



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 France¹ at its 539th, 540th and 541st meetings,² 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 replies³ to the list of issues prepared by the Committee.⁴
3. The Committee commends the State party for agreeing to have 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 the 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 with obligations relating to digital accessibility, adopted in 2019;
 - (d) Act No. 2019-222 of 23 March 2019 recognizing the right to vote of persons with disabilities under guardianship;

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

¹ CRPD/C/FRA/1.

² See CRPD/C/SR.539, 540 and 541.

³ CRPD/C/FRA/RQ/1.

⁴ CRPD/C/FRA/Q/1.



(e) The provisions in the Labour Code (article L.5213-6) requiring reasonable accommodation for persons with disabilities and recognizing 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 implementation of the Convention in the State party, including by appointing senior public servants as disability focal points within government ministries, and establishing an interministerial committee on disability in 2018. 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 other independent monitoring mechanisms, including the National Consultative Commission on Human Rights.

6. The Committee takes note of the periodic national disability conferences fostering dialogue on disability rights, and the sectoral policies for implementing the Convention. It notes in particular the adoption in 2019 of the Strategy for the Employment of Persons with Disabilities and the establishment of committees to monitor the implementation of that strategy, the National Sexual Health Strategy and 2018–2020 road map, which include measures concerning persons with disabilities, sectoral policies concerning persons with rare diseases, and the national strategy on autism 2018–2022.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

7. The Committee notes with concern:

(a) The declaration the State party made upon ratification to the Convention concerning the interpretation of the term “consent” in article 15 (1);

(b) The absence of measures to review and harmonize with the Convention disability-related national, departmental and municipal legislation and policies, legislation and public policies based on the medical model, 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, which focuses on prevention of disability and medical treatment of impairment, including 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 in 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 of the rights of persons with disabilities among 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 made by the Special Rapporteur on the rights of persons with disabilities in the report on her visit to France,⁵ and recommends that the State party:**

(a) **Review and withdraw the interpretative declarations it 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 by the Committee in its general comment No. 6 (2018);**

⁵ A/HRC/40/54/Add.1.

(b) **Review existing disability-related legislation and policies and harmonize 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 to all provisions in the Convention and ensure that French courts directly apply all justiciable provisions of the Convention;**

(d) **Adopt a comprehensive national strategy to implement the State party's obligations under the Convention and promote strategies in the overseas territories, in close consultation with organizations 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 the 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, prosecutors and professionals working with persons with disabilities. The State party should involve organizations of persons with disabilities in the design and implementation of training courses for public officials.**

9. The Committee is concerned about:

(a) The provisions in Act No. 2005-102 (art. 1) and in the Social Action and Family Code (art. L.146-1) that conflate associations of service providers and managers with organizations of persons with disabilities, resulting in obstacles to effectively shifting from the system of "medical institutional care" to independent living in the community;

(b) The 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 intermunicipal accessibility committees.

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

(a) **Revise the provisions in article 1 of Act No. 2005-102 with a view to strengthening and implementing transparent mechanisms to consult closely with and involve actively 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 diverse organizations of persons with disabilities, as outlined in general comment No. 7, paying attention to organizations of persons with intellectual disabilities, autistic persons, persons with psychosocial disabilities, women with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, persons living in rural areas, Roma persons with disabilities and those requiring high levels of support.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee notes 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 age, sex, ethnicity, sexual orientation and gender identity;

(b) That the denial of reasonable accommodation is not recognized as a form of discrimination on the ground of disability in all areas of life, apart from in the areas of work and employment, and in education with regard to 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 and any other status, and adopt strategies to eliminate multiple and intersectional discrimination;**

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

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) The insufficient measures being taken 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 the lack of effective consultations with and involvement of women and girls with disabilities in initiatives such as the 2021 Generation Equality Forum.

14. **The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities, targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, recommends that the State party:**

(a) **Ensure that data-collection systems and impact assessments of legislation and policies include indicators and disaggregated data concerning 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 the effective participation of women and girls with disabilities through their representative organizations in efforts to fulfil the commitments made during the Generation Equality Forum.**

Children with disabilities (art. 7)

15. The Committee notes with concern:

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

(b) Practices compelling children with disabilities who are hard of hearing or deaf to be fitted with cochlear implants to the detriment of the learning of sign languages and their inclusion in deaf culture;

(c) The absence of mechanisms to consult with children with disabilities and for 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, adopt a specific strategy with timelines and benchmarks to facilitate the inclusion of children with disabilities in all areas of life, and 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 own 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 of persons with disabilities, especially those affecting autistic persons and persons with psychosocial disabilities, intellectual disabilities and Down syndrome;

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

(c) The lack of visibility of persons with disabilities in public spaces and the public media, including on television;

(d) Measures to combat terrorism that perpetuate negative and harmful stereotypes of persons with psychosocial disabilities as dangerous and at a high risk with regard to radicalization 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 recommended by the National Consultative Commission on Human Rights from its independent periodic assessments of national programmes to eliminate stereotypes;**

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

(c) **Eliminate negative and harmful stereotypes of persons with psychosocial disabilities with regard to radicalization 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 the disparities in implementing accessibility requirements across regions in the State party;

(b) The limited implementation of accessibility and universal design in public services, which hinders participation in the community of persons with disabilities, particularly autistic persons and persons with sensory impairments, intellectual disabilities and 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 the provisions of Act No. 2008-1021 of 23 November 2018 reducing the threshold of accessibility requirements for new housing and, in consultation with organizations of persons with disabilities, adopt a strategy 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, among others, measures to provide, in building and other facilities open to the public, signage in Braille and in Easy Read, forms of live assistance and intermediaries, and silent hours in public spaces;

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

(f) Apply European Union Directive 2016/2102 of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, and Web Content Accessibility Guideline 2.0 to all public websites;

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

Right to life (art. 10)

21. The Committee notes 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 persons with disabilities through their representative organizations;**

(b) **Develop measures in consultation with organizations 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 a disability-inclusive response to the disproportionate impact of the COVID-19 pandemic on persons with disabilities due to the greater risk 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 reports of refusals to admit persons with disabilities to hospitals;

(c) That simultaneous visual and vocal alarm systems in public environments and services have 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, and those of Roma ethnic minority.

24. **The Committee recommends that the State party reflect the guidance issued by the Office of the United Nations High Commissioner for Human Rights on COVID-19 and the rights of persons with disabilities and the Secretary-General's policy brief on a disability-inclusive response to COVID-19, and:**

(a) **Ensure a disability-inclusive response to the disproportionate impact of the COVID-19 pandemic on persons with disabilities by implementing emergency deinstitutionalization of persons with disabilities, preventing their abandonment in their homes, and providing them with the necessary support to live in the community in safe conditions;**

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

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

(d) **Provide persons with disabilities, particularly children with disabilities, living in refugee or asylum seeker camps and Roma persons with disabilities with access to emergency accommodation 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 of 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 the person's mental capacity;

(b) The absence of supported decision-making mechanisms compatible with the Convention, and measures that perpetuate substituted decision-making and fail to recognize 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 organizational and financial resources from substituted decision-making to develop supported decision-making mechanisms that respect the 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 that make it difficult for persons with disabilities to appeal decisions concerning psychiatric treatment;

(c) The lack of accessibility to justice facilities, including police stations, affecting litigants and court officials with disabilities, 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) The limited access to legal aid due to 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 target 16.3 of the Sustainable Development Goals, 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 restricts the legal capacity of persons with disabilities, and recognize 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, and establish an independent monitoring and reporting mechanism on access to justice in the mental health system;**

(c) **Ensure physical access to justice facilities, including through universal design, and 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 visual 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, 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 the use of physical restraints and solitary confinement;

(b) The practice of placement in closed units without consent, on the grounds of psychosocial disability, including hospitalizations 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 judge, resulting in violations of the liberty of the person and risks of exposure to chemical restraint and overmedication;

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

(d) The practice of mandatory outpatient treatment in the context of community treatment orders, which is exempted from judicial review, and the risk of involuntary rehospitalization or loss of support in case of refusal.

30. **The Committee recalls the recommendations made by the Special Rapporteur on the rights of persons with disabilities,⁶ and calls upon the State party to:**

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

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

(c) **Ensure expeditious review by the liberties and detention judge concerning decisions on involuntary treatment in psychiatric facilities, reducing the 12-day period to the shortest possible period of time;**

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

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

31. **The Committee also calls upon the State party to be guided by its obligations under article 14 of the Convention and by the Committee’s guidelines on the right to liberty and security of persons with disabilities⁷ 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, entitled “The protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment”, and that it oppose its adoption. The State party should implement its obligations under that Convention in a manner compatible with the human rights model of disability.**

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

32. The Committee notes 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 measures at residential and mental health facilities, and the use of solitary confinement, seclusion, chemical and mechanical restraints in residential and mental health facilities, including on children and autistic persons;

(c) Information about forced medication and so-called intensive treatment within the difficult patients units, and other practices including overmedication and electroconvulsive therapy;

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

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

(a) **Enforce mechanisms to prevent all forms of ill-treatment, including independent monitoring, judicial review and unrestricted access to records of medical practices, and introduce human right-based standards in mental health legislation;**

⁶ A/HRC/40/54/Add.1, para. 86.

⁷ A/72/55, annex.

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

(c) **Eliminate the practice of intensive treatment of persons with psychosocial disabilities and the difficult patients units;**

(d) **Take measures to protect children with disabilities who are still in institutions from overmedication and ill-treatment and reinforce independent monitoring of institutions, including through continuous access to records of medical practices in mental health settings and other medico-social and care facilities.**

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

34. The Committee notes with concern:

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

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

(c) The high level of complexity of the reporting mechanisms for persons with disabilities facing ill-treatment in residential and mental health facilities, their fear of reprisals, the level of rejection of complaints about abuse, and the 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 and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Adopt a strategy to prevent violence and abuse in residential and mental health facilities, including through the 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, and ensure the sustainability of the measures and their periodic monitoring;**

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

Protecting the integrity of the person (art. 17)

36. The Committee notes with concern that:

(a) Women with disabilities who are subject to guardianship can be subjected to abortion or sterilization with consent provided by third parties, including trusted persons, family members or guardians;

(b) Autistic children are subjected to treatment aimed at rendering them “non-autistic”, thus disrespecting their identity, and to the practice of packing, despite public declarations prohibiting this practice;

(c) Intersex persons are subjected to medical interventions without their consent.

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

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

(b) **Eliminate the use of normalizing treatments for 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 compensation for the impact of these treatments on their physical and mental integrity;**

(c) Prohibit the practice of subjecting intersex persons to medical interventions without their consent.

Liberty of movement and nationality (art. 18)

38. The Committee notes with concern that travellers and Roma persons with disabilities often face severe hardship in their living arrangements. It is also concerned about the scarcity of data on their situation and the absence of policies to address that hardship and protect their rights.

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

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

40. The Committee notes with concern:

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

(b) The 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 effects 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 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 organizations of persons with disabilities:

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

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

(d) **Ensure the availability of support to live independently and in the community, such as user-led budgets and personalized 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 the access of persons with disabilities to affordable and accessible housing on the basis of individual choice and outside any type of congregated premises;**

(f) **Establish 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 made to ensure the 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 overseas territories, to ensure the accessibility to persons with disabilities of:**

- (a) **Transport and public places for guide dog owners;**
- (b) **Free parking for holders of mobility inclusion cards;**
- (c) **Quality mobility aids, devices and assistive technologies and forms of live assistance and intermediaries, including by making them free or affordable.**

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

44. The Committee notes with concern:

- (a) The lack of access to broadcasting services and audiovisual content, including public debates and films in French, including on television;
- (b) That sign language is recognized only in certain areas, such as education;
- (c) That sign language interpretation is not recognized 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 audiovisual content through sign language interpretation, subtitles, audio description and in accessible and usable formats for persons with disabilities;**
- (b) **Recognize 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) **Recognize the professional status of sign language interpreters, establish professional standards for sign language interpretation and deliver systematic and extensive training for sign language interpreters;**
- (d) **Develop augmentative, alternative and all other accessible means, modes and formats of communication that persons with disabilities choose to use, including Braille, Easy Read and autism reference persons in communications and proceedings before the public administration.**

Right to privacy (art. 22)

46. The Committee notes with concern that, under Decrees No. 2019-412 and No. 2018-383, the HOPSYWEB database hindered the protection of personal data, particularly that of persons with psychosocial disabilities, as it linked personal data on non-consensual psychiatric treatment with the watch list for the prevention of terrorist radicalization, reinforcing surveillance and control of those persons' activities in the areas of employment and public housing.

47. **The Committee recommends that the State party repeal the relevant regulations and cease discriminatory collection of data concerning persons with psychosocial**

disabilities, including by linking non-consensual psychiatric treatment with the watch list for the prevention of terrorist radicalization, and that it prevent the use of the personal data and medical records of those persons without their consent or following 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 can be subject to objection by guardians and third parties under ordinary law;

(b) That the disability allowances, particularly the compensatory disability benefit 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 fact that the calculation of the adult disability allowances hinders the autonomy of women with disabilities by taking into account their spouses' incomes or combining the allowances of married women with disabilities with those of their partners, and the negative impact of the reduction in income support for couples of persons with disabilities living together and for parents of children with disabilities;

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

(e) The lack of early, comprehensive information, services and support for 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 third-party opposition to marriages of persons with disabilities owing to stigma and stereotypes;**

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

(c) **Undertake legal reforms to the compensatory disability benefit in order to ensure access to allowances by all eligible parents with disabilities, eliminate disparities in eligibility throughout the territory of the State party, and ensure an increase in the support provided, in accordance with actual disability costs;**

(d) **Reform the regulations on the adult disability allowance in order to separate the income of persons with disabilities from that of their spouses, take measures to ensure and promote the autonomy and independence of women with disabilities who live in couples, and strengthen measures to support couples of 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 provided only 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 and parents with intellectual or psychosocial disabilities, to assist them to exercise their rights with respect to family life.**

Education (art. 24)

50. The Committee is concerned about the high number of children with disabilities in segregated education settings, including in residential medico-social institutions or in separate classes in regular schools, which perpetuates stigmatization and exclusion. It also notes with concern:

- (a) The insufficient statistical information about children with disabilities, including in the overseas territories, who are enrolled in and attending school on a full- or part-time basis, and about the access to inclusive education of Roma, asylum-seeking and refugee children with disabilities and children with disabilities in an irregular migration situation;
- (b) The refusal to admit to some schools children with intellectual or psychosocial disabilities or autistic children;
- (c) The insufficient individualized support through the provision of reasonable accommodation for children with disabilities to meet their educational requirements, which particularly affects autistic children and children with Down syndrome;
- (d) The failure to provide reasonable accommodation for children with disabilities, especially deaf children, in the context of school closures during the COVID-19 pandemic;
- (e) The 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) The barriers to access to support for students with disabilities at the higher education level, and the absence of measures to facilitate the international mobility of students with disabilities on an equal basis with others.

51. The Committee recalls its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, and 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 in this regard.⁸ The Committee also recommends that the State party:

- (a) Develop systems to collect data on children with disabilities disaggregated by age, place of residence, sex and ethnic background, including information about the percentage of enrolment in and attendance at school, and ensure that Roma, asylum-seeking and refugee children with disabilities and children with disabilities who are in an irregular migration situation have effective access to education;**
- (b) Adopt systems for parents and legal tutors to complain and seek redress in cases of refusal to admit their children to a school on the basis of disability;**
- (c) Develop a framework recognizing the right of children with disabilities to seek individualized support through the provision of reasonable accommodation to meet their individual educational requirements, including accommodations in the context of examinations for children with disabilities, particularly 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 COVID-19 pandemic;**
- (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 against and bullying of children with disabilities in schools;**

⁸ A/HRC/40/54/Add.1, para. 81.

(h) **Adopt programmes with specific goals and time frames in order to promote the access of persons with disabilities to higher education, ensuring that young persons with disabilities can seek individualized support through the provision of reasonable accommodation in tertiary education, including to facilitate their international mobility, and access to sign languages.**

Health (art. 25)

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

(a) The insufficient universal design and accommodations for persons with disabilities, particularly those who are hard of hearing or deaf;

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

(c) Obstacles hindering women with disabilities from accessing sexual and reproductive health services, sex education, contraception and gynaecological services;

(d) The lack of awareness and training of medical and health administrative staff about diversity and the 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:**

(a) **Ensure priority and equal access for persons with disabilities and their networks to vaccines against COVID-19 and the accessibility of health services for persons with disabilities, particularly by developing public health programmes to reach out to the most marginalized persons with disabilities and by providing accessible transportation to health-care centres, including vaccination centres;**

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

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

(d) **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 regard;**

(e) **Develop awareness-raising and training programmes, including in health-related higher education curricula, for medical and health administrative staff about diversity and the rights of persons with disabilities, in close cooperation with organizations of persons with disabilities.**

Work and employment (art. 27)

54. The Committee notes with concern:

(a) The high levels of unemployment and low-wage employment among persons with disabilities, and the segregation of persons with disabilities in protected employment that combines accommodation and work for persons with disabilities;

(b) The high rate of unemployment among women with disabilities, the high rate of their employment in part-time jobs and in precarious conditions, the hurdles they face developing career paths and the challenges they encounter reconciling work and family life;

(c) The low level of professional qualifications among persons with disabilities due to their lack of access to professional training programmes, including the lack of support to access research posts;

(d) The lack of awareness among employers and their reluctance to provide reasonable accommodation and universal design for persons with disabilities.

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

(a) **Move towards eradicating all forms of segregated work, strengthen measures to effectively abolish sheltered employment and adopt a time-bound policy and benchmarks to ensure that all persons with disabilities have access to work and employment in the open labour market, regardless of the type of impairment or level of support required, 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 the employment of women with disabilities in the open labour market, ensuring that they are informed about and can effectively seek individualized support 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 the participation of women with disabilities in employment and at shifting attitudinal barriers to the recognition of the capacities of women with disabilities and their contribution to all domains of work in the open labour market, on an equal basis with others;**

(e) **Ensure that persons with disabilities have 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 the careers of persons with disabilities who wish to work as researchers through multi-year planning in research establishments;**

(f) **Ensure that the right to seek individualized support through the provision of reasonable accommodation in the workplace is recognized by 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 notes with concern:

(a) The disparities on the grounds of age between support measures available to persons with disabilities, particularly affecting persons with disabilities over the age of 60 years, and disparities between urban and rural places of residence;

(b) The cap placed 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) The situations of poverty faced by persons with disabilities, particularly persons requiring higher levels of support;

(d) The increased risk of homelessness for persons who have been institutionalized, including persons with psychosocial disabilities who have undergone compulsory 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 of ensuring equal access to support for persons with disabilities regardless of their 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 the allocation and the amount of the adult disability allowance in consultation with organizations of persons with disabilities;**

(c) **Streamline social security support systems to ensure that they are accessible to all persons with disabilities, as a measure to tackle poverty;**

(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 to enable them to 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 as 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) The low level of participation of persons with disabilities in political and public life, including in election campaigns.

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

(a) **Ensure the 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 preventing persons under substituted decision-making from being elected in national and local elections;**

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

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

60. The Committee is concerned about the 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, about access to mainstream sporting, recreational and tourism venues for persons with disabilities, and the lack of play, recreation and leisure and sporting activities for children with disabilities. It also notes with concern the lack of support provided to the organizational structure for deaf sports and the lack of recognition of the Deaflympics.

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

(a) **Take appropriate measures to increase awareness about the accessibility of published works to persons with disabilities and set up targets for increasing the number of accessible published works, in line with Act No. 2018-771 of 5 September 2018 transposing 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 recognize and facilitate the development of the Deaflympics, in consultation with organizations of persons with disabilities.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

62. The Committee notes with concern the lack of systematic collection of disaggregated data on 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 policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, and recommends that the State party develop data collection systems on the situation of persons with disabilities with the data disaggregated by a range of factors, such as age, sex, sexual orientation and gender identity, place of residence, socioeconomic status and ethnicity. These systems should cover all areas of life and should include information on violence against persons with disabilities. The Committee 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 the social inclusion of persons with disabilities and their deinstitutionalization have yet to be included among the priorities in international investment programmes, including those of the European structural funds and the European Investment Fund. The Committee is also concerned about the lack of systematic involvement of 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 the rights to live independently and to be included in the community, as a cross-cutting conditionality in all its international cooperation programmes and strategies. The State party should ensure the 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 all such programmes and projects.**

National implementation and monitoring (art. 33)

66. The Committee notes with concern:

(a) The lack of systematic capacity-building programmes for public officials concerning the implementation of the Convention, including in the overseas territories;

(b) The lack of information about the participation of persons with disabilities in the composition of independent monitoring mechanisms, and about mechanisms to foster the involvement of representative organizations 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 general secretary of the Interministerial Committee on Disabilities and the senior officials in charge of disability and inclusion within each ministry, and in the overseas territories, with the aim of ensuring that they rely on the provisions of the Convention in 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 the monitoring of the implementation of the Convention;**

(c) **Take measures to increase the diversity of the membership of independent monitoring mechanisms, including by appointing persons with disabilities, including women with disabilities, as members of those bodies;**

(d) Ensure that persons with disabilities and their diverse 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 contained in paragraphs 30 and 31, on liberty and security of the person, and 41, on living independently and being included in the community.

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.
