



**Autistic Alliance**

Autistic NGO for the freedom  
and defence of autistic people  
and for the implementation of the [CRPD](#) in France

[AllianceAutiste.org](https://AllianceAutiste.org)

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# Answers to some of the interrogations of the Committee's

*(complementary document to our [Report](#))*

in the framework of the **French State review**  
at the **25th session of the**  
**UN Committee on the Rights of Persons with Disabilities**  
(16/08/2021 – 23/08/2021)

- Posted: 18/08/2021 -

**[Version en français](#)** --- English translation

# 1.

## 1.1. You mention the medical model of disability, but I would like to know how the mechanisms of assessment and certification of disability work.

### How does it work? To what extent is this mechanism transformed from the medical model to the principles of the Convention (to the human rights-based model of disability)?

- In the case of autism, a medical diagnosis by a private doctor or by a diagnostic centre of an Autism Resource Centre certifies that the person is autistic and has certain needs or difficulties.

Then, with this certificate, one fills in a file with the MDPH, giving other information (which one writes oneself).

The CADPH then meets at least once a month to judge, on the basis of the file, whether or not a person is entitled to this or that type of aid or allowance (AAH, PCH etc.).

In the case of the AAH, the certificate given by the MDPH (following this meeting) does not mention the "medical diagnosis" (e.g. autism), it only specifies that the person has an important limitation which prevents him/her from working.

For example:

*"Your disability level is equal to or greater than 50% but less than 80%.  
You have a substantial and lasting  
restriction on access to employment.*

There is

no more information about disability or health on this document, called "Notification de décision Allocation aux adultes handicapés", which is therefore not a certification of disability, but an official document that says you are entitled to an allowance because you have a disability that reduces your ability to work.

So, for example, this document does not prove that you have a disability in other situations. For example, a person with autism presented this document on a plane because of temperature problems, but the staff (non-French speakers) had it translated and considered that it was not valid because it did not refer to employment.

If you really want to "prove" that you have a disability as an autistic person, the medical certificate must specify that you have such and such particularities or sensory or other difficulties.

In France, a simple medical certificate written by any doctor is often enough (for example if you want to use a mask and snorkel in a public swimming pool where it is forbidden).

In order for the CDAPH to consider that the medical certificate issued by a doctor is valid to give the attestation (to recognise the disability), it is necessary:

- either that the certificate is issued by a CRA (which seems relatively "official", even if the CRAs are often managed (again...) by associations);
- or that the private psychiatrist is "known" to the MPDH/CDAPH, i.e. if one goes to a psychiatrist not officially "approved" by the latter, the CDAPH will give its green light. (One can imagine problems of collusion in this respect...).

If one asks for a "Reconnaissance de la Qualité de Personne Handicapé", it does not exist, there is only the "Reconnaissance de la Qualité de Travailleur Handicapé" (RQTH), which is another paper given at the same time as the one for the AAH mentioned above, but which does not give right to an allowance.

It seems that sometimes there is the RQTH but not the AAH (?).

- We do not know how this (purely medical) system is being transformed, and all our questions about it to the various authorities are ignored.  
We can only assume that nothing is being done about this transformation.

## 1.2 To what extent has the 2005 law been harmonised with the CRPD? How are Disabled People's Organisations involved in the consultations on the harmonisation of this law with the CRPD?

→ We do not know if there is such harmonization.

We assume that there is not.

All our questions to the authorities on this subject are ignored or get very evasive answers.

*For example:*

We asked the Human **Rights Defender**: <https://allianceautiste.org/2021/01/ddd-principaux-questionnements-actuels/> chapter 3.2:

## " 3.2. Verification of the conventionality of the 2005 law with regard to the CRPD

- **What is the status of this work**, requested from two supreme courts by Mr. Jacques Toubon in 2015?  
*("However, the Defender of Rights has entrusted two judges from the two French supreme courts with the task of clarifying, through a theoretical analysis, the effect and scope of the rights guaranteed by the Convention in national law. In April 2015, the Convention's Monitoring Committee reiterated its intention to continue the legal study undertaken.")*
- We are in 2020, but in 2015 there was already a "recall": what is going on?  
**Why is it taking so long?**

*It is suspicious, especially when you read this law closely and compare it to the CRPD and its General Comments, even without being a lawyer. "*

-----> No response, despite at least 8 very polite reminders by Registered Letters and emails.  
(<https://allianceautiste.org/2021/01/ddd-principaux-questionnements-actuels/>)

We questioned the **"DISAND" (Délégation Interministérielle Autisme et TND)**:  
<https://allianceautiste.org/2020/02/disand-questionnements-explications-et-suggestions/>  
Including our main letter (of questions):  
[https://docs.google.com/viewerng/viewer?url=https://allianceautiste.org/wp-content/uploads/2020/06/20200618-AA\\_ServPub\\_ARTIC\\_DISAND-DISAND-SG-Questionnements-explications-et-suggestions.pdf&hl=en](https://docs.google.com/viewerng/viewer?url=https://allianceautiste.org/wp-content/uploads/2020/06/20200618-AA_ServPub_ARTIC_DISAND-DISAND-SG-Questionnements-explications-et-suggestions.pdf&hl=en)

**Pages 66-68 :**

## **6- UN CRPD**

### **6.1- Ongoing verification of consistency with the CRPD**

The CRPD is a treaty of higher value than French laws according to Article 55 of the Constitution.

→ 6.1a- We would like to know to what extent the CRPD is consulted and taken into account during the work of the DISAND (or CNTSATND or SEPMPH), and whether there is any form of verification of the coherence (with regard to the CRPD) of the texts and decisions (past, present or future) emanating from the French authorities responsible for autism.

In particular, it is a question of whether you only comply with French law, or whether you can or must also comply directly with the CRPD, or whether you do so systematically even if there is no obligation.

### **6.2- Verification of the conventionality of the law N° 2005-102**

→6.2a- It would be useful to learn where the French authorities are in their remarkably slow verification of the conventionality of the 2005 law with respect to the UN CRPD; why it is so slow; whether this verification will ever come to fruition, and if so when. (Such slowness seems to us... murky.)

### **6.3- Verification of compliance with the CRPD regarding the right to independent living**

Some countries - especially the more "institutionalising" ones like ours - seem to have a hard time (wanting) to understand the concept of deinstitutionalisation.

The Committee (CRPD) therefore wished to develop a "General Comment No. 5 (2017) on independent living and inclusion in society" so that it is clear to everyone, including the most reluctant.

In addition, the CNCDH (French body) has published a short summary of key points in its "Practical Guide" on the CRPD, of which we highlight a very important and often ignored passage (page 40):

*"In its general comment on Article 19, the UN Committee on Economic, Social and Cultural Rights  
rights of persons with disabilities recognises the freedoms to act and decide by  
This is the only way to ensure that people with disabilities are able to live  
independently.*

*For the Committee, independent living and inclusion in society require a living environment that excludes any form of institutionalisation.  
Thus, neither large nor small institutions, nor even individual housing, can be considered as settings conducive to independent living if they prevent people from choosing with whom they live and impose a strict routine, which does not take into account the will and preferences of each individual."*

It seems impossible to claim that "life" in centres (ESMS etc.) could allow for the choice of the people one lives with (to take just one example), as this would imply housing "chosen people" (by the disabled residents) who would not necessarily be

disabled, which is unthinkable for various reasons, starting with the (understandable) refusal of these "people"  
It is unacceptable for them to come and live in such a "backwoods" setting under the supervision and guidance of unselected staff: unacceptable prospects for them, while yet they generally consider that it is all very well for the disabled (which is proof of a feeling of superiority that largely explains the detestable paradigm well anchored in our country, at the antipodes of the famous "Liberté, Egalité, Fraternité", and in total violation of almost all the stipulations of a Convention ratified with the hand on the heart, in the manner of the master of Orgon's house.

And it is not enough to allow the "looked after" to go out for a few hours a day to respect the Convention.

The UNAPEI for example (in a prominent position in the CNTSATND) opposes these obvious principles, and proposes its own version of deinstitutionalisation, which disregards and perverts the spirit of this treaty ratified by the French State (see our specific part on deinstitutionalisation (part N°11)).

If there is nothing surprising in the fact that the "hosts", the operators of centres and other "associative" financial groups try by all means to defend their interests where public policies are decided ("lobbying"), on the other hand, it is much less understandable why, especially in view of the problems and conflicts of interest described, the French authorities are complicit in the exploitations, abuses and masquerades, by even going so far as to blithely violate the CRPD (among other things) in order to approve "orderly appointees" from the medico-social industry (and others).

→ 6.3a- It is essential - especially for our report and its follow-up - to know whether or not (and if so, mentioning any reservations) the French authorities intend to comply, with the best plausible adequacy in each decision, with the UN stipulations regarding the deinstitutionalisation imperative, and in particular General Comment No. 5 (2017) on independent living and inclusion in the city (CRPD/C/GC/5), perfectly explicit on freedom of life choice, among others. The options, debates and treatments differ according to the four possibilities ('yes' / 'no' / other / no answer - this last case can possibly be interpreted as 'no').

→ **No informative response, despite numerous reminders.**

The only response from DISAND on this subject, on our **question 6.3** is the following:

***"Point 6.3a: France is part of the inclusive trajectory supported by the United Nations.***

"

The only response to our 167-page "Questions, explanations and suggestions" letter:

***From: GIRARD Mylene <mylene.girard@pm.gouv.fr>***

***Date: Fri, July 31, 2020 at 6:57pm***

***Subject: In response to your document of questions, explanations and suggestions***

***To: Autistic Alliance <contact@allianceautiste.org>***

***Cc: COMPAGNON Claire <claire.compagnon@pm.gouv.fr>***

***Hello,***

***We have studied the document you sent us. This collective work represents a considerable amount of work for the drafters but also for the delegation if we had to answer point by point. Beyond this workload, which cannot be absorbed by the team in its current state, this report poses several difficulties:***

***- It is not for us to comment on the criticisms you make of our other public policy, which makes it very difficult to respond,***



- it contains attacks on individuals and we reject these ways of questioning individuals.

Insofar as we have spent time analysing your contribution, and so that you do not think that we do not respect your point of view, we would like to provide some elements of response on certain points that deserve clarification and will, we hope, enable misunderstandings to be cleared up:

- Item 1.1a: The two-year review of our action is being finalised. It has been delayed due to the health crisis. We should communicate it at the end of September. It will provide you with answers to some of the questions you are asking.

- Point 1.2a: on the subject of extending the scope to include IDD, this development was motivated by two essential reasons for the public authorities: that of fairness with regard to people who were hitherto insufficiently taken into account and supported in their life course, and that of efficiency: in particular, we could not conceive of a public policy aimed at detecting unusual deviations in children's development without this extension. Indeed, even before establishing a diagnosis, there are warning signs and they deserve a broader approach, especially as many children and people are affected by several disorders. The budgets devoted to this measure are indeed based on a higher prevalence than that of autism, but for all that, in view of the unprecedented interministerial effort we are making to implement all the measures in the strategy, the budgets devoted to measures that only concern autism are also increasing (for example, very clearly on the issue of schooling or the resumption of the CRA waiting lists). The effort currently being made is unprecedented.

- Point 1.3a: The issue of counting people who benefit from inclusive housing refers to a problem of statistical reporting. Of course, autistic people can share inclusive housing with people with other types of disability. However, at this point, the project is identified as "inclusive housing" and, at the level of the State services, we do not have a diagnosis of the people benefiting from these schemes.

- Point 1.4a: we will communicate on the progress of these measures in the review. The experts will be appointed by the CRAs and will have to apply the HAS recommendations.

- Point 2.1a - 2.4a - 2.4b: corrections are possible on the website which is currently being redesigned.

- Point 2.3a: The delegation has only 7 people but before 2018 there was only one person. We are in charge of deploying the 101 measures of the strategy with all the ministries and operators concerned. There are almost 40 people working at national level, not counting all the teams at territorial level, particularly in the Regional Health Agencies.

- Point 2.8: We have always been open to exchange and dialogue. However, personal attacks and disrespect are unacceptable.

- Points 2.9b - 2.9c: We have organised a consultation to measure the impact of the strategy we are implementing. This was taken up by many people with autism. We are attaching the booklet of results which has been published. This survey will be repeated every year.

- Item 3.10: The National Council meets on a quarterly basis.

- Point 3.11a: Our aim is to communicate more via the website, which is currently being redesigned to report on the progress of the measures precisely.

- Point 4a: People with autism can turn to the CRAs and MDPHs for help. We are working to ensure that MDPHs are aware of the reality of autism.

**- Point 6.3a: France is part of the inclusive trajectory supported by the United Nations.**

- Point 7.4a: Senior disability officers exist in all ministries, autism focal points are also identified in all ministries involved in the deployment of the strategy, as well as in the regional health agencies.

- Point 8.1b: Autisme Info Service is an association. The State does not have to take a position on its scope of action, nor on its communication actions or its governance.  
- Points 9a - 9b-9c: the official autism card does raise legal questions but in the light of the delegation's action plan, this subject has not been examined.  
For the reasons explained at the beginning of this message, we are unfortunately unable to do more and I hope you will understand this.

Sincerely,

Mylène Girard

Secretary General

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[www.handicap.gouv.fr](http://www.handicap.gouv.fr)

### **1.3. In none of the reports is there any information about measures taken regarding the deinstitutionalisation of people with disabilities, including children with disabilities.**

**Is it true that there is no deinstitutionalisation strategy in France?**

**If not, why is there no such strategy or policy?**

- There is **NO** de-institutionalisation strategy or measures.  
The word itself is almost taboo, as we explain in our report.  
Something that cannot be said or named cannot exist.

This is precisely why the word is never used, for the French public.

It is sometimes used, for the UN or European authorities, in an evasive manner (as always).

For example: "*in a logic of de-institutionalisation*".

There are a few "small measures" to give *the illusion of* de-institutionalisation.

There is no suppression of beds.

The demands for inclusion through services are rather seen as a good bargain by the medico-social industry, because it develops their markets: they create "services" (so €€€) BUT they don't suppress any beds.

And for example, professional guardianship services (managed by "associations") also explain why the system refuses to give legal capacity: the "protection of adults" brings in a lot of money for this very easy business, which, in addition, allows to prevent people from asserting their rights to freedom! (see the dramatic case of Timothy and thousands of others like him).

This system of professional guardians is a "win-win" for these modern Thénardiens.

The whole system is in collusion.

**It is the goose that lays the golden eggs (fed by easy money from the Social Security and the Department, and "for life"): it must be "protected".**

**An "investment" that brings in so much money so easily (thanks to all the collusion and lobbying everywhere it can count), we do everything to protect it. The "residential" employs a lot of people, who are useless in the "services" or in a real autonomous life (directors, administrators, accountants, cooks, maintenance agents, gardeners, drivers, etc.).**

**It's easy to understand.**

And also, financial arrangements can be made with a Société Civile Immobilière (for example) to rent the famous "walls" to the "associations" at a premium (since they cannot

make a profit).

Moreover, there is no obligation to "call for tenders" as in public contracts, since it is "private". So it is possible to make very high bills, with hidden retrocessions or other arrangements.

Our letters to the authorities regarding deinstitutionalisation are countless (they are on our website), and they have never received a single reply, not a word on the subject.

We know that the institutionalization lobby agreed on "*We don't want to hear about deinstitutionalization*", around 2017.

Since then, this word (already very little used), is not used anymore.

Our (full) report demonstrates all this, with sufficient evidence, here (19b):

[https://allianceautiste.org/docs/AA\\_OrgIntl/ONU-CDPH/Rapport\\_2021/20210805\\_Alliance-Autiste\\_Rapport-application-CDPH-France.htm#\\_Toc79074169](https://allianceautiste.org/docs/AA_OrgIntl/ONU-CDPH/Rapport_2021/20210805_Alliance-Autiste_Rapport-application-CDPH-France.htm#_Toc79074169)

**When the Deputy Ombudsman himself says "*de-institutionalisation is a word I don't use*", how do you expect there to be a de-institutionalisation strategy?**

He was Director of the UNAPEI for 20 years...

You really need to listen to this recording, recalled below.

- The Deputy Ombudsman in charge of the fight against discrimination - even though he is very sympathetic and no doubt benevolent - explains how hostile he is to de-institutionalisation, telling us on 23/03/2020 "*First of all, it's a word I don't use (...); [inclusion] (...) it's ideology (...) and it's verbiage. He then went on to say that "inclusion is a word I don't use (...); [inclusion] (...) is ideology (...) and it's verbiage", adding further negative reflections on inclusion ("we are being lectured on inclusion")*  
✖■ **Evidence to listen to in [this short audio clip](#)** (around 1'57" and 2'54")

See the background of this personality (see [presentation on the DdD website](#)) ([backup copy](#)):

- **from 1981 to 2002: Deputy Director then Director General of UNAPEI** (the largest (mega-)management organisation (*private*))
- from 2002 to 2009: **Interministerial Delegate for the Disabled** (*public*)
- for 3 years thereafter: **President of the National Consultative Council for the Disabled (CNCPPH)** (*public*)
- from 2014 to 2020: **Deputy to the Defender of Rights in charge of the fight against discrimination and the promotion of equality** (*public*)
- since 2020: **President of the managing association LADAPT** (*private*)

**The public/private "porosity" is exemplary here, and above all, there is no longer any need to wonder why the managing associations are so privileged when we learn, in this same document (*which we are copying [here on our server in case it](#)***



*disappears), that it "participated in the drafting of the law of 11 February 2005 and its application texts"...*

If these associations have so much power, it is first of all because of the confusion introduced before anything else in the first article of this law, which presents them (absurdly, fallaciously, but very subtly and skilfully) as "representative of disabled people", as we have already explained.

→ A more comprehensive document on the "causes of violations" is being prepared and will be made available to you later.

It mainly describes a "triangle" (or "triad"):

- The "Supreme Medical-Psychiatric-Judicial Caste"
- The "Administrative Nobility"
- The "Political-Medical-Social Coalition".

Do

not hesitate to contact us at [contact@allianceautiste.org](mailto:contact@allianceautiste.org) for further explanations, including by video-conference in French or English.

Thank you.

**1.4 There are some new strategies on disability (such as the disability plan 2017-2022, the strategy for employment by people with disabilities and for facilitating independence). How effective are these strategies, and how do they relate to the Convention?**

**Can you indicate any regulations or strategies that deserve to be commended?**

→ We do not know. It is even you who informs us of the existence of this "disability plan"...

For the time being, we would like to receive the information we are asking for from the authorities (who are ignoring us superbly): SEPH, DISAND, DdD etc.

**1.5. What are the major obstacles to advancing inclusive education in France?**

→ The "thirst for gold" of the medico-social lobby, which is very well "introduced" to the public authorities (which often come from this lobby, best example with the ex-Deputy of the Defender of Rights, see others in our report but there are many, all these people arrange themselves between them).

Ignorance, for example of the Delegates of the Defender of Rights, who are in a completely outdated vision and who do not seem to know the CRPD.

We were very surprised yesterday to hear Mrs Claire Hédon mention access to "extracurricular

activities" (among others), while her own Delegates do exactly the opposite and limit themselves to confirming an abusive refusal of a "transplanted class" activity (with travel and accommodation) without even asking the National Education that it had tried to seek accommodation for an autistic child:

Dossier : A

le 11 novembre 2020

Monsieur,

Suite à votre visite du 10/10/2020, j'ai reçu une réponse du maire de  
Celui-ci confirme la position du directeur de l'école, et l'équipe éducative réunie le  
10/10/2020 a pris la bonne décision.

Votre fils aurait des difficultés en classe de neige, et la présence de sa mère  
compliquerait le fonctionnement de la classe.

Par ailleurs, cette décision n'est nullement discriminatoire, mais prise dans l'intérêt de  
l'enfant.

Veuillez agréer, Monsieur, l'expression de mes salutations distinguées.

Le Délégué du Défenseur

We helped this family: faced with the arguments based on the CRPD (refusal of reasonable accommodation = discrimination) that we provided to the family, the Education Nationale finally changed its position completely: from total refusal, it moved to acceptance.  
But it is unacceptable that the Delegate of the Defender of Rights does not do his job (if it is sincere and if this job is not rather to protect the system).

*See last paragraph for acceptance:*

**CABINET**

Affaire suivie par :

Cheffe de Cabinet

Tél :

Fax :

Mél :

le 07/01/2021

Le Directeur académique  
des services de l'Éducation nationale

à

**Objet : Votre courrier du 21/12/2020**

**Réf :**

Monsieur,

En date du 21 décembre 2020, vous m'avez adressé un courrier dans lequel vous me demandez, je cite, *"de vous préciser et/ou confirmer les positions et les décisions de l'académie de [redacted] concernant les éventuels refus ou défauts d'aménagements raisonnables pour des activités et séjours scolaires visant mon enfant autiste [redacted]"*. Votre courrier concerne un voyage "classe de découverte" de la classe de CM2 dans laquelle votre enfant est scolarisé.

Je tiens tout d'abord à souligner que le refus exprimé par l'équipe éducative d'associer [redacted] à ce déplacement ne relève en rien d'une position de principe de cette équipe à l'égard des enfants handicapés, position de principe qui serait intolérable. L'équipe et tout particulièrement son directeur, qui a veillé à dialoguer jusqu'au bout avec vous parents et qui, contrairement à ce que vous pensez, ne s'est pas désintéressé de la situation de [redacted], ont considéré, pour reprendre la formulation du médecin scolaire, que "la participation de l'enfant à ce voyage constituait un risque de danger pour lui et pour les autres".

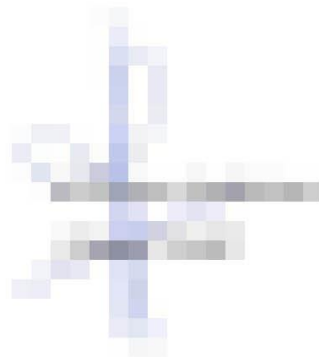
Ceci étant dit mais il fallait le dire, après un examen approfondi de la situation ainsi créée, je considère qu'il convient d'inclure votre enfant [redacted] dans le voyage scolaire programmé et qu'en conséquence, les dispositions adéquates et raisonnables pour le faire doivent être prises.

Je vous prie d'agréer, Monsieur, l'assurance de mes salutations les meilleures.

CPI : - à Monsieur le Maire de [redacted]

- à Monsieur le Directeur de l'école [redacted]

S/C de l'IEN de la Circonscription de [redacted]





In addition, the school refers to an IME (especially since this "defeat" for her), and this is written in black and white in the school file.

Now that the family has dared to resist, and has obtained a success, we can fear that the system will do everything it can to find a "danger" in this child, as in the case of Timothy and so many others. Moreover, the response of the Director of the Academy already begins to "pave the way" by writing the word "danger". This is classic, this is their method.

## 1.6. What is your opinion regarding the degree of participation and support for participation of civil society and disabled people's organizations in the monitoring of the implementation of the Convention by the national monitoring mechanism (33.2).

→ We asked the authorities about this, including the Human Rights Defender:  
<https://allianceautiste.org/2021/01/ddd-principaux-questionnements-actuels/>

### 3. AA\_ServPub\_COMOD-CDE(UN), AA\_ServPub\_COMOD-CDPH(UN)

(Concertation Opérationnelle pour la Mise en Œuvre des Droits)

#### 3.1 Monitoring the UN CRC and CRPD Conventions

- **How to participate**, which department of the DoD to contact?  
(see CRPD General Comment N°7)
- How can we easily find out where the follow-ups are?
- **How does the DoD institution inform and invite** disabled and autistic organisations (even - and especially - those with little 'skill' or structure) to participate, especially in accordance with article 33.3 of the CRPD?
- What public (or other) service can **help us with** these complicated 'administrative' things?

-----> As usual, no response (despite 8 polite and diplomatic reminders since May 2020). Or more precisely, we received a letter from Madame Hédon but it did not give any of the information requested (we ask to receive it *in writing*, we do not want any more worthless oral meetings).

We also received an email from the new Deputy (discrimination) but these two people do not seem to understand our requests to receive the information in writing at all. They only propose an "oral" meeting, which is useless as it is "unusable" (no written evidence), and they totally ignore our explanations on this subject.

All this "Administrative Mutism" probably comes from the lack of courage of the system to admit that this participation does not exist (i.e. to acknowledge the general deception).

It will probably

answer that the monitoring exists, but it is done with the managing associations, thanks to the confusion allowed by Article 1 of Law 2005-102, which we show in our report, and which we had already explained to you in May 2021 for example.

## 2.

### **2.1. On social security, and independent living: benefits given to disabled people are affected according to the income of the spouse - can you give more information?**

→ From €1100 (approx.) of the spouse's income, the disabled person's allowance (AAH) starts to decrease, and from €2100 (approx.), it is abolished.

We are sure that other associations will be able to answer this question more precisely, which does not seem difficult because there is no "hidden defect" here.

### **2.2. What is the link between Disabled People's Organisations and the State?**

#### **How often can these organisations give their views on disability issues?**

→

Apparently, public authorities choose or favour representatives of associations presented as representative of disabled people, to "appoint" them in these consultative bodies (like the CNCPH, and maybe the CFHE (?)).

They are essentially management organisations (which in total "manage" 2 million disabled people, which employ another 2 million people, and which receive tens of billions of euros each year).

So the few "non-management" associations that are consulted have no weight.

In this system, the word of a disabled person who employs no one has almost no value compared to the word of a person who represents hundreds or thousands of jobs, and who speaks in tens or hundreds of millions of euros.

How often? We don't know.

We have been asking for a long time for information on participation and consultation at the "DISAND" (Délégation Interministérielle Autisme et TND)

([https://docs.google.com/viewerng/viewer?url=https://allianceautiste.org/wp-content/uploads/2020/06/20200618-AA\\_ServPub\\_ARTIC\\_DISAND-DISAND-SG-Questionnements-explications-et-suggestions.pdf&hl=en](https://docs.google.com/viewerng/viewer?url=https://allianceautiste.org/wp-content/uploads/2020/06/20200618-AA_ServPub_ARTIC_DISAND-DISAND-SG-Questionnements-explications-et-suggestions.pdf&hl=en))

and at the SEPH: see specific letter on this subject:

**CRPD: Request for information on the rights to information, consultation and participation, and assistance for organisations of disabled people with autism:**  
**[https://allianceautiste.org/2021/02/seph\\_demande-informations-droits-information-consultation-participation-assistance-organisations-personnes-handicapees-autistes/](https://allianceautiste.org/2021/02/seph_demande-informations-droits-information-consultation-participation-assistance-organisations-personnes-handicapees-autistes/)**

This letter of request for information and clarification has never received any reply, and moreover, in any case our letters (to SEPH and to the other ministries) are transferred to DISAND, which does not do anything about it, which does not even confirm these transfers (and neither do the recipients), which is scandalous and absurd because when we question the ministries, it is often because DISAND has told us that it cannot answer us (proof above, point 1.2., brown text).

We called again, this time clearly asking for assistance, and we did not receive a reply either:

**CRPD: Request for assistance, accessibility, information, reduction of administrative barriers and consultation and participation for organisations of disabled people with autism**  
<https://allianceautiste.org/2021/06/seph-demande-assistance-accessibilite-informations-reduction-obstacles-administratifs-et-consultation-participation/>

Nothing. We are superbly ignored. 'Ignorance'.

## 3.

**3.1 Question on representation and accessibility: Generation Equality Forum organised by France in Paris in June 2021. Were the associations consulted to organise this conference? The platform was not accessible. Did you suffer from this too? (problem of accessibility of conferences related to gender equality)**  
**Do you have any suggestions on this?**

*(We are very sorry but we do not know this subject...)*

### 3.2. What other points would you like to make?

**The situation of Timothée Dincher:** demand the very rapid release of this person (deprived of liberty for years in an "MAS" ("institution") in the Rhône.

It is unbearable. This atrocity has been going on for years.

And the same goes for the thousands of other people in similar situations.

We tried to help this child and his family in 2014 and 2015. See

<https://autileaks.org/timothee-adolescent-autiste-refuse-a-l-entree-de-son-ecole-video-camera-cachee-en-2014-et-liste-de-liens/>

And notably an example of collusion and manipulation by the justice system here:

<https://allianceautiste.org/2014/11/affaire-timothee-temoignage-audience-du-6-octobre-tci-simulacre-de-justice/>

And especially [the alternative report of France Disability](#) (notably the problem of

guardianship, and the recent court ruling that this deprivation of freedom is justified by the disability).

## 4.

### **4.1. When parents decide to continue with a pregnancy of a person with Down's syndrome, half of the doctors react negatively: I would like to have your insight on this.**

This is linked to a problem of conditioning (prejudice) and a non-inclusive, egotistical French society that only wants to see what it likes and prefers to hide the rest: we hide the problems, we hide the disabled, and if we can prevent them from being born, that's "even better".

We don't know about this problem of doctors' reactions, but you can usefully read what we explain on the subject of the "right to life" (with a solution to avoid this eugenics by evaluating the plausible choice of people to be born), here :

[https://allianceautiste.org/docs/AA\\_OrgIntl/ONU-CDPH/Rapport\\_2021/20210805\\_Alliance-Autiste\\_Rapport-application-CDPH-France.htm#\\_Toc79074028](https://allianceautiste.org/docs/AA_OrgIntl/ONU-CDPH/Rapport_2021/20210805_Alliance-Autiste_Rapport-application-CDPH-France.htm#_Toc79074028)

### **4.2. (other issues: privacy...)**

*(Unfortunately, we do not have enough information on these topics. )*

## 5.

### **5.1. Art 4 - Direct applicability of the CRPD in individual legal proceedings:**

**- how are CRPD rights guaranteed in these proceedings? - what are your experiences in this context? -  
what measures are taken to ensure that persons with disabilities are fully respected, in line with the EU directives? -  
EU strategy on victims' rights 2020-2025?**

**→ On direct applicability :**

- See the **Blatman Report on the direct effects of the Convention's provisions**, e.g. from page 200:  
[https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/02\\_rapport\\_de\\_michel\\_blatman.pdf](https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/02_rapport_de_michel_blatman.pdf)

However, this remains "theory", and we know that in France what is "on paper" can easily stay there...

To our knowledge, judges despise the CRPD.

Why would people who have some kind of "supreme power" (exceeded only by doctors) want - in France - to take an interest in something (the CRPD) that can only thwart their power?...

As far as

we know, judges act as if they don't know about the CRPD.

And if they are told about it, it can be even worse, because they are provided with an opportunity to feel "more powerful" than the UN, which they will enjoy by refusing to follow the Convention.

So it can have a counterproductive effect.

In France, one has to submit to the "benevolence" of the Administration and the "justice".

If you talk to them about things that are superior to them, then the "benevolence" disappears, and you enter into administrative torments for life (like Timothy's mother, for example).

The mentality of these people is such that they will always do everything they can to get around things that upset them and are superior to them, and which they therefore do not want to know about: the classic principle of the "ostrich policy" in France.

So, to show these people something that bothers them and that they don't want to see, and, on top of that, to ask them to follow a Convention or something that is beyond them, is completely unbearable for them. With perhaps a few exceptions, if they exist (?).

This text talks a little about the problems of reluctance of judges: <https://halshs.archives-ouvertes.fr/halshs-01889465/document>

Excerpts:

"The avowed reasons for inapplicability can be reduced to three: the intention of the signatories of the treaty to have created obligations for States alone and not (to have opened up rights) for other legal persons; the lack of precision and imperative nature of certain provisions with insufficient normative content; the incomplete nature of international norms which must be clarified by domestic, i.e. State, norms in order to become applicable. The **unmentionable** reasons are, as is often the case, easier to understand: **the concern of governments to derive political benefit from the signing of international commitments without allowing citizens to derive rights from them; the reluctance of public authorities to make applicable a law of international origin; the prevalence among certain judges of a nationalist and sovereignist ideology which considers that positive law is primarily of internal origin, i.e., in their minds, State law.** "

" . However, the positivist approach attaches the greatest importance to the distinction between the legal value of a text (formal validity) and its application, including by the courts (effectiveness). A rule of positive law remains legally valid even if it is not effective and implemented by the courts. **The legal value of the fundamental rights recognised by the Constitution is not diminished by the reluctance of judges to make them produce all their consequences** (see on the right to obtain a job, E. Dockès, Valeurs de la démocratie, Dalloz, coll. Méthodes du droit, 2005, p. 28). A positive law text is therefore, by definition and unless it is impossible, directly applicable. "

"The general answer to the question posed is quite simple: **a text is directly applicable when it is considered as such by the authorised doctrine. It undoubtedly flatters the**



**ego of the jurists from above with regard to the citizens below.**

Democracy lies elsewhere: it requires that texts of positive law, whether of international or domestic origin, can be simply and usefully invoked by individuals before the courts. "

We do not know if there are cases where the CRPD is directly / knowingly / explicitly applied by judges in France.

We have not found any information on the Internet.

So we asked the Rights Defender (*the one we are told is there to "ensure that rights are respected"...*):

<https://allianceautiste.org/2021/01/ddd-principaux-questionnements-actuels/>

### 3.3. Notion of "directly applicable text"

- **What is the conception of the DoD institution** in terms of "directly applicable (*by French courts*) text (*of international Conventions*)"?

(See for example the analysis halshs-01889465 by Rafael Encinas de Muñagorri:

<https://halshs.archives-ouvertes.fr/halshs-01889465/document> )

*This question is important, in order to try to find out how to fight against the "reticence", the caprices or the vileness of the Nobility of dress in place in our country (cf. Rachel's case and so many other examples of the ruthless diktat and without any possibility of control of the French "judicial power", which does absolutely what it wants)*

Have we received a reply? Of

course not.

(*Variation on "We have not received a reply" as writing this sentence hundreds of times is tiring*).

→

**Concerning Europe**, we found by chance the word "deinstitutionalisation" in a response from the Ministry of Health to a consultation on a "European roadmap", and **this ministerial department (MSS-DGCS-BAEI) never deigned to answer our requests for clarification.**

See our 4 Registered Letters (probably automatically and opportunely transferred to DISAND, even when our questions do not concern autism in particular, which is even more unacceptable):

<https://allianceautiste.org/?s=MSS-DGCS>

The BAEI (which we have been trying to question for several years) has **nevertheless honoured us with a reply, which "curiously" considers that our questions would be our "position"**, and which promises us (without any serious belief) that this "position" will be taken into account, which is not at all what we are asking for at the moment:

**RINCKENBACH, Alexis (DGCS/DIRECTION/BEI)**

**<Alexis.RINCKENBACH@social.gouv.fr>**

Fri 11 Dec 2020

06:28

At Alliance

Dear Sir,

I have received your email and thank you very much.

The position of your association is well noted, we will take it into account when preparing the hearing of France by the Committee on the Rights of the Child in 2022 (subject of my previous email to all the associations concerned).

Yours sincerely

**Alexis RINCKENBACH**

*Head of the European and International Affairs Office*

*Directorate General for Social Cohesion*

*Ministry of Solidarity and Health / Delegate Ministry for Equality f/h*

*Tel: 01 40 56 85 31 / 06 71 07 68 56*

*Geographical address: 10 place des cinq martyrs du lycée Buffon - 75015 PARIS*

*Postal address: 14, avenue Duquesne - 75350 PARIS 07 SP*

**At the higher level, the DGCS has never deigned to respond to us.**

## **5.2. Art. 13 - Legal aid for those in situation is not sufficient.**

**The current revisions do not seem to change the situation.**

**- Can you explain in more detail? - What adjustment measures currently exist to make equal participation of persons with disabilities in legal proceedings possible?**

**- What measures are in place to ensure that all rights of persons with disabilities are charged with a crime? What about the victims? Both in line with the European Guidelines and the 2020-2025 Strategy on the rights of victims of crime.**

→ Concerning legal aid...

We distinguish what is called in France "aide juridictionnelle" (which is the payment of a lawyer by the system, with possibly the "ex officio" appointment of a lawyer), from the notion of assistance or accompaniment for access to justice.

In summary, legal aid exists, but for people with autism it can be inaccessible, for various reasons, such as lack of understanding of the situation and what should be done, administrative difficulties, discouragement, incomprehensible legal language, etc.

Appeals' are also difficult. How to write them? When to send them? Where to send them? And so on.

And dealing with lawyers who are not sensitive to autism is difficult too (in short, like almost everyone else in France, they get offended very easily).

We have searched a lot, but we have not found any (free) public service that would be obliged to assist autistic disabled people in accessing justice, i.e. to help them with these procedures.

There is ONE association (Droit Pluriel) which allows to ask "precise legal questions" to a lawyer by e-mail, which is a great progress because otherwise other legal aid services are not very accessible for some autistic people.

The lawyer provided free of charge by this association gives "precise legal answers", but does not provide any (or only a little) accompaniment or advice.

He says that for this you have to see a social worker. But social workers are not sufficiently specialised in legal issues.

In any case, not all of these people are trained in autism, so misunderstandings happen almost immediately, followed closely by friction and then, sooner or later, rejection.

**- See more information on this topic in our (full) Report, here :**

**- See also the France Disability Shadow Report, which explains:**

*"There are no services in France to guarantee people with cognitive impairments legal support and effective access to independent lawyers. Access to legal aid is of no use to these people as they have no support to help them through such a complex procedure. Any support and steps are dependent on the goodwill of the guardian. In conjunction with Article 14, this prevents the person deprived of legal capacity from defending themselves before the Court and initiating proceedings against their guardian, even if the latter violates their rights (which is common practice).*

**5.3. Art. 18 - On Roma: The Government considers that the principle of equality does not allow for the implementation of a specific policy for a category of people because of their origin. In your experience, where are the main problems concerning Roma persons with disabilities under the CRPD?**

→ We have no information on these problems, **but we advise you not to refer to the notion of ethnicity, but to use the notion of "gens du voyage"**, because that is how these people are designated by the French Administration, which very hypocritically replied that it could not know them (in short), whereas one knows "the trap" and if one uses the right wording ("gens du voyage", France knows them very well since it obliges them (in many cases) to present themselves regularly to the Gendarmerie.

If you use the word "Roma", it makes it easier for the state, which is not going to help you by giving you the right advice (although "Roma" may not be exactly the same as "Travellers", but with "Roma" you will get no results in the realm of hypocrisy).

**5.4. Art. 33 - The Defender of Rights takes over the monitoring of the Convention.**

**How is it ensured that PH and PH associations are truly involved and participate fully?**

→ **This is one of the questions we would like him to answer** (and **in writing**, otherwise it is difficult to share or use).

We have very politely and diplomatically reiterated our request at least EIGHT times, for over a year, in this letter and its reminders:

<https://allianceautiste.org/2021/01/ddd-principaux-questionnements-actuels/>

**3. AA\_ServPub\_COMOD-CDE(UN),  
AA\_ServPub\_COMOD-CDPH(UN)**  
(Concertation Opérationnelle pour la Mise en Œuvre des Droits)

## 3.1 Monitoring the UN CRC and CRPD Conventions

- **How to participate**, which department of the DoD to contact?  
(see CRPD General Comment No. 7)
- How can we easily find out where the follow-ups are?
- **How does the DoD institution inform and invite** disabled and autistic organisations (even - and especially - those with little 'skill' or structure) to participate, especially in accordance with article 33.3 of the CRPD?
- What public (or other) service can **help us with** these complicated 'administrative' things?

-----> As usual, no response (despite 8 polite and diplomatic reminders since May 2020). Or more precisely, we received a letter from Madame Hédon but it did not give any of the information requested (we ask to receive it *in writing*, we do not want any more worthless oral meetings).

We also received an email from the new Deputy (discrimination) but these two people do not seem to understand our requests to receive the information in writing at all. They simply propose an 'oral' meeting, which is useless as it is 'unusable' (no written evidence), and they totally ignore our explanations on this subject.

## 6.

### 6.1. Confirm whether people with disabilities are still sent to institutions in Belgium and what France is doing about it?

→ Yes, always, but we have little information. No doubt that Autisme France or others will answer better.

We invite you to watch the report of Zone Interdite (2014) which gives a good idea of what is going on: <https://autileaks.org/reportage-censure-zone-interdite-ime-moussaron-ames-sensibles-s-abstenir/#extraits>

Or (download) :

**41'12 - 49'48** (duration: 5 mn 55 s) **The "French factories" in Belgium,**  
a lucrative business there too (a director admits to a salary of 10,000 € per month, and that this exploitation is "unhealthy")

→

We don't know what "France" is doing about it.  
Probably declarations, speeches, plans, strategies, projects, roadmaps, working groups etc.  
Or "ambitions"...

### 6.2. Can you tell us why France continues to have such an institutionalisation policy?

→ The answer above, in point 1.3. ("thirst for gold", easy money from "human investments" that bring between €100 and €300 per day and "for life", impossibility to easily reduce a system that

employs two million people, etc.). - and all this is allowed thanks to the complete infiltration of the lobby at the political level, thanks to the central vice of article 1<sup>of</sup> Law 2005-102).

→ **A more comprehensive document on the "causes of violations"** is being prepared and will be made available to you later.

It mainly describes a "triangle" (or "triad"):

- **The "Supreme Medical-Psychiatric-Judicial Caste"**
- **The "Administrative Nobility"**
- **The "Political-Medical-Social Coalition".**

Do

not hesitate to contact us at [contact@allianceautiste.org](mailto:contact@allianceautiste.org) for further explanations, including by video-conference in French or English.

Thank you.

## 7.

### 7.1. Uniform definition of discrimination in laws on the grounds of disability?

**Or, failing that, a uniform definition of discrimination against people with "different problems"?**

→ We have not found this information, which would indeed be very useful and which may exist.

(reminder of Law 2008-102)

"A disability, within the meaning of this law, is any limitation of activity or restriction of participation in society suffered by a person in his or her environment due to a substantial, lasting or permanent impairment of one or more physical, sensory, mental, cognitive or psychological functions, a multiple disability or a disabling health disorder.

We found :

<https://www.vie-publique.fr/parole-dexpert/271792-handicap-et-discriminations>

and :

[https://travail-emploi.gouv.fr/IMG/pdf/fiche\\_technique\\_discrimination.pdf](https://travail-emploi.gouv.fr/IMG/pdf/fiche_technique_discrimination.pdf)

## 8.

### 8.1. Efforts to bring France in line with the CRPD disability model?

*(Good question... Nothing? Misleading statements?)*



## 9.

### **9.1. Lack of interventions to support the rights of people with disabilities.**

**Have there been any legal actions by Disabled People's Organisations and/or NGOs against violations of the rights of people with disabilities?**

→ We would love to do that... But there is no help...

It is very difficult and unequal to fight against this monstrous system, especially when you are autistic...

See our letters requesting information on assistance to disabled people's organisations (at least for ours) and requesting assistance, sent as Registered Letters to SEPH, and not answered (as usual), in chapter 2.2 above.

Thank you very much.