**FOCUS AREAS OF THE 10th SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING: Social protection and social security (including social protection floors).**

Pour une présentation complète des politiques de la France, veuillez-vous référer à :

***Mise en oeuvre du Plan d'action international de Madrid sur le vieillissement (PAIMV/MIAPA) et sa stratégie de mise en oeuvre régionale (RIS). Troisième cycle de revue et d’évaluation (2012-2017) : rapport national de suivi***

*For a full presentation of France’s policies, please refer to :*

**Report on the French Ageing Policy . 15 Years since the Second UN World Ageing Plan (Madrid International Plan of Action on Ageing – MIPAA) Madrid 2002**

Disponible, en français et en anglais, **sur le site web des Nations-Unies**:

*Available* ***on the United Nations Economic Commission for Europe (UNECE) website****:*

<https://www.unece.org/pau/mipaareports2017.html>

## National legal framework (Old Age, Disability, and Survivors Regulatory Framework)

1. *What are the legal provisions in your country that recognizes the right to social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?*

First law: 1910. Current laws: 1945 (nonagricultural employees), 1975 (disabled persons), 1996 (administration of social security), 2001 (dependency benefits), 2003 (pensions), 2006 (retirement), 2009 (disability benefit and gainful activity), and 2010 (retirement).

The establishment of the French social security starts with the publication the ordinances of October 4 and 19, 1945.

The French Social Security covers five branches:

    the sickness branch, which covers the risks of illness, maternity, disability and death

    the occupational accidents / occupational diseases branch

    the family branch

    the retired branch

    the dues-contributions / collection branch

The legal construction was then carried out according to three basic ideas of social security: universality, unity and the notion of solidarity.

**Availability**

1. *What steps have been taken to guarantee universal coverage, ensuring that every older person has access to social security and social protection schemes including non-contributory, contributory and survivor old-age pensions, to ensure an adequate, standard of living in older age?*

Type of program: Social insurance, mandatory complementary pension, and social assistance system.

Coverage:

Social insurance: Employed persons in commerce and industry, salaried people in agriculture; dependent spouses under certain conditions.

Voluntary coverage for nonworking heads of household (old-age pension only), non-covered persons who previously had mandatory coverage for at least six months, non-employed persons caring for a family member with a disability, and French citizens working abroad.

Special systems for mining, railroad, public utility, and public-sector employees; seamen; nonagricultural self-employed persons; and agricultural self-employed persons.

Mandatory complementary schemes: Employed persons in commerce and industry, salaried people in agriculture; dependent spouses under certain conditions.

Special complementary schemes cover similar categories as for the special social insurance systems (with some exceptions).

Social assistance: Residents of France.

1. *What steps have been taken to ensure that every older person has access to social security and social protection schemes which guarantee them access to adequate and affordable health and care and support services for independent living in older age?*

There are two different categories of old age benefits. These are contributory benefits and those that are non-contributory cf 4. Adequacy).

Contributory pensions are the old age pension and the widowhood pension.

Since the 2010 law, the minimum legal retirement age is 62 and the insurance period required to collect the full rate varies according to the date of birth and can be up to 43 years of contributions.

.In the spirit of solidarity, complementary mechanisms have been put in place. There are mainly three:

-the contributory minimum, which raises the pensions of those who have contributed on the basis of very low wages;

-the guaranteed minimum, which is the counterpart of the minimum contributory for civil servants;

- the solidarity allowance for the elderly, which is granted to any person over 65 whose resources are below a certain level.

Furthermore, French policies establish different priorities tackling those issues.

* Reinforcing the rights pertaining to the loss of autonomy

First, strengthening the rights of older people appears central. The right of care due to dependency is ensured by the Social Action and Family Code. The 2015 Law pertaining to the Adaptation of the Society to Ageing reinforced social rights, such as an increase of the Personalized Autonomy Allowance. This allowance finances a part of one’s expenses related to dependency, and allows the person in need of care to stay in his/her home. It is dedicated to people of more than 60 years who have proven to be diagnosed dependent.

Another key social right to help carers of seniors is the right to respite. This right was designed to overcome the burden of taking care of a member of family, borne by the caregiver. It can be invested to provide to carers of dependent relatives several options: reception of the dependent person at a reception center, a temporary housing in a specialized center, a possibility of home care based on relay. These services allow carers of dependent relatives to be absent one day or a few days.

Finally, the High Health Authority introduced the notion of “fragility”, which allows health workers to anticipate the loss of autonomy and reduce its negative effects as early as possible.

As there is no specific branch for dependency, the elder people are in charge of the sickness care branch.

**Adequacy**

1. *What steps have been taken to ensure the levels of social security and social protection payments are adequate for older persons to have access to an adequate standard of living, including adequate access to health care and social assistance?*

In the spirit of solidarity, complementary mechanisms have been put in place. There are mainly three:

-the contributory minimum (minimum contributif), which raises the pensions of those who have contributed on the basis of very low wages. The minimum old age guarantee in 2019 an income of € 868,20 per month for a single person or € 1,347,88 per month for a couple.

- the solidarity allowance (allocation de solidarité aux personnes agées) for the elderly, which is granted to any person over 65 whose resources are below a certain level. The ASPA is a differential allowance : its amount varies according to the resources of the beneficiary: it is used to bring them to the amount of the ceiling of resources or, in 2019, 2018, € 868.20 per month for a single person, and € 1,347,88 for a couple.

The minimum old age is perceived by pensioners of direct right having acquired few rights during their working life (short or incomplete careers).

The minimum old age is part of a non-contributory approach to the fight against poverty of the elderly: it is thus a safety net against poverty for people with low pension amounts.

All retirees must be able to benefit from a guarantee of the purchasing power of their pension. Like all social benefits, ASPA is adjusted every year for inflation so that recipients do not lose purchasing power.

The pension system provides for a variety of solidarity provisions aimed at guaranteeing a minimum income for the elderly

In 2016, the proportion of retirees with incomes below the poverty line (60% of the median standard of living) is 7.4%, which is below the level observed for the population as a whole (14%).

**Accessibility**

1. *What steps have been taken to ensure older persons have adequate and accessible information on available social security and social protection schemes and how to claim their entitlements?*

Since the 2003 law, everyone has the right to be informed of their pension rights. Each insured person automatically receives, by e-mail or post, an individual status report at the age of 35, 40, 45 and 50 years.

This statement informs him / her about the length of pension insurance and the points accumulated in each basic and supplementary pension plan from which he/she has acquired rights. It is also possible to consult the individual situation report directly on the website of one of the pension funds.

A dedicated website ([www.info-retraite.fr](http://www.info-retraite.fr)), set up in 2014, is a tool whose purpose is to make the pension system for users easier and more comprehensible.

ASPA can also be obtained after a request to the national pension fund.

1. *The design and implementation of normative and political framework related to social security and social protection benefits included an effective and meaningful participation of older persons?*

Participation of elderly people in policy-making

French policies endeavour to give voice to the people concerned. This is a crucial aspect to raise awareness on this issue. France created the High Council of Family, Childhood and Age in September 2015, which is in charge of consulting the people concerned by family, childhood and age issues (including pensions, adaptation to ageing, prevention and anticipation of the loss of autonomy etc). The Council has to give recommendations to the government.

In the same vein, the *Départements’* (local) Councils of Citizenship and Autonomy ensure the participation of elderly people in the drafting, implementation and monitoring of policies pertaining to autonomy. The goal of this institution is to simplify the dialogue between local and national actors and moving towards more coherence.

**Equality and non-discrimination**

1. *Which are the measures adopted to ensure equitable access by older persons to social security and social protection, paying special attention to groups in vulnerable situation?*

Another priority consists in ensuring respect and well-treatment, and fighting against discrimination based on age.

As of consent of the older person to receive care in a center or at home, the person concerned can choose a reliable person who provides help in going through required formalities.

Furthermore, inheritance is protected from attempts of appropriation by forbidding for the person who provides care at home to receive any donation or financial advantage.

To combat physical mistreatment, a national hot-line responds to situations of mistreatment of elderly people irrespective of their place of residence (in centers or at home). Moreover, the National Comity for Well-Treatment and Rights of Elderly People and Disabled People provided recommendations and proposals of concrete actions to fight against discrimination based on age. Above all, it insisted on training of caregivers, which remains a powerful lever to promote well-treatment.

**Accountability**

1. *What mechanisms are in place to ensure social security and social protection schemes are effective and accountable?*
2. *What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to social security and social protection?*

<https://www.defenseurdesdroits.fr/en>