

ELA Conference 30 03 2006
Accessibility for All in public buildings
The impact of the new public procurement directives

SPEECH BY THIERRY LAILLE
Association des Paralysés de France

ENGLISH

My name is Thierry Laille and I represent the Association of French Paraplegics (Association des Paralysés de France), which is one of the largest disabled and related associations in France. I am responsible for my association, of the questions related to “access to everything for all” and thus of the follow-up of the public policies adopted in France on the subject, in close contact with the government.

First, I would like to thank the European Lift Association for this invitation that gives me the opportunity to speak about what happens in France, but also to say here in front of the professionals of the lift industry, that we have a common interest: we are the first to recommend and promote your equipment!

I was asked to speak to you about the French legal framework, recently modified in 2005, concerning the accessibility to buildings on the first hand, and on the other hand to speak about the question of the European directives related to public procurement.

I would like, as a preamble, to quote the Italian poet Charles Morellet, who had written: “ *if you want to know your real friends, live on a fifth floor without a lift*”. I happen to live on the fifth floor of a building without a lift, as is the case for many Parisian buildings. Unfortunately, it means that I can not receive at home one of my best friends who is handicapped and in a wheelchair... My wife, who is pregnant, has difficulties reaching our apartment by the stairs.

This anecdote shows that we must act not only for the persons who are handicapped, but also because we could all potentially be disabled at a moment of our existence, whether it be because of an accident that would temporarily disable us, or because of the lack of autonomy linked to ageing.

In France, more than 1 person out of 3 is concerned by these policies of “access to everything by all”, founded on non-discrimination. In Europe, the estimated number of disabled citizens is of 50 million people.

What happens in France

To come back to the heart of the subject, the French legislators have adopted in 2005 a law titled “law for equal rights and opportunities, participation and citizenship of handicapped persons”. This law indicates the will of the legislator to improve the situation of disabled people in all domains of private life and life in society. It reinforces the “orientation law” in favour of the disabled people that was adopted in 1975 and which established then, the accessibility as a national obligation.

Then will you wonder, why a new legislation? How do we analyse it?

It is true that France has adopted since that date a legislative arsenal without equivalence in Europe. Unfortunately, the adopted legal set only established obligations for new buildings and public space. It excludes therefore the whole existing built environment. Moreover, the absence of any obligation for the equipment of collective transportation has considerably limited its impact on the everyday life of disabled people. We see very well how the application decrees have redefined and reduced the scope of the initial legal text. This conclusion could compare accessibility to a French gastronomy illustration, it is a bit like the “gruyere” cheese; it is good but with a lot of holes.

To these legal “voids”, one must also add the effects of a fragmented application, which above all obeys an administrative logic. So it will be possible to build a very accessible library & mediacenter, without having to tackle the fact that the street and the built environment will not enable everybody to reach the building. A disabled person can inhabit a well-designed housing, this person will not get out of it, because transport will not be accessible. These situations are numerous; I could give you many more examples.

Without minimizing the role of legal instruments and rules, the creation of a life environment which is accessible to all, also means that it is necessary to dismantle the institutional or administrative barriers. It imposes to set oneself an objective, so that the mobility chain does not reduce itself to a lot of broken segments.

It is precisely these inconsistencies and inconveniences that the legislation of 2005 is supposed to diminish or suppress altogether.

This new set of measures related to accessibility of the built environment, of transport and the access of new technologies is particularly innovative and ambitious in as far as it fixes the obligation of a result at certain dates. All buildings open to the public and all public services of collective transport must be accessible at the latest in 2015, in fact 10 years after the promulgation of the new law. Of course the application texts have not been published yet. They will need to define these obligations in details.

I will not go into the details of the progresses we register. Nevertheless, I would like to focus on a particular example that will maybe interest you and for which we have been very combative.

Indeed, the AFP has been mobilized and has obtained the inclusion among the obligations, of the concept of adaptability of collective housing: the issue is to include, from the concept of the building, spaces that will enable to make the building accessible some time or years after, when the situation – among others the economic situation – will be more favourable, and because the cost of equipment will have dropped.

It is among others, the case of lifts. We start from the idea that it is very difficult and costly (sometimes impossible) to install a lift in an existing apartment block. Moreover, for new buildings, it is impossible today to impose a lift for a construction of two or three levels. Therefore, we have obtained that, in function of the size of the building project, a space or a lift shaft be drawn and built to make the installation of a lift possible at a later date.

This way of working could also apply for existing transport infrastructure, such as underground train stations. By the way, I would like to mention the remarkable example of an operation of which the goal was to make the building accessible, and which is applying both technical innovation and non discrimination. It is the inclined lift installed in place of a stairs in a dual station (RER and metro) in Paris. The person in a wheelchair can use the same itinerary as all other travellers. We see that this equipment is used by senior citizens, people burdened by a lot of luggage or those with a pram and little children.

Public procurement

In a certain number of fields, among others in public transportation, the authorities have a specific responsibility in setting up good practices in terms of accessibility. Each year, they dedicate considerable sums of money to buying goods and services.

We are therefore convinced that public deciders, those issuing the calls for tender, have a major role to play, in order to start a decisive change of attitude in favour of accessibility. We support the idea that in the frame of public procurement, it is indispensable that the needs of all be integrated in the calls for tender and in public procurement as a whole.

To illustrate what I am saying, let us mention the creation of the new tramway lines in France (among other cities in Lyon, Paris, Caen, Bordeaux, Nancy, Montpellier, Strasbourg...). They demonstrate that this approach bears fruit in as far these accessibility parameters have been integrated at the concept stage of the projects and calls for tender.

I must say that the conditions of success were above all the good sensitivity of all actors (engineers and technicians, builders, politicians, entrepreneurs, trade unions, etc...) to the needs of the disabled, as well as a large consultation and “muscle” but constructive dialogue with all users, the associations disabled included.

For all these reasons, I believe that the introduction of the “access to everything by all” in the European directives on public procurement clearly answers the needs of our society.

Conceive for all citizens

It would be wrong to think that accessibility is only relevant to people with specific deficiencies, more particularly with motor handicaps. The challenge that accessibility represents, goes far beyond the needs of this population. This global approach must give each individual access to the goods and services open to all. They must be usable and understandable by all with the maximum autonomy possible.

If the environmental, the legal, technical or economic obstacles are identified, one should not underestimate the more vicious obstacles, among others the social representation of the handicap. What must be developed is a dynamic move giving access to all, which does not separate the “disabled” population with the “able-bodied” one, what would translate the idea that the benefits of accessibility are only there for a tiny minority of the population.

As a conclusion, I would say that we ought rather to move from a marginalized and specific point of view to a global approach, reaching the concept of a world for all. Accessibility must be extracted from the technical world and be lifted to the cultural level of society. Respecting legislation does not automatically mean that you've done enough.

Saying that is only paraphrasing the Madrid declaration of the European Forum of Disabled People in 2003:

Let us replace the present vision of the handicap by an approach which “*abandons the preconceived idea of deficiency as the sole characteristic of the person... to come to the necessity of eliminating barriers, revising social, political and cultural norms, as well as promoting an accessible and welcoming environment*”.

Thanks for your attention