



Brussels/Rennes, 20 March 2020

Open letter to President of France M. Emmanuel Macron

Dear President Macron,

On behalf of the European Network on Independent Living (ENIL) and Coordination Handicap et Autonomie (CHA), we wish to express our grave concern over the plan to create 1,000 more places in residential institutions for disabled people in France, which you announced during the National Disabilities Conference on 11 February 2020. As organisations of disabled people from France and across Europe, we are extremely concerned about the continued discrimination of disabled people in different residential facilities in France and your continued failure to comply with the UN Convention on the Rights of Persons with Disabilities (CRPD).

We welcome your concern about the thousands of disabled people that have been sent to institutions in Belgium, and your resolve to address this situation. However, instead of developing community-based services that would enable all disabled people in France to live independently and to be included in the community – in line with Article 19 of the CRPD – you made a commitment to create an additional 1,000 places in residential institutions in the next 2 years, in addition to the 5,000 new places already planned. In your speech, you claim that these residential facilities are needed as a form of transition from large institutions, without taking into account that such facilities become a dead end for those who have been placed there.

ENIL and Coordination Handicap et Autonomie (CHA) wish to remind you that building new institutions for disabled people contravenes European and international human rights standards that protect the rights to disabled people, including the CRPD and the European Fundamental Rights Charter. Article 26 of the Charter guarantees to all disabled people in the EU the right “to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.”

Pursuant to Article 19 of the CRPD, disabled people have the right to live independently and be included in the community, with choices equal to others. States must ensure that persons with disabilities can “choose their place of residence and where and with whom they live” and that they are “not obliged to live in a particular living arrangement”. This requires “access to a range or in-home, residential and other community support



services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.” It also requires access to mainstream services and facilities, which should be available and “responsive to their needs.

As stated in General Comment 5, authoritative guidance on the implementation of Article 19 must be implemented without delay, if States are to comply with their obligations under the CRPD. It notes:

“[...] Article 19 (a), the right to choose one’s residence and where, how and with whom to live, is immediately applicable as it is a civil and political right.”¹

Furthermore, the General Comment 5 makes it clear that no matter the size, institutions are not the place where disabled people can live independently:

“Both independent living and being included in the community refer to life settings outside residential institutions of all kinds. It is not “just” about living in a particular building or setting; it is, first and foremost, about not losing personal choice and autonomy as a result of the imposition of certain life and living arrangements. Neither large-scale institutions with more than a hundred residents nor smaller group homes with five to eight individuals, nor even individual homes can be called independent living arrangements if they have other defining elements of institutions or institutionalization [...]”²

Article 19 CRPD applies to all disabled people equally. According to the General Comment 5: “Article 19 explicitly refers to all persons with disabilities. Neither the full or partial deprivation of any “degree” of legal capacity nor the level of support required may be invoked to deny or limit the right to independence and independent living in the community to persons with disabilities.”³

For people who spent a long time in institutional care, continued institutionalisation will only prolong their exposure to human rights abuses and their social exclusion. While they may need complex and specialised support to address the effects of long-term institutionalisation, there is no reason why such support cannot be provided in the community.

1 Committee on the Rights of Persons with Disabilities, General Comment No. 5 (2017) on living independently and being included in the community, CRPD/C/GC/5, 27 October 2017, para 39, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en

2 Ibid, para 19(c).

3 Ibid, para 20.



The wide-spread institutionalisation of disabled people in France has already been condemned by the UN Special Rapporteur on the Rights of Persons with Disabilities, Ms Catalina Devandas Aguilar in 2019.⁴ Following her visit to France, she expressed concern about the vast range of institutions for disabled people - financially supported by the State and run by non-profit organizations, including parents' organizations – and emphasised that there is no such thing as a “good institution”.

ENIL and Coordination Handicap et Autonomie (CHA) call on you to reconsider plans to build the 1,000 new institutional places, as well as the 5,000 previously planned ones, and to immediately adopt measures to ensure that the following recommendations, issued by the UN Special Rapporteur are implemented without delay:

- a. Make the deinstitutionalisation of persons with disabilities a priority and strongly consider establishing a moratorium on new admissions;
- b. Progressively close all institutions and transform the existing supply market of services for persons with disabilities into community-based services, including adequate housing, following a time-bound plan;
- c. Expand personal housing arrangement initiatives providing support in the community for persons with disabilities to all major cities in France.

As disabled people and family allies, we ask that you involve us in decisions about our lives and are ready to support you in putting in place a deinstitutionalisation strategy that will have as its objective independent living and being included in the community for all disabled people in France.

Yours sincerely,

Mireille STICKEL
Chair of CHA - Coordination Handicap et Autonomie

Nadia Hadad

ENIL - European Network on Independent Living

⁴ Visit to France, Report of the Special Rapporteur on the rights of persons with disabilities, January 2019, para 51, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/002/70/PDF/G1900270.pdf?OpenElement>



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UNAPEI, Union nationale des associations de parents, de personnes handicapées mentales, et de leurs amis

APF France Handicap

CIH, Comité interministériel du handicap

Mme Sophie Cluzel, Secrétaire d'état auprès du premier ministre, chargée des personnes handicapées

Inclusion Europe