

## Normative inputs on the focus area of the previous (8<sup>th</sup>) Session: "Equality and non-discrimination" – 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 21<sup>th</sup> December 2010.

*The present document provides an overview about the French normative contributions concerning the cluster issues "Equality and non-discrimination".*

\*\*\*

### ➤ **Contributing to significant advocacy efforts**

France is strongly committed to its European and national engagements in regard of the principle of equality and the application of non-discrimination policies respecting older people. They set out our intention to create an environment in which older people can take full part in the social, cultural and economic life in France.

### ➤ **Providing a clear legal frameworks of rights and liberties**

On a national level, France implemented an official **Charter engaging social-medical structures to ensure equality, non-discrimination and the respect of human rights of its residents** by the Act of 2<sup>nd</sup> January 2002 (*Loi du 2 janvier 2002 rénovant l'action sociale (Art. L.311.3)*). The principle of non-discrimination is listed as the first article of the Charter reflecting France deep commitment to the issue.

### ➤ **Implementing an explicit legal interdiction of discrimination based on age**

The **Charter for fundamental rights of the European Union**, bringing together the fundamental rights protected in the EU, was proclaimed in 2000 and entered into force by the Treaty of Lisbon in 2009. Its principle of non-discrimination on grounds of age is the reference for the legal framework regarding equality and non-discrimination engagements in France. Its application was provided by its implementation in French national law in 2008 (*Loi n° 2008-496 du 27 mai 2008 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de la lutte contre les discriminations*). **The charter introduces the explicit interdiction of discrimination based on age.**

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

Published on the 29<sup>th</sup> of December 2015 and entered into force on the 1<sup>st</sup> of January 2016, 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*) breaks with the traditional, dependency-centered

approach of policies on elderly age and marks a turning point in long-term care policies in France. In this perspective, the recent reform on national level aims for preventing actively discriminations of older people facing loss of autonomy by closing protection and prevention gaps. It is based on three pillars:

- **Anticipating loss of autonomy prevention and combating isolation among elderly people ;**
- **Supporting older people facing loss of autonomy ;**
- **Adapting society to ageing.**

➤ **Responding to the older people's needs in their home environment**

The decree on preventing loss of autonomy of older people of 27<sup>th</sup> May 2016 increases better access to housing forms supporting autonomy for elder people. The initiative is a crucial step towards more equality in regard of housing conditions (*Décret n° 2016-696 du 27 mai 2016 sur la mise à disposition des résidents locataires, de prestations minimales constituant un panier de services favorable au vieillissement comportant des actions de prévention de la perte d'autonomie*).

➤ **Creating an institutional framework for monitoring and advisory**

Besides the policy perspective, France is willing to create an efficient institutional environment of governance structures guaranteeing good monitoring and practical advice concerning equality and non-discrimination in France. The decree of 7<sup>th</sup> September 2016 (*décret n° 2016-1206 du 7 septembre 2016 sur la création du conseil départemental de la citoyenneté et de l'autonomie (CDCA)*) inaugurates the Departmental Council on Citizenship and Autonomy, created by the fusion of the Departmental Committee of Pensioners and Senior Citizens and the Council of Disabled Persons. The decree of 25<sup>th</sup> October 2016 (*Décret n° 2016-1441 du 25 octobre 2016 sur la création du haut conseil de la famille de l'enfance et de l'âge*) created the High Council on Families, Children and Senior Citizens on a national level. These two institutions create a network at local and national levels providing an effective institutional framework for monitoring and advisory.

\*\*\*

Awareness about age discrimination is imperative to overcome it. The policy and institutional initiatives of France seek a legal framework able to ensure equality for older persons. France encourages the paradigm shift from older people being considered as passive recipients of welfare, to older people as active holders of rights and liberties.