

Normative inputs on the focus area of the previous (8th) Session : "Violence, neglect and abuse" - France

France is pleased to continue sharing its national experiences in developing and implementing policies and programs strengthening the promotion and protection of the human rights of older persons within the Open-ended Working Group on Ageing established by the General Assembly in paragraph 28 of its resolution 65/182 of 21th December 2010.

The present document provides an overview about the normative contributions of France concerning the cluster issues "Violence, neglect and abuse".

➤ Guaranteeing protection of vulnerable persons

In French Criminal code (*Article 223-15-2 du Code pénal*), older persons have a particular juridical status as « vulnerable » persons. The according article punishes the abuse of a person whose vulnerability is due to age and known by the author of crime.

The state shall be responsible for the protection of vulnerable people due to their age. Since the early 2000s, an active normative policy framework based on three pillars has been applied:

- Simplifying the abuse complaints procedures ;
- Strengthening controls of structures ;
- Preventing and detecting the risks of abuse by supporting the structure and its professionals in the application process of an active policy of good practices.

➤ Providing accountability on a local level

A government circular (*Circulaire du 3 mai 2002 relative à la prévention et à la lutte contre la maltraitance envers les personnes vulnérables*) aims to respond to the complex reality of violence in its variety of family or institutional settings. It offers a **local approach**, carried out on a departmental level, by the implementation of prevention measures to end violence, neglect and abuse towards older persons:

- Creation of a Departmental committee of abuse prevention (*Comité départemental de prévention et de lutte contre la maltraitance*) with the aim of coordinating and evaluating local practices ;
- Creation of an inter-institutional structure for the treatment and monitoring of complaints (*Cellule inter-institutionnelle de traitement et de suivi des plaintes*) ;
- Nomination of resource person with expertise on departmental level;
- Developments of existing procedures of complain by phone.

➤ **Adapting constantly public advisory structures to empirical reality**

France is willing to provide an **efficient institutional environment of governance structures guaranteeing good motoring to tackle all kind of violence, neglect and abuse towards older people**

The inauguration of a National Committee for Vigilance concerning the abuse of older people by an order of 16th November 2002 (*Arrêté du 16 novembre 2002 relatif à la création du Comité national contre la maltraitance des personnes âgées*) was a first step towards this political endeavor.

A decree of 12th March 2007 (*Décret n° 2007-330 du 12 mars 2007 portant création d'un Comité national de vigilance et de lutte contre la maltraitance des personnes âgées et des adultes handicapés*) took over this institutionnel arrangement by the creation of a new National Committee aiming to tackle abuse of dependent adults – including disabled persons. A more recent decree of 7th January 2013 (*Décret n° 2013-16 du 7 janvier 2013 portant création du Comité national pour la bientraitance et les droits des personnes âgées et des personnes handicapées*) continues this mission. The committee has since been replaced by the Council of Family, Children and age, under the Prime Minister's authority (*Loi n°2015-1776 relative à l'adaptation de la société au vieillissement*).

Furthermore, the Act on adapting society to an aging population (*Loi n°2015-1776 relative à l'adaptation de la société au vieillissement*) foresees a **commission on good treatment practices and abuse prevention**. Introduced in February 2018, it proposes concrete measures to tackle all kind of abuse in regard of older and/or disabled persons.

➤ **Mandatory reporting of dysfunctions and abusive treatments**

A decree of December 2016 (*Décret n° 2016-1813 du 21 décembre 2016 sur la mise en place de l'obligation de signalement aux autorités administratives de tout dysfonctionnement dans les établissements et services médico-sociaux*) obliges to **report of dysfonctions of care structures and social-medical services**.

➤ **Taking into account the social connection between older people and the rest of society**

In a larger context, all prevention policies of loss of autonomy which guarantee older persons to age in best conditions and stay full participants in their aging process – especially **the Act on adapting society to an ageing population** (*Loi n° 2015-1776 du 28 décembre 2015 relative à l'adaptation de la société au vieillissement*) – **contributes actively to the fight against all forms of negligence, violence and abuse**.

France submitted in 2016 his national report for the third cycle of evaluation of the Madrid International Plan of Action on Ageing. With regard to this, France aims to call in mind the major issues of aging populations around the world and is actively taking measures to protect older persons from all sorts of violence's, of negligence and abuse. Furthermore, France underlines the importance of the reinforcements of rights and liberties of older persons in terms of security, moral and physical integrity.