

Contribution of APF France handicap to the 4^{ème} cycle of the Universal Periodic Review of France (May 2023)

Presentation of the association, member of the civil society, with ECOSOC status

APF France handicap is the largest French organisation, recognised as being of public utility, for the defence and representation of people with disabilities and their families.

Founded in 1933, APF France Handicap today brings together nearly 80,000 people: members, elected officials, employees, volunteers and users, not to mention its tens of thousands of donors and supporters.

APF France handicap has humanist, militant and social values and a project of general interest, that of an inclusive and supportive society.

The association works for equal rights, citizenship, social participation and free choice of lifestyle for people with disabilities and their families.

APF France handicap has been granted special consultative status with the United Nations Economic and Social Council (ECOSOC) since 2021.

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Why is APF France handicap submitting a contribution for the Periodic Review of France 2023?

Today in France, precariousness, exclusion, discrimination and inequality are daily realities for millions of French citizens. These realities are experienced in particular by people with disabilities and their families; in addition, there are prejudices and particular difficulties reinforced by the current context.

These shortcomings will be highlighted by the Committee on the Rights of Persons with Disabilities in 2021, when France is reviewed for its implementation of the UN Convention on the Rights of Persons with Disabilities (CRPDⁱ).

Thus, in 2022, we cannot accept that the rights of people with disabilities are still being violated. This requires a paradigm shift and the adoption of a rights-based approach, i.e. guaranteeing the effectiveness of the fundamental rights of each and every person. It is necessary to "think differently" and to approach the issue of disability through the prism of the day-to-day implementation of fundamental rights, going beyond their mere affirmation.

That is why APF France handicap wishes to submit this contribution in order to enlighten the Working Group on France's shortcomings in terms of the rights of people with disabilities.

I. The absence of a comprehensive public policy on disability

1. During the previous Universal Periodic Review of France in 2018, it was recommended to our French government to "Implement a *comprehensive national disability policy with effective action plans and budgetary measures*" (Recommendation No. 145.255).
2. The legal framework concerning the approach to disability policy in France, in particular regarding the collection of statistical data and information, is provided by provisions in the Code de l'Action Sociale et des Familles. In addition, Article 31 of the UN Convention on the Rights of Persons with Disabilities (CRPD) on statistics and data collection is also binding on France.
3. Despite the existence of this legal framework, APF France Handicap can only note the absence in France of a truly global and coordinated approach to disability policy.
4. This is why APF France handicap invites the Working Group to make the following specific recommendations to the French government:
 - **That the law of 11 February 2005 on "Disability" complies with the CRPD.**
 - **That the French government adopt a real global policy that could be translated into a multi-year action plan or national strategy, as already recommended in 2018.**
 - **That this national disability strategy be implemented by means of a vast communication plan and by providing for budgetary and/or fiscal measures enabling the actors in the field (private and public) to enforce the law and regulations**

II. Failure to comply with accessibility and universal design

5. As recalled in Article 9 of the CRPD, to which France is a signatory, the principle of accessibility is a prerequisite for all other rights and freedoms. Essential for the exercise of the fundamental right to come and go, accessibility and universal design are sine qua non conditions for the effectiveness

of rights and for an inclusive and sustainable society, in contrast to inaccessibility, which in fact confiscates freedom and power to act from a part of the population.

6. There are indeed bodies and mechanisms, at local and national level, to create the conditions for making France accessible. However, some of them are not respected, others do not work. For example, the plan to make roads and public spaces accessible (PAVE) is provided for in article 45 of the law of 11 February 2005 on equal rights and opportunities, participation and citizenship for people with disabilities.ⁱⁱ All municipalities, regardless of their population, had to adopt their PAVE by 22 December 2009 at the latest. The few existing studies show that the vast majority of local authorities do not implement a real policy.
7. Moreover, there are no reliable public figures on accessibility policy in France. This lack of statistics in France has been strongly criticised by the UN Commissioner for Human Rights.
8. Our country's delays in this area cannot be overcome without the involvement and determination of all public and private players. Nor without the involvement and determination of citizens and the associations that represent them, based on their expertise. Indeed, people with disabilities and the associations that represent them have real expertise based on their experiences. They know perfectly well the blockages, barriers and obstacles and are therefore able to provide their advice and knowledge to make society accessible and easy to use for all. Expertise that will benefit the whole population.
9. Thus, to allow an inaccessible environment to persist is to allow discrimination and the insidious idea that some citizens are second class to persist.
10. This is why APF France handicap invites the Working Group to make the following specific recommendations to the French government:
 - **That a public policy on accessibility and universal design be put in place and that it be entrusted to the Ministry of Ecological Transition and the Ministry of Energy Transition.**
 - **That this policy is based on concrete and targeted incentives and sanctions.**
 - **It should be accompanied by a broad communication campaign explaining the societal objective and the means to achieve it, as well as regular ministerial communication.**
 - **The generalisation of the universal design approach to design, from the outset, all products, services, spaces and information and communication tools, with ease and quality of use for all.**
 - **Official recognition of the quality of useⁱⁱⁱ as experiential knowledge of the people concerned and of the associations, and their involvement in the processes upstream of urban planning, real estate, housing, mobility, etc. projects.**

III. Violations of physical accessibility

11. It is the inequality of access to everyday life that generates a segregated world for people with disabilities: no choice of housing, transport, shops, public services, training, schooling, employment. The whole chain is impacted. This state of affairs prevents people with disabilities from participating in social life every day. They are invisible and discriminated against.

12. While there are many texts on the obligation of accessibility (the laws of 1975, 1991, 2002, 2005, the ordinances of 2014), their unfulfilled implementation, the constantly postponed deadlines and the derogations and other legislative flexibilities penalise the entire French population on a daily basis. Indeed, the inaccessibility that daily deprives people with disabilities of the possibility to participate socially. They are not the only ones affected by this situation: the elderly, temporarily injured people, families with pushchairs, pregnant women, transport users, deliverymen, etc. Thus, 9 out of 10 people experience accessibility problems when travelling^{iv} .

A) Accessibility of roads and transport

13. Pavements that are too high, too narrow, cluttered by poorly placed urban furniture or due to acts of incivility, unsuitable pedestrian crossings, traffic lights without sound, cobblestones, lack of public benches, construction work, scaffolding, etc. Walking through the streets of a French town often means facing a multitude of obstacles on the way, whether you are using a pushchair, crutches, a wheelchair, or are tired...

14. With regard to transport, it can be observed that the travel chain is not accessible. For this to happen, transport would have to be accessible in itself, i.e. it would have to be usable by anyone with any kind of disability or mobility difficulty, accessibility would have to be continuous between the different modes of transport, lifts would have to work if necessary, and bus stops, platforms, stations, etc. would have to be accessible. This is far from being the case in France. For example, in the French capital, only metro line 14, the most recent one, is fully accessible to wheelchair users. The trains are aligned with the level of the platforms and the presence of lifts means that people can move around independently in each of the 13 stations. This represents 4.29% of the metro network accessible to disabled people. By way of comparison, London is at 18%, Barcelona at 82% and Tokyo at 88%.

15. Thus, to go where we want, when we want, to move easily and freely, from one point to another, from one city to another, from one country to another, thanks to public transport (on foot, metro, bus, train, etc.), is not currently a possibility offered to everyone. This issue is all the more important as society promotes these means of travel with the aim of sustainable development.

16. This is why APF France handicap invites the Working Group to make the following specific recommendations to the French government:

- **The organisation of an uninterrupted accessibility chain for travel (public transport and roads) in coordination with all the players to enable all people, whatever their ability to move and wherever they live (rural and urban areas), to move freely.**
- **The reintroduction of the target of 100% accessible stops, except where there is a proven and justified technical impossibility.**
- **Recognition of the discriminatory nature of inaccessible public transport by September 2024.**
- **The automation of penalties for the inaccessibility of transport networks in September 2024 (except in cases of technical impossibility) and for failure to train staff in contact with the public.**
- **The necessary development of accessible public transport in rural areas.**

B) Accessibility of housing

17. Being able to find housing is fundamental. It means being able to benefit from sufficiently spacious accommodation, adapted to one's family and professional life, to one's disability or illness, to one's resources. This is all the more important as it is a prerequisite for finding a job,

for obtaining rights, etc. And it is also an issue at a time when teleworking is developing. However, people with disabilities have greater difficulties in finding accessible and adapted housing, both in the new and old housing stock. It may be noted that the number of dwellings in France today is insufficient, even more so in the case of accessible and adapted housing.

18. These findings are based on numerous reports, including the Collective Complaint No. 168/2018 European Disability Forum (EDF) and *Inclusion Europe v. France*^v filed with the European Committee of Social Rights, which raises the following difficulties: problems linked to a lack of adaptation of the dwelling or the common parts of the building, or to the carrying out of works whose unsuitability for their disability leads to their being deprived of the use of the dwelling or the facilities of the building; or more broadly, a lack of adequacy of the adapted supply of social housing available with the housing demands of disabled people. It should be noted that France has just recognised the situation of disability as a reason for priority in the case where a person, who meets the regulatory conditions for access to social rental housing, does not receive an offer of housing adapted to his or her situation, within a period set by the State representative on its territory.
19. Even if the law can be a step forward, it can also be a source of regression of rights. Like the ELAN law, which introduced a breach and questioned the very principles of universal accessibility and design of housing, constituting a serious attack on housing accessibility. This law (article 64) has reduced from 100% to 20%^{vi} the proportion of new housing that must be accessible to people with disabilities. However, only 1% of the total housing stock is new. Such a quota contravenes the principles of the CRPD (art. 19 of the CRPD) by excluding citizens from common law and preventing them, no more and no less, from exercising their right to live where they wish or, more simply, by denying them the right to visit relatives.
20. This is why APF France handicap invites the Working Group to make the following specific recommendations to the French government:
 - **Increasing the supply of accessible housing adapted to the needs of individuals and their families;**
 - **Reinstate the 100% accessible housing requirement in the construction of multi-family buildings (as some cities have already done) in order to increase the supply of accessible and adaptable housing;**
 - **The effectiveness of the system for identifying, managing and allocating the supply of accessible and adapted housing in municipalities of 5,000 inhabitants or more, on pain of a reduction in the overall operating budget (DGF).**

C) Accessibility of establishments open to the public

21. Every establishment open to the public must comply with the accessibility standards laid down in the 2005 law on disability. These establishments must be accessible to the entire population, including people with reduced mobility, regardless of their type of disability.
22. Going to a shop, with its cultural and historical heritage, is part of the daily life and social life of almost everyone. However, the 2014 reform^{vii} aimed at making existing public buildings accessible has caused the initial objective of 2005 to be greatly regressed, with multiple possibilities for derogations and the failure to respect the deadlines set for the programmed accessibility agendas (Ad'Ap). As regards new ERP, even if the situation has improved since the 2005 law, the lack of training for professionals in the built environment renders the law partially ineffective due to the numerous defects^{viii}.

23. This is why APF France handicap invites the Working Group to make the following specific recommendations to the French government:
- **The conditionality of all public aid to take accessibility into account.**
 - **The implementation of an incentive policy: tax system, creation of a public aid for accessibility, etc.**

IV. Violations of accessibility of information and communication and digital technology

A) Digital accessibility

24. According to the Observatoire de la qualité des démarches, 13 million French people considered to be "digitally excluded" are having difficulty carrying out online procedures. Indeed, many people are victims of the digital divide, or are unable to use digital and computer tools (illiteracy). These people are unable to go online, access their rights and exercise their citizenship. Yet digital accessibility is recognised as a right in France.
25. This is enshrined in national legislation (in particular the laws of 2005, 2011 and 2012 and a European directive^{ix} of 2016). However, according to the same Observatory on the quality of procedures, only 76 of the 241 most frequently used online procedures are classified as accessible. This can be explained in particular by a legal system that is not very restrictive (there are no dissuasive sanctions in the event of failure by the State services) and which still includes derogations. It should be noted that the accessibility obligation for private companies only concerns those whose turnover exceeds a certain threshold.
26. The French state is therefore still a long way from achieving the objectives it has set itself and does not yet offer a public service that is accessible to all its citizens.
27. This is why APF France handicap invites the Working Group to make the following specific recommendations to the French government:
- **Define a genuine digital accessibility policy.**
 - **That digital accessibility be taught to developers, from their initial training.**
 - **Ensure access to information and communication technologies to fight the digital divide.**
 - **Make public and private websites accessible to all people, regardless of their specificities.**
 - **Accessibility must also concern digital applications and interfaces with machines (lift control, photocopier, etc.).**

B) Accessibility of information and communication

28. In addition, other modes of communication (written, visual, audio, etc.), whatever the medium, are not comprehensible to all populations. Digital inaccessibility also means not being able to read or understand information. It is necessary today to adapt the modes of communication to fight against all forms of social fractures.
29. This is why APF France handicap invites the Working Group to make the following specific recommendations to the French government:

- **Effective access to information, through information and communication technologies, signage, easy-to-read and easy-to-understand language (FALC).**
- **Establish teams of LSF tele-interpreters and subtitlers, particularly in public services and the media.**

ⁱ UN [Convention on the Rights of Persons with Disabilities](#)

ⁱⁱ Article 45 of the law of 11 February 2005 for equal rights and opportunities, participation and citizenship of disabled people and

ⁱⁱⁱ Quality of use: capacity of a product or service to meet the needs and expectations of users. A design technique that puts people at the centre of the development process.

^{iv} [APF France handicap-Ifop survey](#), January 2020

^v [Collective Complaint No. 168/2018](#) - European Disability Forum (EDF) and Inclusion Europe v. France

^{vi} [Article L. 111-7-1 of the Construction and Housing Code](#)

^{vii} Act No. 2014-789 of 10 July 2014 empowering the Government to adopt legislative measures for the accessibility of establishments open to the public, public transport, residential buildings and roads for disabled persons (1)

^{viii} The Council of State had to intervene in 2009 (Council of State, 21/07/2009, n°295382) to remove certain derogations to the principle of accessibility for new establishments open to the public (decree n° 2006-555 of 17 May 2006), and in 2011 the Constitutional Council (Constitutional Council, 28/07/2011, n°2011-639), censured certain provisions of the law which also contravened the principle of accessibility (law n° 2011-901 of 28 July 2011)

