authorities. Even more seriously, it turned out that the ministerial delegation for accessibility had labelled the document without even reading it and checking that it was compliant, and the DMA planned to make this document a model for the construction of all housing in France. A senior DMA official acknowledged this in writing, but the city of Toulouse continues to present the document as validated by this body representing the State.

²⁰ CADA commission for access to administrative documents

²¹ National benchmark for station accessibility: The #SNCF finally complies and agrees to make it public thanks to the CIAH 31! <https://www.handi-social.fr/articles/actualites/referentiel-national-de-mise-en-accessibilite-des-gares-la-sncf-obtempere-enfin-et-accepte-de-le-rendre-public-grace-au-ciah-31--20726>

²² 2018 : Toulouse City Council and the metropolis finally launch the accessible housing census: success of the CIAH 31 <https://www.handi-social.fr/articles/actualites/la-mairie-de-toulouse-et-la-metropole-lancent-enfin-le-recensement-du-logement-accessible--succes-du-ciah-31-30789>

²³ November 2019: When #Moudenc makes his election campaign by presenting a botched charter supposed to improve housing accessibility <https://www.handi-social.fr/articles/actualites/quand-moudenc-fait-sa-campagne-electorale-en-presentant-une-charte-baclee-censee-ameliorer-l-accessibilite-du-logement-233531>

25) We regularly receive testimonies concerning the non-respect of the regulations on the construction of new housing. For example, inaccessible terraces, loggias and balconies with 37 cm steps to climb.

Handi-Social had to accompany one of its members to have a metropolitan social landlord condemned²⁴ on this ground, but few disabled people dare to take legal action and the lack of resources limits associations and individuals.

And the management associations that claim to be militant never initiate this kind of litigation. It is also revealing that the legal director of the APF (of which Odile Maurin was a member when she was approached by the tenant in difficulty) refused to lead this fight, claiming that there was no chance of winning! And yet!

26) Concerning the accessibility of schools built since 2008, a study shows that 25% of them did not respect the accessibility regulations²⁵. It is no longer the State that controls this type of construction, but private organisations that carry out both diagnostic and control missions, in contravention of a decision by the Court of Cassation, without the prefectures and local authorities obliging them to respect the law.

27) The HANDI-SOCIAL association has also just obtained the condemnation of the Regional Council of the Occitanie region by the administrative court of Toulouse, which gave it 6 months to bring the lift for people with reduced mobility in its entrance into compliance. However, a technical inspector had certified this accessibility and the Toulouse City Council had even granted a new building permit illegally.

28) In point 42 of its response, France mentions "1 million establishments receiving the public committed to the accessibility dynamic", without specifying that these are just the commitments made, and that there are no sanctions for those who do not respect the timetable and do not carry out the promised work. Even though the level of requirements has been reduced. The ADAP system is proving to be a failure, and we strongly fear that the government will do the same as before the 2015 deadline and give new deadlines to those who have not met their commitments.

29) For example, in Toulouse, the transport authority TISSEO had not met the 2015 deadline for making all its transport stops accessible. TISSEO had committed to an ADAP in 2015 for the maximum duration of 3 years for urban transport. At the end of 2018, it requested a derogation from the prefecture, which granted it an extension of the deadline to February 2020. Then it announced very quickly that it would not meet this new deadline, yet it is not subject to any sanctions from the authorities, even though less than 70-80% of transport stops, and only so-called priority stops, have been made accessible. The priority stops are those that are most frequented. And there will still be many stops considered as non-priority that will never be obliged to be made accessible (725 stops), which does not allow disabled people to choose to live in less dense areas, on transport routes that are not very busy. This creates an inequality.

²⁴ Condamnation de Toulouse Metropole Habitat à indemniser une locataire handicapée pour une loggia inaccessible <https://www.handi-social.fr/articles/actualites/condamnation-de-toulouse-metropole-habitat-a-indemniser-une-locataire-handicapee-pour-une-loggia-inaccessible-24756>

²⁵ <https://www.education.gouv.fr/rapport-annuel-2014-de-l-observatoire-national-de-la-securite-et-de-l-accessibilite-des-41303>
<https://www.vie-publique.fr/sites/default/files/rapport/pdf/154000161.pdf>

30) On point 44 of France's response, France claims to meet the needs of disabled people through a "digital service that will identify and geo-locate all ERP's indicating their level of accessibility". This amounts to telling people with disabilities which places are off-limits to them, rather than allowing them to access them.

31) On point 51, the state forgets to mention that from now on the regulations for the construction of collective housing authorise the construction of balconies, terraces and loggias with 15 to 25 cm to cross, which deprives disabled people in wheelchairs of the enjoyment of these extensions to their homes.

Proposals :

- To meet the needs of disabled people but also those of elderly people who become dependent, build 100% accessible housing and make lifts compulsory everywhere.
- Make the training of architects, project owners and project managers compulsory, both in initial training and in continuing education.
- Introduce automatic and dissuasive penalties for transport organising authorities that have not made all public transport stops (not just those classified as priority stops) accessible within two years.
- Require the RATP in Paris to make public the study on the possibilities of making many metro stations accessible and put an end to the law that exempts underground guided transport from accessibility
- Introduce automatic and dissuasive sanctions for establishments receiving the public that have not respected their work commitments
- Restore the power to control and sanction accessibility work in existing buildings and in new establishments open to the public and collective residential buildings to State agents.

Article 11: Risk situations and humanitarian emergencies

32) On point 60, France's response states that the CDCAs have taken up the subject of the Covid crisis by ensuring that people's rights are applied. It should be noted that the CDCAs are managed by the départements, and that some départements censor associations that wish to denounce the obstacles to people's rights.

For example, the department of Haute-Garonne cut off the microphone of several association leaders who wanted to talk about institutional abuse in the home help services financed by the department during the CDCA in spring 2021²⁶.

And concerning the way France has managed the Covid crisis for people with disabilities, here is article 17 below.

Article 13: Access to justice

33) There is a problem in French law that explains the gap between the intentions of laws and their concrete implementation. A law often cannot be applied without a regulatory text to implement it, and it is not uncommon in France for laws that have been passed never to see the texts that enable their application.

²⁶ <https://www.youtube.com/watch?v=MgZi5xtVTdg&list=PL8zle6xXsE7okNopDOu6fW81WZ8CgmmKr&index=1>

34) In order to oppose the reduction in rights caused by the accessibility ordinance and then by the ELAN law, and after having used all the institutional means of expression and participation for nearly 20 years (participation in all the commissions and bodies specified in the introduction to this contribution, several very long legal proceedings carried out simply to obtain the rights to which one is entitled with a derisory compensation), 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.

The actions carried out between 2014 and 2019: "free toll" operations, traffic obstructions, occupations of public buildings, blockades of cement factories, blockades of Airbus A380 parts, blocking of a TGV, and then of the runways at Toulouse Airport. All this, without violence or break-in, and always briefly. Indeed, it is only at this price that the "mainstream" media talk about the hindrances that we suffer daily.

35) While this movement of civil disobedience was strongly supported by those directly affected, it was severely repressed after an unfair trial in which the defendants lacked accessibility and means of compensation (procedural accommodations) (no independent access to the courtroom, absence of interpreters for a person with speech difficulties who was therefore unable to express herself, absence of documents that could be read by a blind person, failure to comply with sanitary measures against Covid and therefore endangerment, absence of a public address system that was detrimental to people with hearing difficulties, failure to comply with safety rules, impossibility of going to the toilet, causing one of the defendants to urinate on herself, etc. .) The Court did not foresee anything despite prior warnings²⁷.

36) Even more seriously, the Ministry of Justice does not respect French laws since it is unable to produce the approval order for the programmed accessibility agenda that it should have had since 2015 and which concerns all the courts in France (a document that indicates the commitments made in terms of finances and timetable to achieve accessibility of the courts). Similarly, he is unable to specify what work he intends to carry out for the Toulouse judicial court. The lift to enter the court cannot be used alone, it is dirty, smells bad, often breaks down and does not comply with the regulations. The Toulouse court has also not been able to provide the defendants with the Public Accessibility Register which describes its efforts to comply with the law and information on its level of accessibility, although this is a legal obligation since 2017.

37) When point 71 of France's response refers to 300 accessible judicial sites, it fails to specify whether these sites are autonomously accessible, and whether they are actually accessible and not just administratively.

38) For obstructions to traffic lasting no more than one hour, those who are obstructed on a daily basis, 24 hours a day, all their lives, receive suspended prison sentences (6 months to 2 months) and fines, causing general indignation²⁸.

²⁷ <https://www.youtube.com/watch?v=8BZAnLIMRAk&list=PL8zle6xXsE7okNopDOu6fW81WZ8CgmmKr&index=1>

²⁸ Trial on 23 March 2021 in Toulouse of 16 Handi-Social activists for obstructing rail and air traffic: 6 to 2 months suspended prison sentence! And fines!

<https://www.handi-social.fr/articles/actualites/proces-de-la-honte--etat-coupable-mais-activistes-handicapes-condamnes-a-de-la-prison--non-vous-ne-nous-ferez-pas-taire--487338>

Disabled people: Toulouse trial turns absurd and becomes the trial of the accessibility of Justice

39) Example of another situation showing the lack of consideration of disability situations by French justice: June 2021: Paris: an 18-year-old deaf-mute tried without an interpreter and sent to prison pending trial²⁹

40) Magistrates (judges) and prosecutors (public prosecutors), as well as court administrative staff and law enforcement officers, have most often not received any serious training on disability issues or on the reasonable adjustments they could propose to make justice accessible. It should also be noted that the lack of independence of public prosecutors' offices in France encourages judicial decisions that are more political than judicial.

41) In France, litigation and legal leverage is little used for several reasons, in our opinion: on the one hand, the French do not have a culture of litigation, unlike the Anglo-Saxons, convictions are extremely low and derisory, and the stranglehold of the managing associations, which above all do not want any conflict with the State and the local authorities that fund them, explain the situation.

42) Moreover, lawyers know very little about disability law. Although I am a self-taught person who does not even have a bachelor's degree, I was asked in November 2018 to train lawyers from the Toulouse bar on MDPH benefits law.

43) On the weakness of the sentences obtained by disabled people, which does not encourage them to appeal to the courts, I could give as an example the €1,000 I obtained from the Council of State to compensate me for the prejudice I had suffered from Cotorep, which refused me rights, while I had to fight a battle that lasted 10 years, and which forced me to remain practically locked up in my home, almost without any human help, and only surviving thanks to the solidarity of my neighbours.

44) In 2007, I also had the president of the departmental council, which is responsible for managing the MDPH, condemned for refusing to apply the emergency procedure provided for by the 2005 law to obtain the human assistance I needed. Here again, the compensation of €1,000 was derisory in relation to the damage³⁰.

45) On point 75 of France's response, the "new mandatory prior amicable settlement does not impart a notion of support", but rather complicates the possibilities for claimants to appeal and lengthens the time limits since it is no longer possible to refer the matter directly to the judicial authority and this appeal is an obligation, causing many months to be lost in resolving situations.

46) In points 79 and 84 in particular, France claims to have trained many magistrates and law enforcement officers, but the reality experienced by the French is quite different, and for a situation such as that of the 16 activists who received media coverage, the vast majority of situations escape media coverage.

<https://www.handi-social.fr/articles/actualites/personnes-handicapees--le-proces-de-toulouse-vire-a-l-absurde-et-devient-celui-de-l-accessibilite-de-la-justice-471528>

²⁹ https://www.lepoint.fr/societe/a-paris-un-sourd-muet-envoye-en-prison-malgre-l-absence-d-un-interprete-01-07-2021-2433787_23.php

³⁰ <https://www.handi-social.fr/combats-d-handi-social/combats-d-handi-social-page-395>

47) Our association was confronted with the following situation: a 75-year-old woman in a wheelchair or with a walker was raped by her carer, who terrorised her until the victim's daughter caught the attacker threatening her mother. A judicial investigation followed. The man had forced the woman to write him messages in which she claimed to be in love with him. The complaint was dismissed.

48) In another case, a young woman with cerebral palsy who uses an electric wheelchair and has severe speech difficulties was the victim of a dishonest care assistant who withdrew money from her bank account without her consent. The young woman filed a complaint, but it was never taken seriously, partly because of her speech difficulties. And the complaint was dismissed. The home help service that employed the carer did everything possible to prevent the complaint being filed.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

49) In 2018, a man in a manual wheelchair was detained in inhumane conditions at the Toulouse police station and it took the media coverage launched by Handi-Social to obtain a modified sentence with an electronic bracelet instead of detention. Knowing that these situations are rarely brought to the attention of the public³¹. This man was left in his cell without his wheelchair and was not allowed to go to the toilet and was left covered in his excrement in his cell.

50) According to point 114 of France's response, "the training of health professionals in autism is part of the national priority orientations for continuous professional development 2020 - 2022." Unfortunately, psychoanalytically oriented medical and social professionals who claim to monitor and screen young children for autism continue to use practices that do not comply with the recommendations of the French High Authority on Health, without the public authorities being moved.

Odile Maurin, as a municipal councillor, questioned a partnership between the Toulouse town hall and the child guidance centre of a medico-social association which still displayed a psychoanalytical approach to autism on its website³². The ministerial delegation for autism did not denounce this partnership.

Article 16: Freedom from exploitation, violence and abuse

51) According to points 125, 126 and 127 of France's response to abuse, action has been limited to a commission for the promotion of good treatment and the fight against abuse since February 2018 and a guidance note. In fact, the State should rather look at the budgetary choices it makes and at the fact that it does not provide the means for quality personal assistance by always favouring specialised institutions.

Situations of institutional abuse in the context of home help and support services are multiplying as a result of insufficient state pricing of these services, compounded by an insufficient number of hours of personal assistance granted. It should be noted, for example, that the reimbursement rate

³¹ October 2018: Press release: STOP inhumane and degrading police custody of a paraplegic at Toulouse police station

<https://www.handi-social.fr/articles/actualites/communique--stop-a-garde-a-vue-inhumaine-et-degradante-d-un-paraplegique-au-commissariat-de-tlse-54120>

³² <https://odilemaurin.fr/politique/conseil-municipal-toulouse-29-janvier-21-mes-interventions/#d10p2>

for 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 one's shopping, prepare one's meals and wash one's clothes, for example.

52) According to point 140 of France's response, France "promotes freedom of choice for people by strengthening the supply of inclusive support in a logic of de-institutionalisation", and this involves "for adults, strengthening the supply of local services, generalising inclusive housing, etc.". However, this is not true, as the services that provide local services are completely overwhelmed and in disarray.

Situations of institutional abuse in the context of home help and support services are multiplying³³ as a result of insufficient pricing of these services by the départements and the State, in conjunction with insufficient salaries and significant hardship in the home help professions, and an insufficient number of hours of home help granted.

And it is the departmental authorities that prefer to devote their budget to non-mandatory areas of competence rather than to funding the autonomy allowances for which they are responsible. This does not prevent them from organising conferences where they claim to apply the UN Convention. Handi-Social denounces these contradictions in a well-argued manner³⁴.

53) Institutional abuse is also denounced in "inclusive habitats" which are nothing more than mini institutions. For example, in Toulouse, the Carpe Diem association, a pioneer in this type of housing, requires people to use its services in order to rent accessible and adapted housing. According to several testimonies, the number of hours of human assistance paid by the department directly to the service provider does not correspond to the hours worked and when people complain, they are threatened with losing their accommodation, as this article reports³⁵. Without the department, which is supposed to control, intervening!

54) Handi-Social also had to support Céline Boussié, the whistleblower from the Moussaron IME, where young people with multiple disabilities and autism had been mistreated³⁶, which was denounced in a report on the TV programme Forbidden Zone³⁷. As the major management associations once again did not mobilise to defend this situation, we were alone at the time in denouncing the abuse, which was eventually taken up by the UN.

55) The only area where equal rights have really progressed in France is in the area of police repression and violence, where people with disabilities have the right to suffer just like able-bodied people³⁸.

³³ Fall 2020: INSTITUTIONAL MALTREATMENT IN HOME CARE <https://odilemaurin.fr/activisme/maltraitance-institutionnelle-dans-les-services-daide-a-domicile-responsabilite-de-letat-et-des-departements-et-critique-du-clientelisme/>

³⁴ Coup de gueule 20sept19 d'Odile Maurin / Colloque URAF "Protection promotion personnes handicapées - déclinaison convention ONU" au CD 31 <https://www.handi-social.fr/articles/actualites/coup-de-gueule-20sept19-d-odile-maurin--colloque-uraf-protection-promotion-personnes-handicapees---declinaison-convention-onu-au-cd-31-218791>

³⁵ <https://www.mediacites.fr/enquete/toulouse/2021/05/31/handicap-lassociation-carpe-diem-accusee-de-delaissers-residents/>

³⁶ CIAH 31 et Comité d'Entente Régional Occitanie soutiennent la lanceuse d'alerte Céline BOUSSIE <https://www.handi-social.fr/articles/actualites/ciah-31-et-comite-dentente-regional-occitanie-soutiennent-la-lanceuse-d-alerte-celine-boussie-67961>

³⁷ <https://autileaks.org/reportage-censure-zone-interdite-ime-moussaron-ames-sensibles-s-abstenir/>

³⁸ #PoliceViolence on disabled activists on 30 March and 20 April 19: equality is just for repression!

For example, during the Yellow Vests crisis, many able-bodied people became disabled as a result of police violence.

And Odile Maurin, who was demonstrating peacefully, suffered five broken feet and about thirty bruises all over her body from the police, who accused her of having violated them. In addition to the physical and moral damage, during the trial against her, the magistrate refused to see the videos proving her innocence and the lies of the police³⁹. Odile Maurin was sentenced to a two-month suspended prison sentence, to pay damages to the police, and to a one-year ban on demonstrations⁴⁰. Her wheelchair was qualified as a weapon by destination. However, despite his complaint, the police have still not been tried. The situation has been denounced by Amnesty International and is documented by numerous local, national and international media.

Article 17: Protection of the integrity of the person

56) HANDI-SOCIAL, together with CLHEE and CLE-Autistes, has denounced the lethal sorting that took place in France during the Covid crisis. Disabled people, especially those in institutions, were refused access to hospitals and intensive care units simply because of their disability.

The HANDI-SOCIAL association, together with CLE-Autistes, filed a civil suit to demand an accounting before the Paris judicial court, but the request was rejected and an appeal is underway⁴¹.

Article 19: Independent living and inclusion in society

57) Regarding point 2 of France's response to the list of issues concerning the initial report, we contest that "the departmental houses for persons with disabilities do not analyse the needs with regard to their life project in order to provide the most appropriate compensatory solution".

On the contrary, they apply the texts as little as possible with the clear aim of reducing the amounts paid to disabled people⁴². For example, the number of hours of PCH (disability compensation benefit) for human assistance is often reduced when the right is renewed, even when the situation has not changed favourably.

<https://www.handi-social.fr/articles/actualites/violencespolicieres-sur-militants-handicapes-les-30-mars-et-20-avril-19-l-egalite-c-est-juste-pour-la-repression-110232>

³⁹ <https://odilemaurin.fr/activiste/gilets-jaunes/>

⁴⁰ <https://www.youtube.com/watch?v=vdeVt8fXi3s> video montage proving the responsibility of the police for my injuries and the lies of the police

⁴¹ Avril 2020 : Validisme + #Covid-19 : personnes handicapées sacrifiées : ces morts dont on ne parle pas...

<https://www.handi-social.fr/articles/actualites/validisme--covid-19--personnes-handicapees-sacrifiees--ces-morts-dont-on-ne-parle-pas-315504>

Mai 2020 : #Covid, #handicap et #institutions : La responsabilité institutionnelle du triage dévoilée !

<https://www.handi-social.fr/articles/actualites/coronavirus-covid-gouvernement---covid--des-poursuites-judiciaires-pour-demontrer-les-responsabilites-de-ceux-qui-nous-gouvernent-415169>

Décembre 2020 : #coronavirus #Covid #gouvernement - Covid : Des poursuites judiciaires pour «démontrer les responsabilités de ceux qui nous gouvernent»

<https://www.handi-social.fr/articles/actualites/coronavirus-covid-gouvernement---covid--des-poursuites-judiciaires-pour-demontrer-les-responsabilites-de-ceux-qui-nous-gouvernent-415169>

⁴² Analysis of the evolution of the rates of agreement and refusal of benefits in CDAPH 31 for adults in Haute-Garonne between 2007 and 2013 http://v2.handi-social.fr/wa_files/APF31_131208_TS_OM_rapportanalyseevoluttaccordprestatadulteCDAPH31_vdef.pdf

58) The new MDPH form, mentioned in point 3 of France's response, does not bring anything to users except more work to fill in and more complexity, and it only allows MDPHs to make assessments without going to the person and without meeting him or her, creating inequalities between those who are good at writing and administrative procedures and those who are not or are not good at them. The MDPHs, which are supposed to be a one-stop shop, are cruelly lacking in human resources. Moreover, some disabled people, those who have already worked, are also covered by social security for disability rights.

59) MDPH applications are mainly processed on the basis of files, the applicant is rarely met, even if only by a member of the teams that are supposed to be multidisciplinary, and the regulations on application procedures are not respected, for example the obligation to provide the person with a proposal of entitlement and to invite him or her to come and defend himself or herself before the commission. This is mass processing that does not allow for individualised assessments. For example, in Haute-Garonne, every year about 100,000 applications are processed, and only three people, adults and children, are received each week by the commission on rights and autonomy, on which HANDI-SOCIAL is represented. All other requests are grouped together without each situation being individualised, contrary to the regulations.

60) The legislative and regulatory framework does not respond at all to the real needs of people with disabilities and simply organises their survival: incomes well below the poverty line, the response in terms of human assistance is limited to a few acts considered essential, given the human and material resources that the state provides to be able to live in an ordinary environment. In reality, everything is done to guide or even force people to continue living in institutions.

61) On points 146 and 147 of France's response, France acknowledges that it limits the remaining costs for users to a maximum of 10%, which, in view of the budgets available, makes the measure impossible to apply. Moreover, a decree was to be issued within 6 months of the publication of the law of 7 March 2020, but this is still not the case.

With several associations, we succeeded in May 2018 in stopping the attempt to pass a new law designed to modify the 2005 law which provided in its article 146-5 of the Code of Social Action and Families on the Departmental Compensation Funds to limit the remaining expenses borne by disabled people to 10% of their income for their disability compensation costs (human assistance, technical assistance, animal aids, home and vehicle improvements).

France had never published the decree enabling the law to be applied since 2005, and a friendly association, ANPIHM, had taken the Prime Minister to the Council of State and obtained a fine to force him to issue the decree⁴³. Instead of enforcing the law, the government commissioned a parliamentarian to propose a new law limiting the assistance of the Departmental Compensation Funds within the limits of the available budgets. We had to denounce the positions taken by 4 associations, members of the CFHE, who were ready to accept this new law. But we succeeded in stopping this attack⁴⁴.

⁴³ <https://informations.handicap.fr/a-aides-techniques-conseil-etat-condamne-nouveau-etat-30927.php>

⁴⁴ May 2018: OPEN LETTER of 11 May 2018 to the 577 Members of the National Assembly: disability compensation <https://www.handi-social.fr/articles/actualites/lettre-ouverte-du-11-mai-2018-aux-577-deputes-de-lassemblee-nationale--compensation-du-handicap-31946>

What are we playing at? Or how some "big associations" shoot their members in the foot! <https://www.handi-social.fr/articles/actualites/a-quoi-joue-t-on--ou-comment-certaines--grandes-associations---tirent-une-balle-dans-le-pied-de-leurs-adherents--31947>

In turn, the president of the HANDI-SOCIAL association took the Prime Minister to court to obtain that the law be applied to the financing of the fitting out of the vehicle intended to give him autonomy in his movements. The legal action is underway⁴⁵.

Alas, on 6 March 2020, in the middle of the Covid containment period, a new law was passed ratifying⁴⁶ this setback and forcing many disabled people to launch appeals for donations to finance a wheelchair or a prosthesis.

Article 20: Personal mobility

62) In December 2017, HANDI-SOCIAL made a contribution to the Assises Nationales de la Mobilité⁴⁷ with a proposal.

63) In February 2018, HANDI-SOCIAL gave formal notice to the Occitanie region, the SNCF and the departmental councils⁴⁸ to comply with the regulations on alternative transport, but due to a lack of time and resources, did not follow through with the process.

Proposal:

How to facilitate travel for the frail? For adapted TPMR transport in all regions

While HANDI-SOCIAL defends, as a priority, the accessibility of public transport, in accordance with the 2005 law, which provided for the continuity of the travel chain, and calls for the repeal of the 2014 ordinance which reduced accessibility to a list of priority stops according to their frequency of use, we also defend the implementation of so-called TPMR transport (transport for people with reduced mobility), adapted transport, which exists in a few large towns and which is mainly used to transport wheelchair users and blind people. The problem is that today, this transport is dysfunctional and imposes abusive conditions on people with disabilities.

In spite of everything, and provided that the means are made available, this transport will be useful to all people who live in or want to travel to places that are still inaccessible with public transport, and it is to be hoped that once the networks have been made truly accessible, these people will no longer need specialised transport. Nevertheless, there will still be people, generally the most severely disabled and the least independent, who will still need adapted door-to-door transport with or without an attendant. Today, however, the regulations only oblige the setting up of alternative transport, which even if it complied with the legislation, would pose the problem of load breakage, i.e. the obligation to change modes of transport several times during the journey. This is not at all suitable for people who are weakened by disability or illness.

Article 21: Freedom of expression and opinion and access to information

⁴⁵ PRESS RELEASE: Court action against the Prime Minister to enforce the 2005 law on the financing of disability compensation! <https://www.handi-social.fr/articles/actualites/communiqu--saisine-du-tribunal-contre-le-1er-ministre-pour-faire-appliquer-la-loi-de-2005-pour-le-financement-de-la-compensation-du-handicap--30036>

⁴⁶ <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000041697004/>

⁴⁷ <https://www.handi-social.fr/combats-d-handi-social/contribution-aux-assises-nationales-de-la-mobilite-page-1398>

⁴⁸ Droit au transport pour tous et respect des obligations de transport de substitution PMR <https://www.handi-social.fr/articles/actualites/droit-au-transport-pour-tous-et-respect-des-obligations-de-transport-de-substitution-pmr-18738>

64) The repression of social movements and activists raises the issue of freedom of expression and opinion. Major restrictions on the right to demonstrate are also raised. All this is well documented in an Amnesty International documentary to be released in September 2021⁴⁹.

Article 25: Health

65) Disabled people receiving the AAH and the AAH complement, i.e. the most severely disabled people, do not have access to the free complementary health insurance provided by the State, and in addition they pay medical deductibles and fixed contributions for each consultation and for each box of medication. They are also obliged to pay a fixed hospital fee which, in the event of hospitalisation lasting several months, can lead to disabled people being placed under guardianship or curatorship because the hospitalisation costs are almost equal to the amount of their allowance while they have to continue paying their rent. This undignified situation concerned all AAH recipients until two years ago.

Proposal:

Abolish all taxes on the health of people with disabilities

Article 27: Work and employment

66) The obligation of 6% of disabled workers in companies with more than 20 employees is pernicious.

Indeed, companies that create the most suffering at work, and accidents at work, are ultimately rewarded because the number of disabled workers they have allows them not to pay penalties for not having a disabled worker.

Proposal:

Financially penalise companies with high rates of occupational accidents and diseases in their workforce

Article 28: Adequate standard of living and social protection

67) The CNAF (Caisse Nationale d'Allocations Familiales), a public body, is responsible for paying benefits to people with disabilities. This organisation refuses to apply the law despite several convictions. It took Martine Deniau⁵⁰ years of fighting to obtain jurisprudence and despite everything, the Caisse d'Allocations Familiales refuses to pay what it owes and the Caisse nationale continues to give instructions to continue illegal practices in the départements.

68) The conjugation of the AAH

⁴⁹ https://www.youtube.com/watch?v=SRmK-fNBG-M&list=PL8zle6xXsE7ozVEEUokidw_fixuOXKXA2&index=2

⁵⁰ Février 2021 : AAH, ASI, ASPA, retraite, complément ressources AAH : quand Martine Deniau fait jurisprudence et rétablit nos droits face à la CNAF !

<https://www.handi-social.fr/articles/actualites/aah-asi-aspa-retraite-complement-ressources-aah--quand-martine-deniau-fait-jurisprudence-et-retablit-nos-droits-face-a-la-cnaf--457297>

The AAH is a minimum income below the poverty line that does not allow autonomy. It is reserved for people with disabilities. The maximum amount is 903€ per month for those who have no income and if the income is lower than this amount, the CAF pays a differential amount between the income and the AAH amount.

The current calculation of the disabled adults' allowance (AAH) is contrary to the spirit of this benefit, which was created to guarantee the financial autonomy of disabled people. On 17 June, by examining a bill to deconjugate the AAH, the National Assembly had the opportunity to substantially modify the method of calculation of this benefit and to propose a system that is truly in line with the stated objectives of this social benefit.

In 1975, this benefit was intended to provide access to a minimum income and a dignified and independent life for people who could not ensure their subsistence through paid work because of their disability. Today, the way this benefit is calculated has the opposite effect to that intended. Taking into account the income of spouses, whether or not they are married or in a civil union, means that for many beneficiaries living as a couple, their benefit is reduced or even completely lost⁵¹.

There is ample evidence⁵² of the harmful effects of this provision, which the government still refuses to remove.

Proposal :

- Individualise benefits for people with disabilities
- Ensure a dignified income at the level of the minimum wage
- Provide means of compensation for disabilities (technical assistance, human assistance, etc.) without any remaining expenses

Article 29: Participation in political and public life

69) People with disabilities do not have the necessary means of compensation to run an election 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.

Odile Maurin, president of the Handi-Social association, was elected in June 2020 as a municipal councillor for the city of Toulouse and as a metropolitan councillor for Toulouse Métropole. Despite legislative and regulatory texts that provide for the "reimbursement of specific travel, accompaniment and technical assistance expenses incurred... as well as for attending city council meetings and meetings of commissions and bodies"⁵³, she does not benefit from the requested means.

The mayor of Toulouse and president of the Metropolis refused to reimburse Mrs Maurin for the costs of assistance in studying the deliberations and preparing the interventions in council, assistance that was necessary due to her attentional difficulties and the psychomotor slowness and organisational difficulties that she presents because of her autism. Nor did they take into account

⁵¹ "The conjugalization of the calculation of the disabled adult allowance produces the opposite effects to those desired

https://www.lemonde.fr/idees/article/2021/06/17/la-conjugalisation-du-calcul-de-l-allocation-adulte-handicape-produit-des-effets-inverses-a-ceux-souhaites_6084485_3232.html

⁵² <https://leprixdelamour.fr/>

⁵³ https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000028059422/

her diction and concentration difficulties in using voice dictation. The medical professionals and psychologists thus confirmed the need for "human assistance to relieve her of the costly tasks in terms of energy and time that she must now carry out alone to compensate for her cognitive and motor difficulties.

Ms Maurin proposed mediation through the court, but the City Council and the Metropolis refused, forcing Ms Maurin to bring a case before the court. In the meantime, Mme Maurin spends nearly 80% of her elected office allowance on assistants to enable her to fulfil her mandate, which constitutes a breach of equality with other elected officials. The ministry to which the situation was referred did not even deign to respond⁵⁴.

70) The association Droit Pluriel gave the floor to several disabled elected representatives on the means they had to carry out their mandate and it emerged that a majority of them exercise their mandate thanks to the support and help of spouses, parents or relatives. Neither the State, nor the local authorities, nor the political parties are taking up the issue. However, it was Mrs Cluzel, the Minister, who called on disabled people in the media to get involved in politics without giving them the means to do so.

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⁵⁴ L'ABSENCE DE COMPENSATION RÉELLE DES HANDICAPS DISCRIMINE LES ÉLUS !

<https://odilemaurin.fr/activisme/labsence-de-compensation-reelle-des-handicaps-discrimine-les-elus/>