



International Association Autism Europe v. France

Case No. 13/2002

Country: France

Region: Europe

Year: 2003

Court: The European Committee of Social Rights

Health Topics: Child and adolescent health, Chronic and noncommunicable diseases, Disabilities, Health systems and financing

Human Rights: Freedom from discrimination, Right to education

Facts

The complainant alleged that France is failing to adhere to its obligations under the European Social Charters. They stated that children and young adults did not have adequate access to educational services.

Further, it was alleged that the provisions for early intervention, teacher training, funding and accessibility of mainstream education was insufficient. It was also stated in the complaint that the financing was allocated under the sickness-insurance budget and not under the Finance Act thereby not being considered as a State obligation.

Decision and Reasoning

The Court held that there had been a violation of the Social charter. The Court stated that although the State parties have some flexibility when the realization of a right is complex and expensive. Although it has to be enforced within a reasonable amount of time and the progress should be in measurable terms. It further stated that the French Act had defined Autism in very restrictive terms and as the Disabilities Act was passed in 1975, it stated that almost 20 years had lapsed without any measurable progress.

Decision Excerpts

“In the light of the afore-mentioned, the Committee notes that in the case of autistic children and adults, notwithstanding a national debate going back more than twenty years about the number of persons concerned and the relevant strategies required, and even after the enactment of the Disabled Persons Policy Act of 30 June 1975, France has failed to achieve sufficient progress in advancing the provision of education for persons with autism. It specifically notes that most of the French official documents, in particular those submitted during the procedure, still use a more restrictive definition of autism than that adopted by the World Health Organisation and that there are still insufficient official statistics with which to rationally measure progress through time. The Committee considers that the fact that the establishments specialising in the education and care of disabled children (particularly those with autism) are not in general financed from the same budget as normal schools, does not in itself amount to discrimination, since it is primarily for States themselves to decide on the modalities of funding.

Nevertheless, it considers, as the authorities themselves acknowledge, and whether a broad or narrow definition of autism is adopted, that the proportion of children with autism being educated in either general or specialist schools is much lower than in the case of other children, whether or not disabled. It is also established, and not contested by the authorities, that there is a chronic shortage of care and support facilities for autistic adults.” (Para 54)

