



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of France\*

#### I. Introduction

1. The Committee considered the initial report of France (CRPD/C/FRA/1) at its 539th, 540th and 541st meetings (see CRPD/C/SR.539, 540 and 541), held online on 18, 20 and 23 August 2021. It adopted the present concluding observations at its 549th meeting, held online on 7 September 2021.

2. The Committee welcomes the initial report of France, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/FRA/RQ/1) to the list of issues prepared by the Committee (CRPD/C/FRA/Q/1).

3. The Committee commends the State party for having agreed to having its initial report reviewed entirely online, given the extraordinary circumstances due to the coronavirus disease (COVID-19) pandemic. It appreciates the fruitful and sincere dialogue held with the State party's delegation, which was diverse and multisectoral and which included representatives of the relevant government ministries. The Committee also appreciates the participation of the Defender of Rights, in its capacity as independent monitoring mechanism, pursuant to article 33 (2) of the Convention, and the National Consultative Commission on Human Rights, in its capacity as National Human Rights Institution of the State party.

#### II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since its ratification in 2010. It welcomes the legislative measures taken to promote the rights of persons with disabilities, in particular the adoption of the following:

(a) Amendments to article 371-1 of the Civil Code, prohibiting corporal punishment in all settings, in July 2019;

(b) The Mobility Act providing for the collection and publication of data on transport accessibility, in 2019;

(c) The implementing decree of the Act on creating a digital republic, providing for sanctions for non-compliance of obligations, related to digital accessibility, adopted in 2019;

(d) The Law No. 2019-322 of 23 March 2019 recognising the right to vote to all persons with disabilities, including those under substituted decision-making;

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\* Adopted by the Committee at its twenty-fifth session (16 August-14 September 2021).



(e) Provisions in the Labour Code (article L.5213-6) requiring reasonable accommodation for persons with disabilities and recognizing the denial of reasonable accommodation as a form of disability-based discrimination.

5. The Committee welcomes the measures taken to establish a public policy framework for implementing and monitoring the Convention in the State party, including by appointing senior public servants as disability focal points within government ministries, in 2018 and establishing an inter-ministerial committee on disability. It also acknowledges the appointment of the Defender of Rights as the independent monitoring mechanism pursuant to article 33 (2) of the Convention, and its work in coordination with independent monitoring mechanisms, including the National Consultative Commission on Human Rights.

6. The Committee takes note of the periodic national disability conferences fostering dialogue about disability rights, and the sectorial policies for implementing the Convention, in particular the adoption of the Strategy for the Employment of Persons with Disabilities, in 2019, and the establishment of monitoring committees of this strategy; the National Sexual Health Strategy and 2018–2020 road map, which includes measures concerning persons with disabilities, and sectorial policies concerning persons with rare diseases, the National strategy for autism 2018-2022.

### **III. Principal areas of concern and recommendations**

#### **A. General principles and obligations (arts. 1 and 4)**

7. The Committee notes with concern:

(a) The interpretative declaration upon ratification to the Convention concerning the interpretation of the term ‘consent’ in article 15 (1);

(b) The absence of measures to review and harmonise disability-related national, regional and municipal legislation and policies with the Convention, and legislation and public policies based on the medical model and paternalistic approaches to disability, including the definition of disability in the Act on Equal Rights and Opportunities, Participation and Citizenship for Persons with Disabilities, of 11 February 2005 that focuses on incapacity of persons with disabilities and their “normalization”, the medical treatment of persons with psychosocial disabilities and autistic persons, and the ‘model of medico-social care’ for persons with disabilities, which sustains systematic institutionalization of persons on the basis of disability;

(c) The lack of information on the jurisprudence of French courts on the direct application of the rights guaranteed by the Convention;

(d) The absence of a national strategy and public policies for implementing the State party’s obligations under the Convention;

(e) The lack of awareness on the rights of persons with disabilities of policymakers, government officials, at the national and municipal levels, legal and other professionals, including judges, teachers, medical, health and other professionals working with persons with disabilities.

**8. The Committee recalls the recommendations issued by the Special Rapporteur on the Rights of Persons with Disabilities in her report on the visit to France (A/HRC/40/54/Add.1), and recommends that the State party:**

**(a) Review and withdraw interpretative declarations made upon ratification of the Convention, in order to give effect to the Convention, its principles and the human rights model of disability as outlined in General Comment No. 6;**

**(b) Review existing disability-related legislation and policies to harmonise them with the Convention, including by transposing into domestic law the human rights model of disability;**

(c) Expedite the adoption of comprehensive disability-related legislation to give effect of all provisions of the Convention, and that the French courts apply all justiciable provisions of the Convention directly;

(d) Adopt a comprehensive national strategy to implement the State party's obligations under the Convention, and promote strategies in the overseas territorial collectivities, in close consultation with organisations of persons with disabilities ensuring a coordinated disability-support administration system across the State party, including at the regional, departmental and municipal levels and in non-metropolitan areas;

(e) Provide awareness raising and capacity-building on the human rights model of disability for government officials, at all levels, legal professionals, judges and prosecutors, and professionals working with persons with disabilities. The State party should involve organisations of persons with disabilities in the design and implementation of trainings for public officials.

9. The Committee is concerned about:

(a) Provisions in the Law of 2005-102 (article 1) and of the Social Action and Family Code (article L.146-1) conflating associations of service providers and managers with organizations of persons with disabilities, resulting in conflict of interests in service provision and obstacles to effectively shift from 'medico-institutional-care' to independent living in the community;

(b) Limited involvement of persons with disabilities through their representative organizations, in consultations concerning legislation and public policies, including those carried out by the National Consultative Council of Persons with Disabilities, and the municipal and inter-municipal committees on accessibility.

10. The Committee recalls its General comment No. 7 (2018) and recommends that the State party:

(a) Revise provisions of article 1 of the Law of 2005-102 with a view to strengthen and implement transparent mechanisms to closely consult with and actively involve persons with disabilities, through their representative organizations, in public decision-making processes at all levels, including in implementing, monitoring and reporting on the Sustainable Development Goals;

(b) Ensure meaningful and effective support and consultations with the diversity of organizations of persons with disabilities as outlined in General comment No. 7, paying attention to, organisations of persons with intellectual disabilities, persons with psychosocial disabilities, autistic persons, women with disabilities, LGBTI persons with disabilities, persons living in rural areas, Roma persons with disabilities and those requiring high levels of support.

#### **Equality and non-discrimination (art. 5)**

11. The Committee observes with concern:

(a) That the current definition of discrimination does not include multiple and intersectional forms of discrimination on the basis of disability and its intersection with other grounds, such as the grounds of age, sex, ethnicity, sexual orientation and gender identity;

(b) That the denial of reasonable accommodation is not recognised as a form of discrimination on the ground of disability in all areas of life, except in the areas of work and employment, and in education with regards examinations.

12. The Committee recalls its General comment No. 6 (2018) on equality and non-discrimination, and targets 10.2 and 10.3 of the Sustainable Development Goals, and recommends that the State party:

(a) Prohibit multiple and intersectional discrimination on the grounds of disability and its intersection with other grounds, such as age, sex, race, ethnicity, gender identity, sexual orientation, or any other status, and adopt strategies to eliminate multiple and intersectional discrimination;

**(b) Recognize the denial of reasonable accommodation as a form of discrimination within all areas of life within anti-discrimination law.**

**Women with disabilities (art. 6)**

13. The Committee notes with concern:

(a) The lack of information, including disaggregated data, about the situation of women and girls with disabilities, and the impact of legislation and public policies on their rights under the Convention;

(b) Insufficient measures to promote gender equality in disability-related legislation and policies, and the rights of women and girls with disabilities in gender equality legislation and policies, and lack of effective consultations and involvement in initiatives such as the “Generation Equality Forum” in 2021.

**14. The Committee recalling its General comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

**(a) Ensure that data collection systems and impact assessments of legislation and policies include indicators and disaggregated data about women and girls with disabilities;**

**(b) Mainstream the rights of women and girls with disabilities into all gender equality and disability-related legislation and policies, and promote effective participation of women and girls with disabilities through their representative organisations in fulfilling the commitments made during the “Generation Equality Forum”.**

**Children with disabilities (art. 7)**

15. The Committee observes with concern:

(a) That children with disabilities are exposed to multiple and intersecting forms of discrimination, including in education, access to social services in the community, institutionalisation in medico social establishments, ill-treatment, violence and abuse, including sexual violence, particularly in institutions;

(b) Practices compelling hard of hearing and deaf children with disabilities to be fitted with cochlear implants at the expense of the learning of sign languages and inclusion in deaf culture;

(c) The absence of mechanisms to consult with children with disabilities and to enable them to express their views in all matters concerning them.

**16. The Committee recommends that the State party:**

**(a) Ensure that legislation on the protection of children is inclusive of children with disabilities, and adopt a specific strategy with timelines and benchmarks to facilitate inclusion of children with disabilities in all areas of life, and to foster safe and nurturing children’s environments, respectful of the life and dignity of children with disabilities, on an equal basis with other children;**

**(b) Set up mechanisms to ensure that children with disabilities are protected against being compelled to use cochlear implants and have the opportunity to learn sign languages and participate in deaf culture, and that information about the impact of cochlear implants is made available to them;**

**(c) Establish mechanisms that respect the evolving capacity of children with disabilities to ensure that they can form their views and express them freely in all matters affecting them, and that these views are given due weight in accordance with the child’s age and maturity.**

**Awareness-raising (art. 8)**

17. The Committee is concerned about:

(a) Negative stereotypes against persons with disabilities, especially affecting autistic persons, persons with psychosocial or intellectual disabilities, and with Down syndrome;

(b) The devaluing of persons with disabilities through ableist policies and practices that underpin prenatal genetic screening on foetal impairment, particularly concerning trisomy 21, autism, and neonatal detection of deafness;

(c) The lack of visibility of persons with disabilities in public life, public media, including in TV;

(d) Measures to combat terrorism that perpetuate negative and harmful stereotypes of persons with psychosocial disabilities as dangerous and at a high risk for radicalisation and terrorism.

**18. The Committee recommends that the State party, in partnership with organizations of persons with disabilities:**

**(a) Adopt and implement a strategy based on the human rights model of disability in order to eliminate negative stereotypes that devalue persons with disabilities, including in respect of the use of prenatal genetic testing, and ensure the implementation of measures issued by the National Consultative Commission on Human Rights from its independent periodic assessments of national programmes to eliminate stereotypes;**

**(b) Adopt measures to increase participation and visibility of persons with disabilities in public life and public media;**

**(c) Eliminate negative and harmful stereotypes of persons with psychosocial disabilities with regard to radicalisation and terrorism.**

#### **Accessibility (art. 9)**

19. The Committee notes with concern:

(a) Legislation reducing thresholds concerning accessibility requirements of apartments in new housing facilities, and disparities in implementing accessibility requirements across regions in the State party;

(b) The limited implementation of accessibility and universal design in public services hindering participation in the community of persons with disabilities, with particular impacts on autistic persons, persons with sensory impairments, with intellectual disabilities and persons with psychosocial disabilities;

(c) The delay in implementing plans on accessibility standards including the Programmed Accessibility Agenda, accessibility in public transportation, information and communications, and in facilities and services open or provided to the public;

(d) Limited measures to facilitate movement and orientation in all facilities open to the public;

(e) Barriers in the digital work environment preventing access for persons with disabilities to information and communication, including on government websites, and in relation to software.

**20. The Committee recalls its General comment No. 2 (2014) on Accessibility, and recommends that the State party:**

**(a) Repeal provisions of the Law 2008-1021 of 23 November 2018 reducing the threshold of accessibility requirements for new housing and adopt a strategy, in consultation with organizations of persons with disabilities, to ensure that accessibility standards for housing and accommodation are progressively enhanced with the aim of full accessibility;**

**(b) Adopt accessibility strategies, and raise awareness about the concept of universal design for persons with disabilities;**

(c) **Reinforce mechanisms to make public transportation accessible to persons with disabilities;**

(d) **Ensure that accessibility plans include measures to provide in buildings and other facilities open to the public signage in Braille and in Easy Read as well as forms of live assistance and intermediaries, silent hours in public spaces, and others;**

(e) **Ensure universal access to digital technology for all persons with disabilities, including to business software and revise Decree No. 2019-768 of 2019 on accessibility to information for blind persons at government, public and private websites;**

(f) **Apply the Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, and the WCAG 2.0 standard at all public websites;**

(g) **Harmonise national legislation and regulations with the Directive 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, and the European Electronic Communications Code (Directive (EU) 2018/1972).**

#### **Right to life (art. 10)**

21. The Committee observers with concern:

(a) The high suicide rate among autistic persons and persons with psychosocial disabilities;

(b) The deaths of persons with disabilities in institutional settings, particularly during the COVID-19 pandemic.

22. **The Committee recommends that the State party:**

(a) **Strengthen measures to implement a national suicide prevention strategy for persons with disabilities, with specific measures to target autistic persons and persons with psychosocial disabilities and to ensure close consultation and active involvement of people with disability through their representative organisations;**

(b) **Develop measures in consultation with organisations of persons with disabilities and independent monitoring mechanisms, to initiate emergency deinstitutionalization of persons with disabilities to ensure safe and independent living in the community and to protect the right to life in critical health situations.**

#### **Situations of risk and humanitarian emergencies (art. 11)**

23. The Committee notes with concern:

(a) The lack of disability-inclusive response to the disproportional impact of COVID-19 pandemic on persons with disabilities due to the greater risks of contracting COVID-19 in institutions;

(b) The lack of accommodations for persons with disabilities in the context of general containment measures against COVID-19, and information about the refusal of admission to hospitals of persons with disabilities;

(c) That simultaneous visual and vocal alarm systems in public environments and services has yet to be provided;

(d) The absence of emergency accommodations for persons with disabilities, particularly children with disabilities, living in refugee or asylum seeker camps, or those of Roma ethnic minority.

24. **The Committee recommends that the State party, being guided by the COVID-19 and the Rights of Persons with Disabilities: Guidance and Policy Brief: A Disability-Inclusive Response to COVID-19 by the OHCHR:**

(a) **Ensure the disability-inclusive response to the disproportional impact of COVID-19 pandemic on persons with disabilities by implementing emergency**

**deinstitutionalization of persons with disabilities, preventing abandonment at homes, and provide them with necessary support to live in the community in safe conditions;**

**(b) Review the implementation of measures to contain the pandemic and establish accommodations in order to ensure appropriate response to persons with disabilities, including by providing assistance at home, the use of transparent masks for supporting deaf persons or support in online working environments;**

**(c) Ensure accessibility of information about the pandemic for all persons with disabilities, including through sign language, reproduction of visual and vocal alarm systems;**

**(d) Provide persons with disabilities, particularly children with disabilities, living in refugee or asylum seeker camps, Roma persons with disabilities with access to emergency accommodations and humanitarian assistance in situations of risk, humanitarian emergencies and natural disasters.**

#### **Equal recognition before the law (art. 12)**

25. The Committee notes with concern:

**(a) Legal provisions, particularly article 459 in the Civil Code denying the right of persons with disabilities to equal recognition before the law and establishing deprivation of legal capacity and autonomy through guardianship and wardship, on the basis of medical assessments of person's mental capacity;**

**(b) The absence of supported decision-making mechanisms compatible with the Convention, and measures that perpetuate substitute decision-making and fail to recognise the will and preferences of persons with disabilities.**

26. **The Committee recommends that the State party, in line with the Committee's General comment No. 1 (2014) on equal recognition before the law:**

**(a) Review its understanding of legal protection measures and adopt the human rights model of disability ensuring the equal recognition of persons with disabilities before the law and repealing provisions allowing for substituted decision-making;**

**(b) Redirect organisational and financial resources from the substituted decision-making to develop supported decision-making mechanisms that respect dignity, autonomy, will and preferences of persons with disabilities, regardless the level or mode of support they may require.**

#### **Access to justice (art. 13)**

27. The Committee notes with concern:

**(a) Barriers in access to justice for persons with disabilities under substituted decision-making, those still in institutions, and under psychiatric treatment, including in psychiatric settings, and stigmatization and discriminatory rulings based on disability;**

**(b) Barriers for persons with disabilities to appeal decisions concerning psychiatric treatment;**

**(c) The lack of accessibility to justice facilities, affecting litigants and court officials with disabilities, including at police stations, and the lack of information about procedural and age-appropriate accommodations, and on measures to provide accessible information for all persons with disabilities throughout court proceedings;**

**(d) Limited access to legal aid due to the financial barriers, and the limited coverage of independent legal counselling.**

28. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities (2020) prepared by the Special Rapporteur on the Rights of Persons with Disabilities, and Sustainable Development Goal 16, target 3, and recommends that the State party:**

(a) **Guarantee access to justice for persons under substituted decision-making, those still in institutions or in any form of psychiatric treatment, by repealing legislation that restrict legal capacity of persons with disabilities and recognise their full capacity to participate in judicial proceedings in different roles, including as witnesses or defendants, and take measures to eliminate cultural constructs and discriminatory attitudes among the judiciary;**

(b) **Ensure the right to appeal any restriction of freedom, including treatment without consent, establish an independent monitoring and reporting mechanism on the access to justice in the mental health system;**

(c) **Ensure physical access to justice facilities including through universal design; ensure access to information throughout judicial procedures, including access to judicial decisions. Likewise, strengthen measures to provide persons with disabilities with procedural and age-appropriate accommodations, especially for persons with vision impairments and deaf persons, those with intellectual or psychosocial disabilities, and autistic persons. Appropriate accommodations include alternative and augmentative modes of communication such as sign language, Braille, accessible digital formats, Easy Read, and the establishment of independent intermediaries and facilitators, including autism reference persons;**

(d) **Adopt a mechanism to review decisions concerning access to full or partial legal aid and in all areas of law and strengthen the capacity of independent legal advice services in the departmental centres for persons with disabilities, and ensure the right to appeal any restriction of freedom, including treatment without consent.**

#### **Liberty and security of the person (art. 14)**

29. The Committee notes with concern:

(a) Provisions in the Public Health Code and its amendments allowing forced psychiatric treatment of persons with psychosocial disabilities, the deprivation of liberty on grounds of disability and perceived dangerousness, and practices of physical restraints and solitary confinement;

(b) Placement in close units without consent, on the grounds of psychosocial disability, including hospitalisations and other inpatient treatment not subject to judicial review, and the 12-day-period between the date of hospitalization and effective control by the liberties and detention judges, resulting into violations of the liberty of a person, and risks of exposures to chemical restraints and overmedication;

(c) Overrepresentation of persons with psychosocial disabilities in penitentiary institutions, due to the lack of human rights-based mental-health support in communities, and lack of accessibility and reasonable accommodations for persons with disabilities in penitentiary institutions;

(d) Mandatory outpatient treatment within the community treatment orders through the "programme des soins/care program" exempted from judicial review and the risks of involuntary re-hospitalization or losing support in cases of refusal.

**30. The Committee recalls the recommendations issued by the Special Rapporteur on the Rights of Persons with Disabilities (A/HRC/40/54/Add.1, see para. 86) and calls upon the State party to:**

(a) **Repeal all legal provisions allowing for involuntary treatment and restrictions of liberty on the grounds of psychosocial impairment or perceived dangerousness in institutions or community-based settings;**

(b) **Prevent placement in close institutions, including prolonged or undetermined hospitalisations, ensure the exercise of the free and informed consent of persons with disabilities, and develop human rights-based support methods that respect dignity, equality, freedom and autonomy, including peer support;**



(c) **Ensure expeditious review by the liberty and detention judges concerning decisions of involuntary treatment into psychiatric facilities, reducing the 12-day-period-of delay to the shortest period of time;**

(d) **Ensure that persons with disabilities, deprived of their liberty are entitled to accessibility and reasonable accommodation;**

(e) **Eliminate mandatory outpatient treatments and apply the World Health Organization Guidance on community mental health services: Promoting person-centred and rights-based approaches, as recommended by the WHO Comprehensive Mental Health Action Plan 2020-2030, endorsed by the World Health Assembly in 2021.**

**31. The Committee further calls upon the State party to be guided by its obligations under article 14 of the Convention, and the Committee's guidelines on article 14 of the Convention (2015) (see A/72/55, annex), in relation to 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 (Oviedo Convention), and that it oppose its adoption. The State party should implement its obligations under the Oviedo Convention in a manner compatible with the human rights model of disability.**

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

32. The Committee observes with concern:

(a) The lack of mechanisms to ensure free and informed consent of persons with psychosocial disabilities, especially those under guardianship;

(b) The inhuman and degrading conditions of custodial measures, and at residential and mental health facilities, practices of solitary confinement, seclusion, chemical and mechanical restraints in residential and mental health facilities, including on children and autistic persons;

(c) Information about forced medications and the so-called "intensive treatment" within units the Units for Difficult Ill-Persons, and practices, including overmedication, and electroconvulsive therapy;

(d) That children with psychosocial disabilities and autistic children are particularly affected by medical-based therapies and overmedication;

(e) The lack of access to the records on practices of physical restraints and solitary confinement.

**33. The Committee recommends that the State party:**

(a) **Enforce mechanisms to prevent all forms of ill-treatment, including independent monitoring and judicial review, as well as introducing the human right-based standards in mental health legislation;**

(b) **Establish mechanisms for reporting cruel, inhuman or degrading treatment, and redress and remedy measures for victims, and the prosecution and punishment of perpetrators;**

(c) **Eliminate the practice of intensive treatment of persons with psychosocial disabilities and the "Units for Difficult Ill-Persons";**

(d) **Take measures to protect children with disabilities who are still in institutions from overmedication and ill-treatment and reinforce independent monitoring of institutions;**

(e) **Establish mandatory recording and oversight of records of medical practices in mental health settings and other medico-social and care settings.**

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

34. The Committee notes with concern:

(a) Violence against persons with disabilities in residential and mental health facilities, including humiliation and sexual abuse, and in families;

(b) That women with disabilities are at a higher risk of harassment, gender-based violence, including sexual violence;

(c) Complex reporting mechanisms for persons with disabilities facing ill treatment in residential and mental health facilities, fear of reprisals by applicants, the rejection of complaints about abuse, in absence of redress and remedy measures.

**35. The Committee, recalling the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), and the Sustainable Development Goal 5, targets 5.1, 5.2 and 5.5, recommends that the State party:**

**(a) Adopt a strategy to prevent violence and abuse in residential and mental health facilities, including through development of mechanisms for reporting violence against persons with disabilities in all settings;**

**(b) Strengthen measures to prevent and protect women and girls with disabilities against gender-based violence, ensuring sustainability of these measures and periodic monitoring;**

**(c) Adopt measures to ensure access to justice and remedies for victims of violence, and redress including reparations and rehabilitation in the community, support for social inclusion, and ensure that perpetrators are prosecuted and punished.**

#### **Protecting the integrity of the person (art. 17)**

36. The Committee observes with concern that:

(a) Women with disabilities subject to guardianship can be subjected to abortion or sterilization under The Public Health Code art. L2123-2 without their consent, or with consent provided by third parties, including trusted persons, family members or guardians;

(b) Autistic children are subjected to treatments with objective "render them non-autistic", disrespecting their identity, and the practices of packing, despite public declarations prohibiting this practice;

(c) Non-consensual medical interventions of intersex persons.

**37. The Committee recommends that the State party:**

**(a) Prohibit involuntary sterilization and abortion of women with disabilities, including by request of family members, guardians and trusted persons or with the consent of third parties;**

**(b) Eliminate normalising treatments on autistic children, and adopt measures to redress the rights of children and adults with disabilities who have been subjected to these treatments, including through reparations and compensations for the impact of these treatments on their physical and mental integrity;**

**(c) Prohibit the practice of non-consensual medical interventions on intersex persons.**

#### **Liberty of movement and nationality (art. 18)**

38. The Committee notes with concern that travelers and Roma, French citizens as well as non-citizens with disabilities often face severe hardship in their living arrangements. It is also concerned that data on their situation is scarce and about the absence of policies to address these risks and protect their rights.

**39. The Committee recommends that the State party systematically collect data on the living conditions of traveller and Roma persons with disabilities, citizens and non-citizens, and the fulfilment of their rights under the Convention, and ensure necessary accommodations for travellers and Roma persons with disabilities, also in asylum-seeking and refugee situations, particularly children with disabilities.**

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

40. The Committee observes with concern:

(a) Regulations, structures and budgets that promote placement of children and adults with disabilities in segregated settings, including ‘medico-social institutions’ and specialized services, including in small-size residential care institutions so-called “*l’habitat inclusive*” or “*l’habitat partagé*”, particularly impacting persons requiring higher levels of support;

(b) Placement of children with disabilities in psychiatric hospitals and other institutions, including in third States parties, mainly Belgium;

(c) The lack of awareness of public authorities, professionals and social servants about the negative impacts of institutionalization on persons with disabilities, and the absence of strategies and action plans to end institutionalization;

(d) The lack of arrangements for living independently and in the community, including the lack of independent accessible and affordable housing, individualized support, and lack of equal access to services in the community.

**41. The Committee recalls its General comment No. 5 (2017) on living independently and being included in the community, and recommends that the State party, in consultation with organisations of persons with disabilities:**

**(a) End institutionalisation of children and adults with disabilities, including in small size residential homes and launch a national strategy and action plans to end institutionalization of persons with disabilities, with time-bound benchmarks, human, technical and financial resources, responsibilities for implementation and monitoring, and measures to support transition from institutions to life into the community;**

**(b) Ensure the implementation of the agreement concerning the moratorium on placing persons with disabilities in Belgian institutions and strengthen measures to support families of children with disabilities and their life independently and in the community;**

**(c) Recognise the right to live independently and included in the community in legislation and measures to implement it, and develop awareness-raising measures, including campaigns about it, and concerning the harmful impacts of institutionalization on persons with disabilities;**

**(d) Ensure the availability of support to live independently and in the community, such as user-led budget and personalised support, and enable persons with disabilities to exercise choice and control over their lives and to make decisions concerning where and with whom to live, as outlined in General comment No. 5 (2017);**

**(e) Adopt measures to ensure access of persons with disabilities to affordable and accessible housing on the basis of individual choice and outside any type of congregated premises;**

**(f) Set up a time frame and benchmarks for achieving full accessibility for persons with disabilities to mainstream community services, such as education, health, work and employment.**

**Personal mobility (art. 20)**

42. The Committee is concerned about the lack of progress concerning measures to ensure personal mobility of persons with disabilities, including the lack of access to quality and affordable mobility devices.

**43. The Committee recommends that the State party adopt measures, including regulations and programmes in metropolitan and in overseas territorial collectivities to ensure accessibility of persons with disabilities to:**

**(a) Transport and public places for persons with disabilities with a guide dog;**

**(b) Free parking for holders of mobility inclusion cards;**

(c) **Quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them free or available at affordable cost.**

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

44. The Committee observes with concern:

(a) Information about the lack of access to broadcasting services and audio-visual content, including public debates, movies in French on media (TV);

(b) That sign language is recognised only in certain areas, such as education;

(c) That sign language interpretation is not recognised as a profession, and the lack of professional requirements and specific training for sign language interpreters;

(d) The lack of information about measures aimed at facilitating the exercise of the right of persons with disabilities to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

45. **The Committee recommends that the State party:**

(a) **Ensure access to public and private broadcasting services and audio-visual content, through the sign language interpretation, subtitles audio-description and in accessible and usable formats for persons with disabilities;**

(b) **Recognise French Sign Language as an official language, including at the constitutional level, and promote access to and the use of sign languages in all areas of life;**

(c) **Recognise professional status to sign language interpreters, set up the professional standards of sign language interpretation, and deliver systematic and extensive trainings of language interpreters;**

(d) **Develop augmentative and alternative, and all other accessible means, modes and formats of communication of their choice by persons with disabilities, including Braille, Easy Read and autism referent persons.**

**Right to privacy (art. 22)**

46. The Committee notes with concern provisions in the Decree 2019-412 of 2019 and the Decree 2018-383 of 23 2018, so-called HOPSYWEB hindering the protection of personal data particularly concerning persons with psychosocial disabilities relating them with high risk of radicalisation and terrorism, and reinforcing surveillance and control of their activities, in the areas of employment and public housing.

47. **The Committee recommends that the State party repeal regulations and cease discriminatory data collection concerning persons with psychosocial disabilities, including in relating them with high risk of radicalisation and terrorism, and prevent the use of their personal data and their medical records without their consent or following the consent provided by third parties.**

**Respect for home and the family (art. 23)**

48. The Committee notes with concern:

(a) That marriage of persons with disabilities under guardianship or with restricted legal capacity are subject to objection by guardians;

(b) That the disability allowances, particularly the Disability Compensation Allowance and the education allowance for children with disabilities remain insufficient, are unevenly applied across the territory of the State party, and do not cover all required expenses;

(c) The negative effects of the calculation of the adult disability allowances hindering the autonomy of women with disabilities, by taking into account the spouse's income or combining allowances of married women with disabilities with those of their

partners, and the impact of the reduction of income support for couples of persons with disabilities living together, and parents of children with disabilities;

(d) Information about separation of a child from his or her parents against their will on the basis of a disability of either the child or one or both of the parents;

(e) Lack of early and comprehensive information, services and support to children with disabilities and their families, in particular parents with intellectual or psychosocial disabilities.

**49. The Committee recommends that the State party:**

**(a) Raise awareness about the equality of persons with disabilities concerning marriage and family matters and adopt measures to prevent opposition to marriages of persons with disabilities by third parties, due to stigma;**

**(b) Identify, in consultation with organizations of persons with disabilities, actual barriers to exercise parental rights, and undertake plans to eliminate stereotypes that undermine the rights of persons with disabilities to establish a family;**

**(c) Undertake legal reforms to the Disability Compensation Benefit in order to ensure access to allowances by all eligible parents with disabilities, eliminate disparities in its recognition across the territory of the State party, and ensure an increase in the support provided in accordance with actual disability costs;**

**(d) Reform the regulations of the adult disability allowance in order to separate the income of persons with disabilities from that of their spouses, and take measures to ensure and promote autonomy and independence of women with disabilities who live in couples, and strength measures to support couples composed by persons with disabilities and parents of children with disabilities;**

**(e) Prohibit the separation of children from their parents on the basis of disability of either the child or one or both of the parents, and ensure that alternative care is only provided within a safe family environment for children with disabilities;**

**(f) Provide early and comprehensive information and support to children with disabilities and their families, especially autistic parents, parents with intellectual or psychosocial disabilities to exercise their rights with respect to family life.**

**Education (art. 24)**

50. The Committee is concerned about the high rate of children with disabilities in segregated education settings, including in residential medico-social institutions or in special separated classrooms in regular schools, perpetuating stigmatization and exclusion. It also notes with concern:

(a) Insufficient statistical information about children with disabilities, including in the Overseas territories, enrolled and attending school on full or part time basis, and about access of Roma children, asylum seeking, refugee children and children with disabilities in irregular migration to inclusive education;

(b) The refusal of children with intellectual, psychosocial disabilities or autistic children, at schools;

(c) The lack of individualised supports through the provision of reasonable accommodation for children with disabilities to meet with educational requirements, particularly affecting autistic children and children with Down syndrome;

(d) A failure to provide reasonable accommodation for children with disabilities in the context of closing schools during the pandemic COVID-19, especially for deaf children;

(e) Insufficient provision of education of and in French Sign Language;

(f) The absence of learning, teaching and use of Braille and Easy Read for persons who are blind and visually impaired and persons with intellectual disabilities;

(g) Information about violence against children with disabilities, including bullying in schools;

(h) Access to higher education for persons with disabilities; support for students with disabilities, accommodations for international mobility.

**51. The Committee recalls its general comment No. 4 (2016) on the Right to inclusive education and the Sustainable Development Goal 4, target 4.5 and indicator 4 (a), and it recommends that the State party strengthen measures to attain quality, inclusive education for all children with disabilities, including in the overseas territories. The State party should promptly implement the recommendations issued by the Special Rapporteur on the Rights of Persons with Disabilities (A/HRC/40/54/Add.1, see para. 81) in this realm. The Committee further recommends that the State party:**

**(a) Develop data collection systems on children with disabilities disaggregated by age, place of residence, sex and ethnic background, including information about the percentage of enrolment and attendance to school and ensure that Roma children with disabilities, asylum-seeking and refugee children with disabilities or in situation of irregular migration have effective access to education;**

**(b) Adopt measures for parents or legal tutors to complaints and seek redress in cases of refusal of children at schools, on the basis of disabilities;**

**(c) Develop a framework recognizing the right of persons with disabilities to seek individualised supports through the provision of reasonable accommodation to meet the individual educational requirements of children with disabilities, including accommodations for examinations for children with disabilities, particularly considering autistic children and children with Down syndrome;**

**(d) Adopt programmes at the municipal level and involving public and private actors to provide support for children with disabilities in the context of the pandemic COVID-19;**

**(e) Ensure that education in French Sign Language is provided at early stages of education and promote the deaf culture in inclusive educational environments;**

**(f) Ensure the effective learning, teaching and use of Braille and Easy Read for persons who are blind and visually impaired and persons with intellectual disabilities;**

**(g) Take measures to eliminate abuse and bullying against children with disabilities in school;**

**(h) Adopt programmes with specific goals and timeframes in order to promote access of persons with disabilities to higher education, ensuring that young persons with disabilities may seek individualised supports through the provision of reasonable accommodations in tertiary education, including for facilitating international mobility, and access to sign languages.**

#### **Health (art. 25)**

52. The Committee notes with concern the information about insufficient access of persons with disabilities to vaccines against COVID-19, particularly for persons with disabilities still in institutions, and prevailing barriers to accessibility of health services by persons with disabilities, particularly:

(a) That universal design and accommodations for persons with disabilities, particularly hard of hearing or deaf persons remain insufficient;

(b) Barriers in access health care for persons in institutions and in penitentiary settings, particularly during the COVID-19 pandemic;

(c) Obstacles facing women with disabilities to access sexual and reproductive health, access to sexual education, contraception and gynaecological services;

(d) Lack of awareness and training of medical and health administrative staff about diversity and rights of persons with disabilities.

**53. Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party ensure equal access to persons with disabilities to vaccines against COVID-19 and to ensure accessibility of health services for persons with disabilities:**

**(a) Ensure the development and promote investment in universal design of medical devices, equipment as well as health care facilities and reinforce measures to provide persons with disabilities with information about health care in accessible formats;**

**(b) Ensure that plans for recovery include measures to ensure access of persons with disabilities to health care, paying particular attention to persons still in institutions, penitentiary facilities;**

**(c) Provide women and girls with disabilities with appropriate and accessible sexual and reproductive health care, and consult with organizations of women with disabilities about gaps and measures to ensure progress in this regards;**

**(d) Develop awareness and training programs, including in health-related higher education curriculums, for medical and health administrative staff about diversity and rights of persons with disabilities in close cooperation with organisations of persons with disabilities.**

#### **Work and employment (art. 27)**

54. The Committee notes with concern:

**(a) The high level of unemployment and segregation of persons with disabilities in sheltered workshops, and in low-wage employment;**

**(b) High rates of unemployment among women with disabilities or jobs only under partial working time or in precarious conditions, hurdles to develop professional paths, and challenges to conciliating work and family life;**

**(c) The low level rate of professional qualifications among persons with disabilities due to the lack of access to professional training programs, including lack of support to access the profession of researchers;**

**(d) Lack of awareness and reluctance of employers to provide reasonable accommodation and universal design for persons with disabilities.**

**55. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

**(a) Move towards eradicating sheltered workshops and adopt a time-bound policy and benchmarks to ensure that persons with disabilities have access to work and employment in the open labour market and their meaningful inclusion in work environments, in the private and public sectors;**

**(b) Review the labour conditions of all persons with disabilities and ensure that persons with disabilities are not paid below the minimum wage;**

**(c) Promote employment of women with disabilities in an open labour market ensuring that women are informed and can effectively seek individualised supports through the provision of reasonable accommodation and have access to effective measures to balance work and family life;**

**(d) Develop awareness raising campaigns aimed at promoting participation of women with disabilities in employment, and to shift attitudinal barriers to the recognition of the capacities of women with disabilities and their contribution to all domains of work, in an open labour market, on an equal basis with others;**

**(e) Ensure persons with disabilities access to general technical and vocational guidance programmes, vocational and continuing training, and to guidance towards employment on an equal basis with others, and adopt measures to support careers of persons with disabilities, exercising the profession of a researcher through multi-year planning of the research establishments;**

**(f) Ensure that the right to seek individualised supports through the provision of reasonable accommodation in the workplace is recognized for employees in the public and private sectors, and strengthen measures to inform and facilitate the recognition of reasonable accommodation for employees in the workplace.**

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

56. The Committee observes with concern:

(a) Disparities of support measures for persons with disabilities on the grounds of age particularly disparities impacting persons with disabilities over 60 years, and disparities on the basis of the place of residence between urban and rural areas;

(b) The cap imposed on the adult disability allowance, which renders it insufficient to cover disability related costs, and the withdrawal of draft legislation concerning the recalculation of this allowance;

(c) Situations of poverty faced by persons with disabilities, particularly affecting persons requiring higher levels of support;

(d) Increased risks of homelessness for persons who have left institutions, and for persons with psychosocial disabilities exposed to compulsory programmes of psychiatric treatment.

**57. Taking into account the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Assess the implementation of disability legislation and policies at the national and regional levels with the aim to ensure equal access to support by persons with disabilities regardless of age, and streamline procedures at the municipal level to provide persons with disabilities with support. The State party should provide persons with disabilities with information about their rights and entitlements in accessible formats, including Easy Read;**

(b) **Review the provisions concerning recognition and amount of the adult disability allowance in consultation with organizations of persons with disabilities;**

(c) **Streamline social security support systems ensuring access to all persons with disabilities, as a measure to tackle poverty situations;**

(d) **Design and implement programmes to establish accessible housing, and reinforce human rights-based support schemes for all persons with disabilities to cover disability related expenses and gain access to an adequate standard of living.**

**Participation in political and public life (art. 29)**

58. The Committee notes with concern:

(a) The lack of accessibility of voting procedures, facilities and materials as well of election campaigns for persons with disabilities, particularly affecting persons with intellectual disabilities;

(b) Barriers in legislation for persons with disabilities under guardianship to stand as candidates in national and local elections;

(c) Low participation of persons with disabilities in public and political life, including in election campaigns.

**59. The Committee recommends that the State party:**

(a) **Ensure accessibility of voting procedures, facilities and materials as well as of election campaigns for all persons with disabilities, including by applying support measures for persons with intellectual disabilities through alternative and augmentative modes of information;**

(b) **Repeal article L200 of the Electoral Code concerning restrictions to be elected in national and local elections for persons under substituted decision-making;**



**(c) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including the right and opportunity for persons with disabilities to vote and to stand for elections.**

**Participation in cultural life, recreation, leisure and sport (art. 30)**

60. The Committee is concerned about lack of information on measures to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, and about access to mainstream sporting, recreational and tourism venues for persons with disabilities, the lack of play, recreation and leisure and sporting activities for children with disabilities. It also notes with concern the lack of support to the organizational structure for Deaf sports and the lack of recognition of Deaf Olympic.

61. **The Committee recommends that the State party:**

**(a) Take appropriate measures to ensure the effective implementation at the national level of the relevant European Union legislation enacted following the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;**

**(b) Set up specific budgets to promote the right of persons with disabilities, particularly children with disabilities, to participate in cultural life, recreation, leisure and sport on an equal basis with others;**

**(c) Take measures to encourage the Deaf Olympic and give effect to the recommendations issued by the Defender of Rights, in 2008.**

**B. Specific obligations (arts. 31–33)**

**Statistics and data collection (art. 31)**

62. The Committee notes with concern the lack of systematic and disaggregated data collection about the situation of persons with disabilities in all areas of life, mainly due to the lack of disability-related questions in the national census.

63. **The Committee recalls the Washington Group Short Set of Questions on Disability and the Development Assistance Committee of the Organisation for Economic Co-operation and Development policy marker on the inclusion and empowerment of persons with disabilities, and recommends that the State party develop data collection systems on persons with disabilities disaggregated by a range of factors, such as age, sex, sexual orientation and gender identity, place of residence, socioeconomic status, ethnicity. These systems should cover all areas of life, and should include information on violence against persons with disabilities. It also recommends that the State party promote participatory research projects in cooperation with persons with disabilities on matters concerning them.**

**International cooperation (art. 32)**

64. The Committee notes with concern that social inclusion of persons with disabilities, and their deinstitutionalization has yet to be included among priorities in international investment programmes, including those of the European structural funds and the European Investment Fund. It is also concerned about the lack of systematic involvement and consultation with organizations of persons with disabilities in the scope of international multilateral cooperation programmes.

65. **The Committee recommends that the State party include the rights of persons with disabilities, including to living independently and being included in the community, as a cross-cutting conditionality in all its programmes and strategies of international cooperation. The State party should ensure full and effective participation and inclusion of and consultation with persons with disabilities through their representative organizations in the design, implementation, monitoring and evaluation of international programmes and projects.**

**National implementation and monitoring (art. 33)**

66. The Committee notes with concern:

(a) The lack of systematic capacity building programmes among public officials concerning the implementation of the Convention, including in the Overseas territorial collectivities;

(b) The lack of information about participation of persons with disabilities in the composition of the independent monitoring mechanisms, and about mechanisms to foster involvement of representative organisations of persons with disabilities in the independent monitoring mechanism responsible for monitoring the implementation of the Convention.

67. **The Committee recommends that the State party:**

(a) **Strengthen the capacity of disability focal points in all areas of the Convention, notably the Secretary General of the Inter-Ministerial Committee on Disabilities and senior official in charge of disability and inclusion within each ministry, and in the Overseas territorial collectivities, aimed at ensuring they rely on the provisions of the Convention for all matters relating to persons with disabilities;**

(b) **Strengthen the human, technical and financial resources allocated to the Defender of Rights to accomplish its mandate concerning monitoring of the Convention;**

(c) **Take measures to increase diversity and participation and appoint persons with disabilities, including women with disabilities as members of the independent monitoring mechanisms;**

(d) **Ensure that persons with disabilities and the diversity of their representative organizations are effectively involved in monitoring the implementation of the Convention.**

## **IV. Follow-up**

### **Dissemination of information**

68. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations falling under articles 14 and 19 of the Convention.

69. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and the National Assembly, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

70. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

71. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

### **Next periodic report**

72. The Committee requests the State party to submit its combined second to fifth periodic reports by 18 March 2028 and to include in them information on the

**implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.**

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