



REPORT

# Dematerialisation of public services: three years later, where are we?

In the eyes of the law, we are all equal

**Défenseur des droits**

RÉPUBLIQUE FRANÇAISE

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# EDITORIAL

In France, public services play an essential role: they dictate access to rights, maintain the social link, and connect each and every person to the State. They are required to guarantee the equality of users, to ensure continuity of action, and adapt to their needs.

This therefore sounds obvious, and everyone can experience it: having access to public services is an essential condition for access to many fundamental rights such as the right to health, housing, education, justice, emergency accommodation, etc.

However, every day in our country, users are faced with the inability to carry out an administrative procedure, encounter a lack of response, struggle to get a hold of a contact person, or find a door closed. Almost one in four French people express the feeling of living in a territory abandoned by the public authorities.

Every year, over 80% of claims submitted to the Defender of Rights concern difficulties related to public services. In the offices of our territorial delegates, people show up, exhausted, sometimes desperate, expressing their relief at being able, finally, to speak to someone in the flesh.

Because the dematerialisation of public services - which has undeniable benefits, particularly for those who are comfortable with digital technology and are in simple administrative situations - has often been accompanied by the closure of local counters and thus the removal of any human contact.

Three years ago, my predecessor had already brought the issue to the forefront by publishing the report entitled, *Dematerialisation of Public Services and Inequity of Access to Rights* (*Dématérialisation des services publics et inégalités d'accès aux droits*).

Since that date, the public authorities seem to have become aware of the risks that many of our citizens face from dematerialisation at an accelerated pace. The effort to gradually reduce digital fractures has significantly increased.

But the flow is not drying up. On a daily basis, the Defender's delegates and lawyers continue to resolve ever-increasing numbers disputes, which are the result of digitization not suited to users' situations.

That is why we have continued to regularly alert public authorities of the shortcomings we see.

That is also why it was necessary for me to draw up a follow-up report on the inequalities in access to rights caused by procedures digitized at an accelerated pace. That is the purpose of this report, which takes stock of the developments - sometimes forward, sometimes backward - that we have observed in recent years and looks back on how the various recommendations made in the 2019 report have been acted on, or not.

As in the previous report, we wanted to highlight the specific difficulties faced by certain audiences. Protected adults and prisoners have not seen their situation improved. Foreign nationals are even more massively prevented from carrying out procedures that are absolutely necessary for their daily lives and respect for their fundamental rights. There are also significant difficulties encountered by the elderly - still often remote from digital - young people - less comfortable with the dematerialised administration than may be believed - and persons with disabilities - who still do not deal with accessible public services. Finally, digital procedures appear to be a sometimes insurmountable obstacle for socially uninsured persons, even though they are the ones for whom access to social rights and public services is vital.



But these audiences are not alone in encountering difficulties. Ultimately, the effects of dematerialisation concern us all. Because each of us may, one day, encounter an incomprehensible blockage in the face of an online form, fail to reach an agent, fail to resolve a problem, due to a lack of dialogue. But, above all, because Dematerialisation, as conducted so far, is accompanied by a systemic passing onto the user of tasks and costs that had previously been the responsibility of the administration.

Violating the principle of equal access to public service, this situation also threatens our social cohesion, our shared sense of belonging, and runs the risk of weakening democratic participation in all its dimensions.

This is not inevitable. The development of digital access to administrative procedures constitutes progress if it is accompanied by essential guarantees for all users, particularly the systematic maintenance of alternative access and the possibility of sufficiently close, competent, and available support. The development of digital inclusion, attention to the quality of online procedures and the reopening of public reception sites are undoubtedly encouraging elements. They cannot, however, constitute a guarantee of access by all to all public services.

By reaffirming the principles of public service - continuity, equality, and adaptability - there is indeed a way to make digital an asset for our country. I wish this report may help contribute to that.

**CLAIRE HÉDON**

The Defender of Rights



# INTRODUCTION

The acceleration of the digital transformation of the administration, particularly under the impetus of public action plan 2022, with the objective of moving to the total dematerialisation of the 250 “key” procedures for French people, has led to a profound change in the relationship with the user. Its risks were highlighted in 2019 in an initial report by the Defender of Rights entitled *Dematerialisation of Public Services and Inequity of Access (Dématérialisation des services publics et inégalités d'accès aux services publics)*.

The Defender of Rights recalled that, in a general context of restricting physical access to local public services, dematerialisation could be a lever for improving access for all to their rights.

However, relying on the numerous referrals submitted, the Defender of Rights observed how, by imposing the technological constraint of digital on those who are not adept at using computer tools, who do not have access to adequate equipment, who do not have access to broadband, who cannot master the complexity of procedures or administrative language alone, the digitisation of the administration could help to remove many users from their rights.

The institution also noted that, in the face of these new difficulties, persons with disabilities, protected adults, and prisoners were even more penalised. For example, in 2019, only 5% of public websites were accessible to persons with disabilities.

The Defender of Rights therefore warned of the effects of accelerated dematerialisation on our society, its social cohesion and access to rights, ignoring human relations, and above all the reality experienced by users.

In order to ensure that the dematerialisation was not suffered, particularly by the most deprived, and does not constitute a new barrier to access to rights, the Defender of Rights had sent 35 recommendations to the public authorities. The most important to avoid a deterioration in the situation of users was the retention of multiple public service access methods<sup>1</sup>, with the user having to be able to choose the most appropriate communication method for their situation when they interact with the administration. In this context, he also recommended the establishment of a local public service bringing together a representative of each social body, taxes and Pôle Emploi, in order to ensure a multi-channel and physical reception of the population.

Three years after that report, the Defender of Rights wanted to create a work to follow up on the effects of the dematerialisation of administrative procedures. This desire reflects the importance the institution places on the effectiveness of its action. But it responds above all to one finding: even though public authorities seem to have been sensitive to the institution's findings and recommendations, the number of alerts and complaints related to dematerialisation does not decrease, it's even increasing. Territorial delegates bear witness to increasing numbers of claimants, who are also increasingly desperate, sometimes even outraged, by the fate that the administrations inflicted on them. Many people do not understand what the administration is asking of them, nor how to provide it.

However, since 2019, many things have changed. The pandemic, and the measures taken by the public authorities in the context of the health state of emergency, have shown the extent to which digital relations have become essential to the country's social,

economic, cultural, intellectual and political life. The provision of digital tools and digital usage have both increased significantly. People are more equipped with smartphones (84%, or 7 more points since 2020<sup>2</sup>) and tablets (56%, or 14 more points<sup>3</sup>). Multiple internet access terminals now concern 73% of French people. The number of Internet users has also increased, with 85% of homes now equipped with the Internet.

The omni-channel culture, although still too infrequently implemented, seems to be gradually becoming part of the scope of the relationship with users. For example, it forms part of the guidelines of the 2018-2022 target agreement for the Family, Age and Health branches of Social Security, or those of the tripartite State-Unédic-Pôle Emploi convention for 2019-2022. The creation of Maisons France services which have since become “France Services Spaces” responds, at least on paper, to the need to create a local public service that provides access to several public services *via* general support for users. The Defender of Rights is also not unaware that an unprecedented major acceleration effort has been made by the State in favour of people experiencing digital vulnerability, with a large-scale digital inclusion plan<sup>4</sup> aimed, on both the deployment of infrastructures (very high-speed, fibre, increase in connection rate and connectivity) and on the detection and support of users experiencing difficulty with digital uses (digital advisors, France Services Spaces, digital Passes, Connect Helpers programme, etc.).

But despite this, recent works on digital exclusion phenomena estimate that there are some 13 million people experiencing difficulty with digital technology in our country, both now and in 2019,. The number of people left behind by dematerialisation is still just as high. The number of claims processed by the institution is also just as high.

To shed light on the situation, and this apparent paradox, the Defender of Rights has heard from associations that help users, local elected officials, administrations implementing

dematerialisation or inclusion policies, concerned persons, particularly people experiencing digital precariousness, and young people. A survey was also carried out with the 530 Defender of Rights delegates to question about the implications, from their point of view, of dematerialisation on the relationship of users to administrative procedures and on the evolution of submissions and requests for intervention. The analysis of the numerous referrals questioning the processes of dematerialisation that it continues to receive, as well as the existing research work on this subject, were also mobilized.

The Defender of Rights supports the development of digital technologies in the relationship between administration and users if that facilitates access to rights for all. Because the relationship between administration and users is not of the same nature as the relationship between a customer and a company: users do not have the freedom to use the public service, they are forced to do so, either by law, or because their resources and their life balance depend on public services. They have no alternative, except renouncement and non-recourse. This is the basis, in the face of such rights, of the main principles of public service – equality, continuity and adaptability – which are essential to administrations.

Three years after the first report, and despite the public policies undertaken, the Defender of Rights’ concerns were largely realized.

The quality of the dematerialised sites and procedures, ranging from taking into account all situations of users to the use of appropriate ergonomics and terminology comprehensible by everyone, now alone behind their screen, always suffers from considerable shortcomings. Millions of users simply do not have access to dematerialised procedures, due to a lack of internet coverage of sufficient speed, despite progress on this front, due to a lack of equipment or a connection, a lack of ease with computer tools, a lack of understanding of what is

expected of them by the machine. Some people who were previously able to carry out their procedures alone are no longer able to do so. If the furthest removed from the digital world suffer the most, everyone may be concerned from time to time. Finding oneself in difficulty to carry out a dematerialised administrative procedure to its end is an experience that has become commonplace, to obtain administrative documents, a simple car registration for example, social security benefits of any kind, mobilising tax systems such as “my Prim’renovationMa prime rénov’ (My Renovation Bonus)”, to comply with the obligations imposed by such or such a system, such as unemployment benefits.

As in 2019, certain specific populations remain structurally penalised by the development of the digital administration. This is the case for persons with disabilities, for whom the accessibility of too many public sites is still lagging. The same observation prevails for those in custody, while they are, like everyone else, faced with the need to carry out administrative procedures, and for people in precarious situations, for the elderly, and for protected adults.

The digital inclusion policy conducted since 2018 does not currently help to address these challenges, because it is still too recent, but also because it has shortcomings.

The digital transformation of administration, as it is conducted today, and the digital inclusion policy that accompanies it, involve a transformation of the user’s role in the very production of the public service: they become the co-producer in spite of themselves. It is up to them to equip each other, to inform themselves, if necessary, to be trained and, therefore, to be able to carry out their procedures online, while responding to the “canons” established by the administration: understanding the challenges of the procedure, the administrative language, not making any error at the risk of being unable to access their rights. On the shoulders of the user or their “carers” now lie the burden and responsibility for the proper functioning of

the procedure. In fact, users are being asked to do more so that the administration can do less and save resources.


In addition to the matter of principle caused by this insidious shift, not all users are able to do more, and they won’t be able to do so for a long time. For many, this outsourcing of administrative tasks creates an additional, sometimes insurmountable, barrier, to accessing their rights. It is also costly, even if this cost is never assessed, for caregivers, family, friendly, associative, social workers, public service agents, local authorities, who are carry out procedures online with or for users in difficulty. Lastly, one cost is a waiver of some of the rights they should benefit from and in feelings of abandonment experienced by some of the population.

In this context, inclusion and user support systems are essential, particularly for the most troubled people. But such schemes alone cannot, unless one believes that in a few months or years all users will be autonomous and connected, “transform” users into users useful for administration. However, the dematerialisation of procedures is already largely a reality and everything indicates that more and more procedures are called upon to be dematerialised.

Therefore, and despite progress and political will to improve things, the Defender of Rights can only reaffirm what was written in the 2019 report: dematerialisation will not be a lever for improving access to rights for all if “*the collective ambition comes down to offsetting the disappearance of public services in certain territories and favouring a budgetary and accounting approach.*”

*Even if one feels that this profound transformation of the relationship between users and public services can take place at an accelerated pace, without accounting for the very real difficulties of a part of the population.”*





In this report, the Defender of Rights proposes ways of helping to ensure that dematerialisation is for the benefit of all users, not to the detriment of some of them.

Of course, it is also necessary to strengthen the effectiveness of the digital inclusion policy, to make it of its time, to give it the means and visibility, to improve the quality of dematerialised procedures. Many measures are being proposed in this direction, particularly for the populations currently most penalized by dematerialisation.

But above all, it is proposed that the perspective be reversed, offering users the opportunity to actually choose their modes of interaction with the administrations, so that the public service can adapt to the needs and realities of users and not the other way around. That would mean a return to the foundations of public service and revitalizing its main principles of continuity, equality, and adaptability.

The dematerialisation of administrative procedures would thus be an additional and non-substitutive offer to the counter, paper mail, or telephone. It would also be a sign of real confidence in the gains it can bring to improve access to rights for all. It would make it possible to think about the organisation of public services, not based on the expectations and priorities of the administrations, but based on the actual situation of the people, which must be recognised and taken into account, in all its complexity.

The digital transformation of administrations is only sustainable if it is included in a much wider and more demanding ambition, that of an administration that is fully accessible to all and has the responsibility that everyone must have access to their rights.

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PART I

# DIGITAL INCLUSION AND QUALITY OF PROCEDURES: MIXED PROGRESS

In 2019, the Defender of Rights alerted the State and public officials to the following two imperatives: firstly, implementing an ambitious, consistent, and long-term policy to support users in difficulty with the digital transformation of administrative procedures; secondly, solving the many technical problems and correcting the design defects which constituted all obstacles to access to dematerialised procedures for all.

Once shoved onto the back burner of quantified objectives for rapid digitisation of the administration, such issues have been taken into account more in the discourse of public authorities in this area. In recent years, this has resulted in the implementation of many mechanisms aimed at strengthening the mastery of digital technologies in the population and, for others, improving the accessibility and simplicity of the most frequent procedures carried out on the Internet.

Despite this awareness and obvious progress made, these initiatives do not appear likely to overcome all the difficulties. In addition, the tools for monitoring the "quality" of online procedures have not yet ensured the proper functioning of all public sites and apps. Lastly, and more deeply, the overall logic of these responses comes down to passing the burden onto the user, even today, of adapting to the digital transformation of public services.

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## 1 INVESTMENTS HAVE BEEN MADE TO IMPROVE DIGITAL INCLUSION AND SERVICE QUALITY

The possibility of being an independent player in one's online administrative life supposes that several cumulative conditions are met: having (or at least having access to) functional computer equipment (computer, printer, scanner), having a sufficient connection to interact with public sites and sending and receiving attachments, mastering the operation of the main browsing and communication software on the web, finally, the ability to understand what is expected of the user in the context of administrative procedures.

Over the past few years, the State has put in place many systems to support users in difficulty and to measure and improve the quality of digital services. It has also invested to expand the opportunities for real access to a sufficiently high-quality Internet to carry out its online procedures.

### 1-1 CONTINUING TO COVER THE TERRITORY WITH INTERNET ACCESS

Compared to the observations made in the previous report, which focused on the difficulties for users living in "dead zones", improvements can be seen with regard to network coverage and internet connections, with the roll-out of very high-speed and fibre lines, and an increase in connection and connectivity rates.

As for mobile coverage, the agreement between the State and the telecommunications operators, known as “Mobile New Deal”<sup>5</sup>, has significantly improved the territory’s digital coverage: by integrating overseas territories, going from 72.7% in 2017 to 85.4 % in 2021, i.e., an increase of almost 13 points in just four years. Of the 2997 sites for setting up new towers notified by the State to the operators, 762 are now in service. 97% of the surface area of metropolitan France is covered by at least one mobile operator using 4G.

Access to fixed broadband was also improved, despite delays related to the pandemic: as of 30 June 2021, 27 million premises were eligible for fibre, with a target of 32 million in 2022<sup>6</sup>. In 2022, 87% of households should be eligible for fibre, and 100% in 2025.

With regard to subscriptions, in the third quarter of 2021, 13.4 million people<sup>7</sup> (+ 4.1 million in one year) are reported to be subscribed to fibre service. This accounts for 76% of very high-speed Internet subscribers (+9% in one year) and 46% of households eligible for fibre, according to the Observatoire des marchés des communications électroniques en France of Arcep, the telecom regulator.

Lastly, the number of Internet users has increased overall since 2019 in all categories of the population, with certain categories catching up significantly (between 2019 and 2021, +12 points of Internet users among sexagenarians, +11 points for those without diplomas, +8 points for low income people<sup>8</sup>).

## 1.2 NEW LOCATIONS AND NEW PROFESSIONALS TO SUPPORT USERS IN DIFFICULTY

At the same time, the user support effort resulted in the transformation of Maisons des services au public (MSaP) into France Services Spaces. The creation of this label makes it possible to respond to one of the recommendations of the previous report by the Defender of Rights, which recommended the creation of a local public service bringing together one representative from several public services to provide general support to users.

The France Services Spaces, most often in the form of “homes”, sometimes travelling buses, are part of a logic of restoring the presence of counters and physical reception of users, at the expense of the idea that the public service relationship could be fully dematerialised. Their primary objective is to allow a certain number of simple procedures to be carried out directly on site, in conjunction with the partner departments (Ministry of the Interior, Justice and Public Finance, organisations from the various branches of social security, Pôle Emploi and La Poste) and to resolve the problems that users submit to them immediately, if possible. This presupposes that the agents responsible for receiving users can help them concretely in their efforts, thus constituting an entry point that can replace the digital procedure autonomously.

### FOCUS

#### DIGITAL INCLUSION: WHAT DOES THAT MEAN?

It is a process that aims to make digital media accessible to each individual and to transmit to each individual the digital skills that will be a lever for their social and economic inclusion. This process involves the establishment of a set of policies aimed at leading to the creation of an inclusive information society, which can benefit all without excluding anyone from the means of exercising their citizenship.

In 2005, the European Commission proposed a definition of digital inclusion: “e-inclusion is merely social and economic inclusion in a knowledge society.” From there, it drew two main challenges: “the effective participation of individuals in all aspects of a knowledge society (...), [and] the way in which information and communication technologies contribute to increasing the participation of all in society”.

As part of the French recovery plan<sup>9</sup>, 908 million euros have been earmarked to accelerate the digital transformation, 250 million of which are dedicated to digital inclusion<sup>10</sup>.

This plan has enabled the implementation of devices such as the France services digital advisors<sup>11</sup> which are intended to raise awareness of the challenges of digital technology for users and to support them in their on-line administrative procedures. After nearly four months of training, these advisors will not only intervene in town halls, in libraries, France services houses, retirement homes and nursing homes, social action centres, and local associations, but also will hold travelling offices, particularly in rural areas.

The Connect Helpers tool is consistent with this same logic. Led by the National Agency for Local Cohesion (Agence nationale de la cohésion des territoires), Connect Helpers will allow, after its roll-out<sup>12</sup>, authorised professional caregivers, via a France Connect identification system, to carry out administrative procedures online in a legal, secure manner on behalf of people experiencing difficulty with digital tools.

The support of users has also resulted in the desire to give them the capacity to be autonomous in their digital activities - for administrative procedures but also, more broadly, for all interactions that now often involve digital technologies (job searches, interactions with private services, etc.).

Created on an experimental basis in 2018 as part of the national plan for an inclusive digital network before being rolled out in the field starting in 2019, the Digital Pass is intended to be a structuring mechanism in this area<sup>13</sup>. Modelled on the restaurant ticket, the *Digital Pass* corresponds to a cheque book with a unitary value of 10 euros, which allows its beneficiaries to register free of charge for support workshops and/or digital training in pre-qualified “APTIC” locations (fablabs, digital public spaces, third-party places, coworking spaces, France services, infolabs, media libraries, etc.). The distribution targeted

by prescribers (communities, CCAS, public institutions, companies) has made it possible to bring together vulnerable audiences in qualified places, with the aim of enhancing the skills acquired and not focusing on deficiencies.

Lastly, in all procedures aimed at improving the support of users, the public authorities promote “go-to”.

## FOCUS

### “GO-TO” : BEYOND RESPONDING TO THE REQUEST

The political scientist, Philippe Warin, an expert on non-recourse issues, who led a working group on the topic of “go-to” as part of the National Strategy for the Prevention and Fight against Poverty, defines this approach as follows: *“Go-to is should be understood as an approach that is beyond any social intervention, whether it is reception, diagnosis, prescription, support. This approach breaks with the idea that social intervention would systematically follow a request made. It makes it possible to integrate into practice situations of non-demand of certain audiences (not only vulnerable people) and engages stakeholders to be pro-active, in order to connect with such audiences.”*

“Go-to” is designed and championed as an approach to combating the non-recourse of a portion of the population who, despite having rights, does not claim them, including (but not only) because they experience difficulty with digital technology.

Some users in a situation of digital vulnerability testify to the fear of going to institutional locations in order to benefit from support (City Hall, CCAS, CAF (family benefits), administrative department, etc.). Others, especially those who were autonomous prior to the development of dematerialised procedures, do not wish or do not have the reflex to travel to places where they could be supported. Lastly, others, do not have easy access to support services or public services.

The development of France services buses is an example of a "go to" initiative.

The Defender of Rights welcomed the extension of this system announced at the 3<sup>rd</sup> Interministerial Committee on Rural Life on 24 September 2021.

Another example, in Brest, more than a hundred PAPI (public Internet access points) have been installed as close as possible to the inhabitants in the ordinary places they attend and supported by stakeholders of public service and local life: libraries, district town halls, socio-cultural facilities, associations, etc. One PAPI was even installed at the public showers in order to enable people without a fixed home to have access to the tools and support of the digital system.

### **1-3 RENEWED ATTENTION TO THE "QUALITY" OF DIGITAL SERVICES**

In addition to the levers mobilised for digital inclusion, a comprehensive approach to improving digital service quality was announced on 13 October 2017, as part of the launch of the Public Action 2022 plan, one of the objectives of which was to promote the transition *"from a culture of control to a culture of trust (...) by working to simplify and digitise administrative procedures"*<sup>14</sup>.

The new inter-ministerial digital directorate (DINUM)<sup>15</sup>, created in 2019, particularly to contribute to the development of a more efficient management of dematerialisation schemes and the promotion of a more inclusive "design", is positioned as a player in improving the quality of all digital public services. It contributes to it through the "Quality Observatory of Online Procedures (Observatoire de la qualité des démarches en ligne)"<sup>16</sup>, which makes it possible to monitor, according to various indicators (simplicity, accessibility, satisfaction, etc.) the evolution of the 250 administrative procedures most often carried out on the Internet.

In addition to this change of organisation, several innovative tools aim to collect the opinion of users in order to take them into account in the design or evolution of public sites: the "Public Services+"<sup>17</sup> programme, designed to identify the difficulties encountered by users in carrying out their procedures, the opening of the "voxusagers.gouv.fr"<sup>18</sup> and "Oups.gouv.fr" sites<sup>19</sup>, the integration of the "I'll give my opinion" button at the end of an administrative procedure to gather the user's feedback, the creation of the Digital Solidarity telephone platform<sup>20</sup>, which aims in particular to provide daily responses to the digital issues of citizens, the Pix<sup>21</sup> platform, or the deployment of Territorial Hubs, which are intended to structure the actors of digital mediation on an inter-departmental scale, etc.

These public efforts and investments reflect a rather recent awareness of the need to support the digital transformations in society, particularly in the public service relationship, and as such, they must be broadly welcomed. However, they are not enough, obviously, to fill in all the digital "fractures" or to ensure equal access for all to public services, with or without digital technology.



## 2· IMPLEMENTATION HAS SIGNIFICANT LIMITS

The strategy adopted by the State starting in 2018<sup>22</sup> to facilitate access to online procedures is based on an accelerated deployment of infrastructure and on a logic of detecting and supporting users in difficulty. In addition to these guidelines, the will to improve the quality of the dematerialisation processes and the pathway of users. Concerning these various aspects, the Defender of Rights notes that the difficulties persist.

### 2·1 HIGH-SPEED INTERNET COVERAGE STILL IMPERFECT

As has been seen, on the deployment of infrastructure, the progress made since 2019 is significant. However, the initial objectives have not been achieved and, despite the State's willingness, will not be achieved immediately. An even large number of users do not have access to an internet connection of sufficient quality to carry out their procedures. Disparities persist between territories. Regarding fibre, the barometer of the results of the public action published in January 2021 shows that a fracture remains between urban and outlying areas (coverage rate approaching 80%), and rural and mountain areas (around 30%).

The associations interviewed also indicated the continuing difficulties for people in precarious situations and the structures that support them in certain rural and overseas areas. These territories are still penalised by an insufficient Internet network. Public or association stakeholders, who practice the "go-to" approach must therefore often have 4G keys subscribed at their own expense with the various operators in order to be able to intervene. The lack of coverage of the broadband internet network has consequences for users' access to their rights. One association stakeholder consulted in the preparation of this report indicates, for example, that, in the context of experimenting with the dematerialisation of

summonses and decisions of the Director of OFPRA [French office for refugees and stateless persons], some structures in Brittany hosting asylum seekers had insufficient network coverage for them to be able to carry out their procedures online.

More frequently, due to the lack of connections in rural areas, several farmers have petitioned the Defender of Rights in recent years about the difficulties they have encountered in their efforts to obtain the payment of aid to which they are eligible.

Faced with exclusively dematerialised procedures, with no possibility of alternative by mail, these users find themselves powerless, and several of them were deprived of access to a public service and have not been able to assert their rights.

### 2·2 DEMATERIALISATION PROCESSES THAT REMAIN UNSUITABLE

With regard to the reliability of the dematerialisation processes carried out by the administrations, certain difficulties reported in 2019 are still verified. In particular, the cases dealt with by the Defender of Rights once again show that certain digital procedures do not take into account all the situations provided for by the legislation.

In such cases, digital technology only offers degraded access and constricts users' rights.

This is what we observe with some rights simulators, though they are supposed to fully reflect the rule of law and allow individuals to access the benefits to which they are entitled. The Defender of Rights has, for example, been submitted a claim highlighting deficiencies in some pension simulators.

**MISLED BY THE PENSION SIMULATOR**

Mr. XX, an active civil servant, is assigned to the National Centre for Territorial Civil Service (CNFPT). The interested party, born in 1960, a parent of a disabled child, asked the National Pension Fund of Local Government Employees (CNRACL) for an estimate of his future retirement pension, wishing to retire at age 65, the date on which he should be able to prove an insurance period of 163 quarters.

For staff born in 1960, 167 quarters of contributions are required to receive a full-rate pension. The estimate provided to the claimant, who therefore simulated an incomplete pension rate, was incorrect however, since it did not take into account the provisions of Article D. 13 of the French Code of Civil and Military Pensions (CPCMR), providing for a cancellation of the discount at 65 years of age for employees benefiting from at least one quarter for the increase in the insurance period related to the care of a disabled child. In accordance with these rules, Mr XX may, subject to subsequent changes in his situation, receive a full-rate pension at age 65. Since this rule is not integrated into the parameters taken into account by the CNRACL calculation software, this agent was provided with erroneous information by his employer, which is not without consequence on the conditions under which he is able to assert his pension rights.

Similarly, the Defender of Rights has been petitioned on several occasions for difficulties encountered by persons with dual paternal or maternal parentage, who were unable to enter their civil status, with the CNI/Passport pre-request form only allowing them to fill in one “mother” box and one “father” box. The Defender of Rights has successfully asked the ANTS to amend the form by providing for the possibility of indicating two fathers or two mothers.

**RELATIONSHIP: THE FORM WAS NOT UP-TO-DATE**

One association was petitioned by several same-sex parent families encountering difficulties in entering the dual maternal or paternal parentage of their children in connection with requests for French ID certificates on the website of the Agence nationale des titres Sécurités (ANTS). The pre-application form for a French ID document to be filled in on the ANTS website requires that information concerning the civil status of the mother and father be entered at step 3, without allowing the possibility of entering the identity of two same-sex parents. Petitioned by that association, the Defender of Rights has asked the ANTS to amend the form, recalling that Act No. 2013-404 of 17 May 2013 opening up marriage to same sex couples, also opened the way to adoption by same-sex married persons. Henceforth, a child can therefore have a dual maternal parentage or a legally established paternal dual paternal parentage. The Director of User Services and Quality of the ANTS replied that the proposal to allow the user to choose the term “father” or “mother” for each of the identities mentioned under parentage, had been accepted. Following the intervention of the Defender of Rights, the form was amended so that a user can indicate either the existence of a father and mother, two mothers or two fathers, and work will be undertaken to update the forms used to file applications for ID cards.<sup>23</sup>

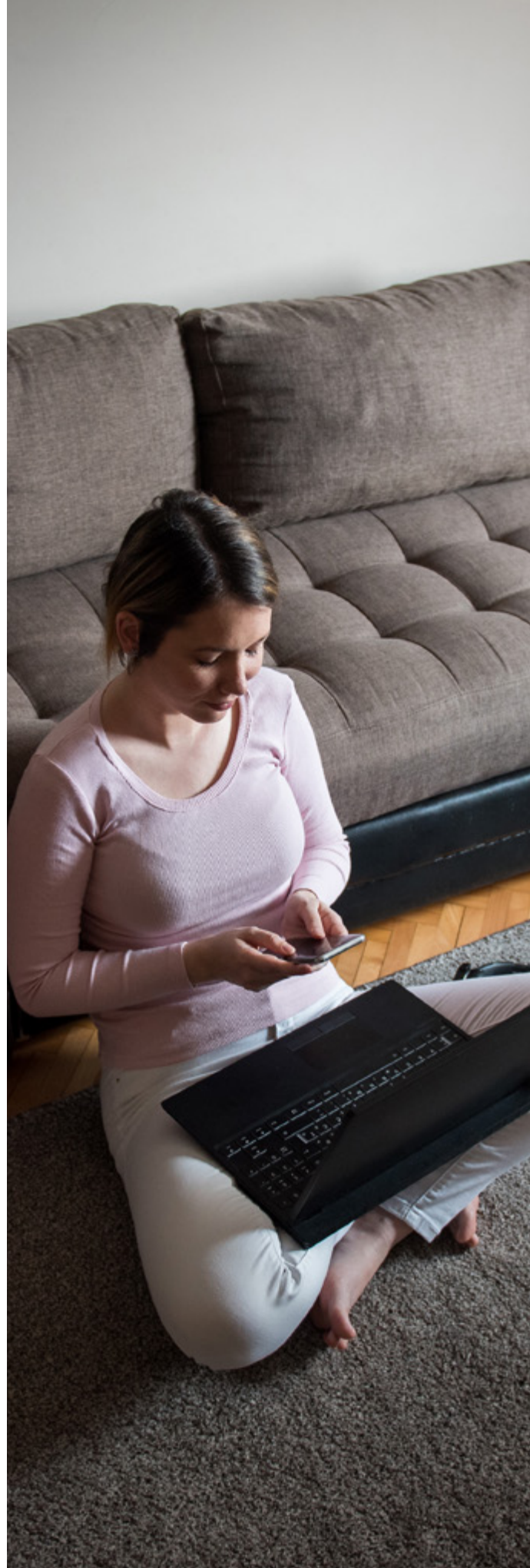
The Defender of Rights has also been petitioned with the failure to adapt the online application form for a copy of the birth certificate held by the central civil records office. That office does not take into account the situation of Kafils who request the full copy of the birth certificate of the child they collected by Kafala.

### THE KAFALA WAS NOT PLANNED

Ms. X petitioned the Defender of Rights following the refusal by the Central Civil Records Office (SCEC) to issue her full copy of the birth certificate of the child born abroad and which she had collected by Kafala, on the grounds that her capacity as a third party would not allow her to obtain the full copy or extract with parentage of the child's birth certificate (whereas she has full authority). During the investigation of this case, the Defender of Rights noted that the online birth certificate copy request form did not provide for the situations of Kafala.

In response to this difficulty, SCEC replied, by letter dated 15 June 2021, that *“previously, (...) this form provided a clarification in the event of simple adoption but had not provided for the hypothesis of Kafala (...) since the issuance of copies of SCEC documents through the establishment of the Register of Electronic Civil Records (RECE), on 12 March, the procedure is simplified for users since the legal representative can now identify themselves as authorised representative/guardian and directly attach supporting documentation when applying online on the service-public.fr website”*.

Since October 2021, the CAF (family benefits funds) have changed the terms and conditions of access to the “My Account” personal area accessible via the *caf.fr* website or the CAF mobile app since October 2021. The *permanent* Social Security number (or identification number in the national physical identification directory - NIR, which starts with 1 or 2), is now the identifier of the recipients and applicants, who must use it to log in and create a secure password. However, people who only have a *temporary* Social Security number (starting with 7 or 8) cannot log in. The problem also affects people who are not yet recipients, who wish to create an account to make a new request.



Therefore, while they are told to use dematerialised procedures, the many people who only have a temporary Social Security number are unable to access the “My Account” personal area to make a request for a benefit, update their situation with the Fund or send their declaration of resources necessary to maintain the payment of certain benefits.

Alerted by several associations and in particular the network of the Federation of Actors of Solidarity (Fédération des Acteurs de la Solidarité), CNAF has put in place a mailing operation available to CAF offices who would like to send by mail a number starting with 1 or 2 to the users and enabling them to connect to their personal account. They also have the option to contact the CAF office by telephone at 3230 (toll-free number) in order to be provided with receive this number.

While the information seems to have been widely transmitted by the CAF offices to the associations, the Defender of Rights warns of the risk of infringement of users' rights, particularly when they are asylum seekers or recently admitted to international protection, and the risk of inequality between users who benefit from the support of social workers and those who, carrying out their own procedures, would not be informed of the alternatives put in place by the CAF offices.

### **2.3 FOLLOW-UP ON THE QUALITY OF SERVICE THAT BYPASSES THOSE WHO ARE MOST IN DIFFICULTY**

The development by public authorities of measurements of the quality of services and the satisfaction of users of dematerialised services is an approach that must be welcomed.

However, the measures put in place have a limitation that seriously distorts the analyses that can be made of their results: in most cases, they collect the opinion only from those who manage to connect, or even to carry out the procedure as a whole.

Thus, if the observatory of the quality of online procedures gives a rate of satisfied users for each of the 250 flagship procedures of the State, the data are collected from internet users sufficiently experienced to undertake them online, which *naturally* excludes the people most removed from digital from the scope of the survey.

The same applies to devices aimed at involving users and collecting their opinions, “Voxusagers” or “Public Services +” which are poorly known and are not, in fact, intended for people most removed from digital<sup>24</sup>. The main instruments put forward to assess the quality of the dematerialisation processes are themselves dematerialised.

Those who do not have access to digital, for whatever reason, such as those who fail to go to the end of the dematerialised process, or who abandon the process, exist, indeed, their opinion, probably more critical, no less deserves to be taken into account than that of the most adept users.

#### **FOCUS**

#### **“I’LL GIVE MY OPINION” ... IF I’M SUCCESSFUL!**

The “I’ll give my opinion” button, which allows the inter-ministerial digital directorate to draw up satisfaction indicators for users of many online procedures, is accessible... at the end of the process only. So, those who did not manage to get to the end, and whose opinion would probably be more mixed, do not have access to the assessment tool. The figures from this system suffer from the “survivor bias”, well-known to economists and military personnel.

## 2.4 A MULTI-CHANNEL APPROACH THAT IS NOT DESIGNED AS THE STANDARD

In 2019, the Defender of Rights had shown, through testing, that in many cases, telephone calls from users experiencing difficulty in carrying out their on-line procedures, particularly in the absence of equipment or connections, were sent to the website of the administration in question. Since this type of study has not been repeated, many interviews with association structures, as well as the testimony of the Defender of Rights' delegates, enables us to observe that difficulties in this area remain.

Above all, some procedures still do not provide a real alternative to the online procedure. This is the case, for example, with appointments to renew residence permits discussed earlier in the report<sup>25</sup>. This is also still the case with the procedures concerning driving licences and registrations, which had, in particular, led the Defender of the Rights to draw up its 2019 report.

However, the Ministry of the Interior is not the only one concerned. Over the past few years, the Defender of Rights has repeatedly been led to deal with complaints from users who fail to carry out procedures which the public service required to be done electronically. These situations characterize a break in equality before the public service, create a sense of relegation or even exclusion for those who suffer them, and help to undermine our social cohesion.

### UNMANAGED STOPPING POINTS: THE VICTIMS OF DEMATERIALIZED RAIL

Taking into account the difficulties encountered by users in buying train tickets, due to the removal of counters in the stations and the closure of the stations themselves, the Defender of Rights notes<sup>26</sup> that the transformation of a growing number of stations into "Unmanaged stopping points"<sup>27</sup> (PANG), i.e., stations where passengers

cannot buy tickets before travelling on the train, prevents some users from obtaining a transport ticket before they climb aboard the train, particularly those who are not equipped with a smartphone. In some cases, on board the train, users are charged a fare higher than the purchase price of the ticket offered at the station or online, or even are the subject of an immediate offence report, which reflects a logic of suspected fraud.

In this context, the absence of an alternative to the purchase of dematerialised tickets therefore entails particular difficulties for users residing in dead zones or "grey" zones - and seems likely to aggravate pre-existing territorial inequalities - as well as for certain users with disabilities.

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Moreover, other administrations are now taking steps to impose exclusively dematerialised procedures on their users; in addition to the difficulties that people who have Internet access and who master the use of the Internet may encounter in the event of a technical problem, this imposed digitisation may lead to phenomena of non-recourse or exclusion of schemes, in those who are not able, for one reason or another, to go through the Internet to carry out the procedure in question.

This is the case of aid such as "My Renovative Bonus", implemented from January 2020 by the National Housing Agency (Agence nationale de l'Habitat - ANAH) to expand the number of households eligible for a public subsidy to improve the energy efficiency of their housing - where the Ecological Transition Tax Credit mainly concerned the most affluent households. Despite a target audience located in the least favoured segments of the population, the choice was made to use an exclusively digital procedure for producing aid applications. While the Defender of Rights' office is regularly petitioned by claimants who encounter a difficulty with the digital interface, it can only worry about the situation of the most precarious households who fail to initiate



the process themselves due to lack of Internet access or mastery of digital tools.

In addition, some authorities seem to require their users to carry out dematerialised procedures... including with regard to third parties. In fact, in early 2022, the Defender of Rights was referred the situation of a job seeker removed from the lists by Pôle Emploi which called into question the seriousness of his job search procedures, on the grounds that his application letters were not sent electronically but only by registered letter.

According to the provisions of the Labour Code, the jobseeker “is required to perform positive and repeated job search actions” (Article L. 5111-6).

Such a requirement for digital applications, which the press has been able to echo, and if it were to be confirmed, would be likely to violate the legal provisions by creating obligations not provided for by legislation. In addition, since the jobseeker had already demonstrated having carried out “positive and repeated job-seeking actions” by providing proof of sending application letters, going as far as looking into what means they had been transmitted could appear to be an invasion of the job seeker’s right to privacy, which should be questioned as to the proportionality.

#### **NO CAP ASSISTANCE WITHOUT ELECTRONIC SIGNATURE**

In spring 2020, Mr X, a farmer who no longer has a computer, goes to the Agriculture Chamber of Y to make his CAP declaration. However, it was closed to the public due to the lockdown due to the COVID-19 pandemic. Mr X therefore had a telephone conversation with a CAP declaration manager within the Departmental Directorate of Territories and the Sea (direction départementale des territoires et de la mer - DDTM), who was able to register his declaration by telephone. Noting in November 2020 that no payment had been made, he approached the DDTM, which told him that his declaration had not been validated because it lacked its electronic signature.

However, the DDTM agent should have, if not done it himself, informed Mr X, either verbally, immediately when he was contacted to draw up the declaration, or by mail, within the statutory validation deadlines provided for by Community regulations. The claimant was therefore penalised by being forced to apply for CAP aid online when he should have been able to benefit from an alternative by mail, which would have prevented him from any disputes with the administration.

After the intervention of the Defender of Rights to the Minister of Agriculture, it was decided to pay Mr X, through a settlement, an amount equivalent to that of the CAP aid that he should have received for the 2020 campaign.

#### **2-5 PHYSICAL RECEPTION SCHEMES FOR USERS THAT DO NOT COVER ALL NEEDS**

When they require a dematerialised approach to access their services, some administrations are making the effort to offer additional physical reception, which is not, strictly speaking, an alternative to a digital referral, but which represents a service to support the completion of online procedures. This is what the Ministry of Interior, following the “Next Generation Prefectures (Préfectures nouvelles génération)” plan, resulting in the dematerialisation of many procedures, has put in place with the “digital reception points” (PAN) in the prefectures and sub-prefectures of each department, including in the Overseas Territories, which are, as a rule, equipped with computers, printers, scanners and digital mediators to assist people with their procedures.

As in 2019, these mediators are not competent on the merits of the files, and their support ends with providing support for the use of IT tools. Some of these points, closed during the lockdown of spring 2020, only gradually reopened their doors.

Access to this service is now by appointment. If some prefectures provide for the possibility of making an appointment by telephone, others ask the user in difficulty to make an appointment...using the internet. After six, or even seven steps (if one counts “the acceptance of the terms and conditions”) the user experiencing difficulty with digital may have access to an appointment...

More generally, in 2019, the Defender of Rights recommended the creation of a local public service bringing together in each territory a representative of each social body, taxes, Pôle Emploi, a social worker, and a digital mediator to provide generalist and quality support for the population, particularly the most fragile. The scale of implementation of the new scheme could be adapted according to the needs of the territories.

The creation of France Services Spaces is probably a form of response to this recommendation, after many waves of reducing the presence of public service counters in the territory.

However, it is still a very young system, which is still being rolled out, with a target of 2,543<sup>28</sup> labelled sites (compared to 1,745 at the end of 2021) by the end of 2022. In the long term, its relevance and effectiveness will certainly depend on several factors: the sufficiently fine networking of the territory, the quality of the training, and the employment framework enjoyed by the host agents who are in contact with the users, the consistency of the commitment of partner institutions, the sustainability of financial support. There are so many questions to which cannot yet be answered at this time.

Several warning points can now be taken seriously.

On the one hand, on the implementation strategy; for the many associations interviewed by the Defender of Rights, the development of this offering of multi-service counters still lacks consistency.

Thus, dead zones or grey zones are not taken into account in the choice of locations for the France Services Spaces. According to the Association of Rural Mayors of France, also interviewed, the establishment of such spaces within each canton is not adapted to the reality of the needs of users residing in rural areas, since the living area is the most suitable space for the implementation of this programme<sup>29</sup>.

Some territories whose population is the target of this scheme are still not covered<sup>30</sup>. In low-density territories, the issue of remoteness is crucial: the public transport offering is reduced, the car is the only option for getting around, which further restricts the mobility of the ageing or in economically difficulty (young, job seekers), who are also those who use digital less and particularly need access to public services.

Despite the development of this programme and the extension of the “France services” bus system announced at the 3<sup>rd</sup> Interministerial Committee for Rural Life on 24 September 2021, the feeling of living in a territory abandoned by the public authorities continues: 31% of citizens who already consider themselves poor and 36% of those who fear that they may be living in territory abandoned by public authorities<sup>31</sup>. Paradoxically, we also note the small number of France Services Spaces in some major cities, which however have a large number of precarious or elderly people.

On the other hand, the added value of the service offered by these reception sites will also depend on the policies conducted by the partner organisations (public administrations, social security funds, etc.): if these public services rely on this new system to continue or even to accelerate the dematerialisation of their procedures and the closure of their counters, it is feared that the France Services Spaces will not be able to make up for the legal breaks experienced by an increasing number of users. However, in some administrative departments, the associations already report to the Defender of the Rights that social

security organisations refuse to take on part of the procedures at their counters and refer the policyholders to France services, or even, in some territories, still close counters, counting on France services to take charge of the relationship with the user.

## **2-6- A POORLY KNOWN AND UNCLEAR DIGITAL INCLUSION OFFERING**

The hearings conducted for the drafting of this report and the observations made in the field by the delegates of the Defender of Rights all mention the lack of knowledge by users of the support schemes, including the local public service offering, France services, although the latter was the subject of a national communication campaign during the second quarter of 2021.

This lack of knowledge of the schemes is not unrelated to their multiplication. A large number of stakeholders, local authorities, state services, social security organisations, associations, commercial companies, develop support tools on various scales, with diverse target audiences, services and variable approaches. In theory, this multiplicity of services is of interest to give users many entry points, or even to find services adapted to their personal situation. It also allows the emergence of remarkable initiatives<sup>32</sup>. In practice, it presupposes that users are closely supported in order to be able to find themselves there and do not guarantee equal access to the services offered to all. Even some social support professionals find it difficult to know which is the right simulator or the right training, or the right contact person, what service is actually rendered, to ensure its relevance or quality.

In particular, difficulties are reported for the Digital Pass. In March 2021, in the section of its annual public report on the former Digital Agency, the Court of Auditors took a harsh view of the system: “The feedback from the first roll-outs of the Pass is currently unconvincing, with the partners encountering

difficulties in defining the target audience and actually reaching it<sup>33</sup>”. According to the information provided by the executive authority, prescribers could purchase up to 2 million Digital Passes. To date, 600,000 have been purchased and only 100,000 actually used by users, in order to complete training. Each user can receive between 5 and 10 cheques (i.e., 50 to 100 euros for training). Between 10,000 and 20,000 people have, since 2019, actually benefited from this mechanism.

These figures correspond to the findings of the Defender of Rights’ delegates, who report that few Digital Passes were effectively distributed, particularly due to lack of knowledge of the system, the difficulty in identifying the structures labelled to use the “Passes” constituting one of the obstacles to their circulation by the actors responsible for distributing them. Moreover, social workers do not have all the information on this system and are not trained in assessing the digital skills and needs of the people they support. When questioned, the ANCT confirmed the difficulties pointed out by the operators in the field: it estimates that only 20% of the Digital Passes issued have been distributed and that, when these Passes are actually distributed, one out of four recipients does not use them.

The explanations put forth by the actors in the field about these inadequacies are varied: the number and distribution of the structures labelled in the territories that do not allow everyone to access them easily, due to the distances to be travelled or the absence of personal means of transport; the lack of mapping of the structures eligible for the use of these Passes and, more broadly, mapping of digital inclusion actors; “territorial hubs” supposed to coordinate the digital mediation offering of the territory that appear to be struggling to fulfil this mission, are overly subjected to a logic of economic profitability, resulting in the creation of services in order to finance itself, at the risk of substituting for local actors.

Even more worrying is the lack of adequacy observed by the various actors between the support offering and the needs of users. In 2019, the Defender of Rights already warned of the difference between the actual training needs to arrive at a certain form of digital autonomy, and the number of hours covered by the Digital Pass.

The Digital Pass provides access to training credits from 10 to 20 hours at labelled digital mediation venues. This duration is often too short, with mastery of digital tools requiring time, as confirmed by the associations consulted<sup>34</sup>. As several people in poverty have pointed out: after training with the Digital Pass, how does one train, practice if they don't have a computer at home?

#### A LONG ROAD TO DIGITAL AUTONOMY...

*"I'm going two to three times a week to the association but I would like to go there five times to practice in order to progress faster. Because without regular practice using the tool we lose what we have earned. (Mr. C., user supported by the association Pôle S of Villeneuve La Garenne).*

*"I have been going to the workshop for three years and I have not finished learning. Some need more time. There is basic training and then we must continue to go on a regular basis. (Ms. Le D., activist with ATD Quart Monde).*

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However, digital training cannot be the sole policy of access to public rights and services, since the user cannot be held responsible for their ability or inability to master computer tools. The idea of increasing digital skills through training, while an essential lever in the development of people's autonomy, in their social, professional or personal life, does not replace the total accessibility of public services, including for those who are not autonomous with digital technology.<sup>35</sup>

It is not only illusory to believe that all people encountering difficulties with digital are ready to become autonomous by means of simple training, but it should also be remembered that training is not an obligation: users have the "right" not to be trained in digital technology and not to use digital for their exchanges with the administration. They may not be deprived of their access to fundamental rights or the benefits to which they are eligible, simply because they do not engage in electronic communications.

The Defender of Rights' delegates, interviewed for the preparation of this report, said that a significant proportion of those who petition them are not applicants for digital training to become autonomous in carrying out their on-line procedures but want to be able to maintain "human" relations, direct, in person, with the public services.

#### 2·7· SHORT-TERM FUNDING

The sustainability of funding is an issue when we consider that a part of the population will need support and that it is necessary to anticipate these needs by building a public policy that is likely to last. However, at present, the public authorities have not given any guarantees to this end. Only one example will be mentioned here, with further developments on the issue in the third part of the report. The provisions of the France Relance recovery plan, which make digital inclusion a government objective, allocated significant resources<sup>36</sup> for the recruitment and training of digital advisors between 2020 and 2022, but without specifying the funding planned beyond the first two years. This lack of visibility, or even recognition, raises the question, even though the importance of a digital mediation policy has been recognized since 2013 by the National Digital Council<sup>37</sup> and the needs are not being brought down.

The recruitment of digital advisors, under short-term contracts, should not seek to offset the closure of the counters with a reduction in the number of staff positions in contact with the public. The Defender of Rights warns of the risk of favouring short term and insecure contracts over a long-term vision, and the recruitment of civil servants trained to that end.

### 3· THE BURDEN AND RESPONSIBILITY FOR THE PROPER FUNCTIONING OF THE PROCEDURE RESTS ON THE USER

The numerous hearings have highlighted the transfer of administrative burdens that dematerialisation entails on the user and on all the public or association actors supporting them. The report published in 2019 already showed that the dematerialisation of public services had had significant consequences on the activity of such support structures (associations, social services, secretaries of town halls in small towns, family and professional caregivers, etc.). This change *“obliges them to do what the public service should do, i.e., to support users and organise their access to public services, without financial compensation enabling them to have the resources, even without special support from the administrations and services concerned, that is, without privileged access or faster access than the user themselves through software identified within the structure dematerializing.”*<sup>38</sup>

A large number of actors are suffering the consequences of the digital transformations of administrations, initiated without consulting with them. The most proactive communities are required to co-finance the measures put in place by the State to compensate for the disappearance of the administrative offices. As for associations, they do not receive sustainable funding to carry out these new activities, which however profoundly transform their operating conditions and the nature of the tasks carried out by their volunteers or employees.

Transferring the burden onto association or public actors, dematerialisation is above all a transfer of the burden onto the user.

Back in 2019, the Defender of Rights warned of the fact that digitisation of the procedures required access to public services to the user's ability to *pay*: cost of equipment, subscription, fees related to the use of private service providers who propose, for a fee, to carry out certain administrative procedures (applying for a residence permit, birth certificate, driver's licence, etc.) on behalf of the claimants.

This transfer of the financial burden, for which it is now obvious that it puts some of the users in difficulty in order to access their rights, is accompanied by a transfer of the workload: on the Internet, the user must inform themselves, guide themselves, fill out online forms alone, follow his emails on one or more addresses, update their browser and the various necessary software, fully understand the implications of ticking a box, adapting to site changes, digitising documents, etc.

The creation of a personal space on a public site often entails the dematerialisation of all exchanges with the service concerned, without the users being fully aware of this. This pre-emption of consent to electronic communications may in particular have consequences with regard to compliance with the response times imposed on the user (e.g., if they do not consult their personal space or e-mail) and therefore potentially entail a risk of breaches of rights.



As Laure Camaji and Lola Isidro say, *“where, in principle, the obligation to provide information rests with the public service, it is now up to the potential beneficiary of the services to be vigilant about being properly informed on the law applicable to them.”*<sup>39</sup> And the information is mainly, and increasingly, available only on the Internet.

This transfer is also mentioned by the General Social Affairs Inspectorate (Inspection générale des affaires sociales - IGAS): *“a part of the digital shift [...] consisted of outsourcing the complexity and cost of operations to users, particularly by instructing them to qualify the information necessary for processing their rights claim and to ensure that it is complete where, previously, paper Cerfa forms could be submitted for initial processing, even incomplete.”*<sup>40</sup>

Lastly, this burden transfer is accompanied by a new responsibility that weighs on the user: they must be able to do all this with ease, without mistakes, by taking the necessary initiatives to achieve this. The process of dematerialisation seems implicitly based on a specific conception of what the user must be today, in the digital age: a completely autonomous actor who does not mobilize administrative resources. This is an ideal user, to which all users should strive to be. And for those who fail to do so, accelerated dematerialisation is a form of institutional abuse.

This digital “outsourcing” to an ideal user undermines users who do not comply with this model, for example, those who don’t dare to “click” for fear of making a mistake. Several people in a situation of poverty have expressed the wish to have a replica site to train themselves before doing so for real.

As the researchers mentioned above say, *“Online, everything happens as if there was no room for uncertainty. If the information transmitted is incomplete, the system locks up. Not to mention mistakes, however human, whether they are linked to a misunderstanding*

*or, more prosaically, are of a technical nature, such as an error in entering the amount of a salary.”*<sup>41</sup> Researchers identify a “grey area of users newly in difficulty with e-administration, all the more difficult to characterize and approach since they have never suffered from economic or social difficulties before and, as such, are ignorant of conventional aid systems. Across all social categories and age groups, this population escapes the traditional identification channels of social services. Prevention actions rarely reach them, either because they are able to be assisted by relatives on an ad hoc basis, or because they do not attend places where they could be helped.”<sup>42</sup>

This finding is shared by the associations met to draw up this report and by the delegates of the Defender of Rights. According to the latter, a significant part of the claimants faced with problems related to dematerialisation had so far carried out their own actions. These testimonies corroborate the finding made in a recent study by CNAV<sup>43</sup>, that dematerialisation has disrupted the autonomy of a certain number of people who are not in the “assistance or mutual assistance circuits” and therefore no longer know what to do, when they had previously carried out their procedures independently. However, everyone may be confronted with this: who hasn’t had a problem one day with renewing their ID card, passport or car registration, updating their driver’s licence, or paying a fine online?

#### MAKING UP FOR AN ONLINE ERROR MADE BY A HELPER

A Defender of Rights delegate was petitioned through a social worker supporting an illiterate person, with great difficulties in communicating, in a situation of extreme exclusion and an RSA benefit recipient. Since the dematerialisation of the quarterly resource declaration, the social worker is the one who carries out the procedure, whereas previously, the recipient managed to take the initiative themselves at the counter. Due to a data entry

error made by the social worker resulting in the suspension of rights to the claimant's RSA benefits, the Defender of Rights' delegate had to intervene with the CAF office to restore the situation. However, the CAF office did not feel that dematerialisation was the cause of the problem, since the claimant merely had to go to a digital access point...

If the policy of digital inclusion, the support and financial investment of public authorities effectively help a large number of people, they also refer them to their assumed responsibilities: it is up to the user to train themselves, to be assisted, to do, and to be able. To access their rights, it is up to them to adapt to the conditions of the administration. It is a historic reversal of one of the three principles of public service: adaptability - which becomes an expected quality of the user, rather than a requirement incumbent on the service.

The priority given to digital inclusion is based on the assumption that it is possible to "produce" a user "compliant" to the public service as it is transformed. In other words, the problem to be solved is on the side of the user who is not able to carry out their dematerialised procedures themselves. The challenge is therefore to convince and help "stubborn" users to this evolution, and particularly people in a precarious situation. However, they are not the only ones to be in trouble. In this way, we postulate "that they need to know how to do it," and that soon "they will be able to do it". The training offered to them to transform them into competent, autonomous users - in a word meeting the expectations of the administration... And the incentive to adapt is all the more strong since, as many examples in this report show, access to rights is made more difficult than before for users who have not taken the digital turning point.

Where the use of digital technology becomes mandatory, it increases dependency, and therefore humiliation and feeling of being different and not at the height.

Within this framework, difficulties of access to dematerialised public services are not perceived as a result of a shortcoming, failure or even a "inconsideration" in the roll-out of the digital transition policies of the administrations.

While the development of the digital skills of the population as a whole responds to an obvious imperative of integration, in general, in contemporary society, what is at stake here is the very conception of what the public service must be, and particularly the equal access that it must guarantee by adapting itself to the situations and capacities of users.

### FOCUS

#### **DIGITAL ILLITERACY: WHAT DO THE PEOPLE CONCERNED SAY ABOUT IT?**

In September 2021, the Defender of Rights wanted to give the floor to and hear from people in a situation of digital illiteracy, in order to better understand the difficulties they face, how they overcome them and what their suggestions are. Their testimonials and ideas have greatly enriched the report. Added to the Larousse dictionary in 2020, the notion of digital illiteracy refers to the state of a person who does not have the skills necessary to use and create digital resources.

Thus, digital illiteracy does not only appear to be an extension of illiteracy, as an inability, due to lack of skills, to decipher a language. The concept refers to a dual dimension of skills and practices, which explains the large number of victims. Invited to speak freely, ten people present indicated that they are afraid of digital tools, afraid of making mistakes, not being able to correct them, and therefore find themselves in a situation of breach of rights or even having to repay overpayments.

This clearly reveals the need for a new basic instruction: knowing how to read, write, count... and browse.



In addition to the lack of knowledge of the digital mediation and support mechanisms, these people also indicated that they did not know, or had little knowledge of the existence of the France Services Spaces. Another source of difficulty is changing the interface of public sites “every six months”, which result in a loss of landmarks, especially as these changes in ergonomics of the sites lead to the obsolescence of tutorials made by the helpers.

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#### **4· IN ADDITION TO STILL SIGNIFICANT DIGITAL EXCLUSION, THERE ARE NEW FORMS OF DIFFICULTIES FOR USERS**

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Despite the investments and arrangements put in place by the public authorities, the situation of users has only slightly changed since the previous report by the Defender of Rights, and most of the findings made in 2019 are still valid today: a significant proportion of the population does, in fact, not have access to dematerialised procedures, due to a lack of suitable equipment, skills, access to a sufficient quality internet connection, and numerous referrals to territorial delegates regarding relations with public services stem from the difficulties caused by the digital transformation. The Defender of Rights observed a 15% increase in referrals for public service users in 2021.

##### **4·1· DIGITAL FRACTURES THAT ARE NOT REDUCED**

A substantial portion of the population does not use online procedures, and amongst those who use them, 13% have difficulty doing so alone. There is no overall, undisputed figure as to the number of people “excluded” from digital access to administration, but according to the Arcep/Credoc 2021<sup>44</sup> digital barometer, one in 10 people do not have Internet access, and 35% of the population encounters difficulties in using digital tools in one way or another.

The inability to access the digital administration is not marginal, it concerns millions of people.

The Arcep/Credoc digital barometer established that in 2017 19% of French people did not have a home computer, 27% did not have a smartphone. This barometer for 2020<sup>45</sup> indicates that 16% of people over 12 years of age are not equipped with smartphones, but with strong variations: this is the case with 45% of non-graduates, 34% of pensioners, 23% of inhabitants in rural towns, and 41% of people over 70. 3% of the population uses prepaid cards for mobile phone calls.

It also states that 22% of people do not have a computer or tablet at home. Again, the lowest level of equipment is found among non-graduates, rural towns, pensioners, the elderly. The share of people who do not have any equipment at home to access the Internet (no computer, tablet or smartphone) is 9%. If the study does not include an element concerning access to a scanner, it states that 10% of the population does not have easy access to a printer (at home, at work, in an association, in a third location or at home).

If we look at home Internet access, the situation is identical to that of 2017: 15% of inhabitants do not have an internet connection at home.

According to the same study, 28% of people feel they are not very competent or not at all competent to carry out an online administrative procedure. Reported “incompetence” is stronger among the least educated individuals, those who have a low standard of living or who reside in rural areas, in 18-24 year-olds and in those over 70, but regardless of the categories analysed, a significant portion of the population does not feel competent to take action online. 8% of French people do not have a personal or professional email address.

76% of French people aged 18 years or older used the digital administration in 2020, more easily implemented by the more educated and favoured groups (79% of higher income earners, 82% of executives, 86% of graduates of higher education), while the older people

remain removed (45% of people aged 70 and older have not used it in the last twelve months), such as non-graduates (55%) or the poorest (30%). There is a gap between the inhabitants of the Paris Metro region and those in rural areas: 22% of the former did not use the digital administration this year, compared to 34% of the latter.

The report entitled, “Improving the knowledge and monitoring of poverty and social exclusion” by the National Observatory of Poverty and Social Exclusion (Observatoire national de la pauvreté et de l’exclusion sociale - ONPES)<sup>46</sup> sheds light on how people carry out their administrative procedures online. In 2019, if in the majority of cases people arrive alone and without difficulty, 13% needed an external help to achieve this. 6% of people failed. For the latter, in half of the cases, people do what they need to do by going directly to the office of the administration concerned, or by contacting it by telephone. But in nearly one in three (28%) cases, the procedure was eventually not completed.

When help has been received, it was usually found within the home (44%) or from non-cohabiting friends or family (39%). For 7%, it was a social worker.

#### **4-2- DEFENDER OF RIGHTS DELEGATES, WORKING ALONGSIDE THE VICTIMS OF DEMATERIALISATION**

In 2021, nearly 115,000 claims were submitted to the Defender of Rights. 91,000 of them concern public services (versus 35,000 in 2014). The 530 Defender of Rights delegates, who deal with 80% of these referrals, were asked in September 2021 about how they perceive the effects of this transformation of relations between the administration and users throughout their offices. They report that the dematerialisation of administrative procedures represents a significant share of the files submitted to them and that over the past two years, the number of claims related to dematerialisation has been increasing.



The many examples below show the continuing difficulties already identified in the previous report, the emergence of new problems and, above all, the sometimes very serious consequences of the digital transformation of administrations for users.

The public services put forth delegates for difficulties related to the dematerialisation of procedures are still mainly: the prefectures, in the context of procedures for foreign nationals (cited by 84% of delegates) and the National Agency for Secure Credentials (Agence nationale des titres sécurisés ANTS) for vehicle titles (driver's licence, car registration - cited by 79% of delegates). Among the most cited social security agencies, delegates mainly mention CAF (44%) and Carsat - General Pension Insurance Scheme offices (37%).

They also highlight complaints related to problems of ergonomics and complexity of public sites, difficulties in the transmission of data between administrations, and requests for additional documentation going beyond what is provided for by law. The question of the implicit acceptance of an exclusively digital communication between administration and user is also a topical issue.

#### EXCHANGE OR RECOVERY OF LICENCES?

The claimant went to Canada for an internship and changed her driver's licence against a Canadian driver's licence. Back in France for a year to work, she asked to exchange her Canadian licence for a French licence on the ANTS website, which issued her a receipt attesting to the submission of her complete application.

After six months of waiting, she was bothered by telephone by ANTS, who explained that a new application was required, ticking the section "recovery of a French licence" and not "exchange of a foreign licence". She waited six more months, before contacting the Defender of Rights delegate who petitioned and obtained

from the N prefecture the change of driver's licence to allow the claimant to go to her work."

#### A ONE-WAY TRIP TO DIGITAL?

By default, the creation of the Pôle Emploi personal account constitutes acceptance of dematerialised communications, without the interested parties necessarily being aware of it. Thus, a job seeker petitioned the Defender of Rights because he was removed from Pôle Emploi due to two missed appointments with his adviser. Living in a "dead zone", deprived of a telephone network and internet connection, he had not received SMS messages or emails or calls on his mobile phone in time.

A large number of users are victims of administrative errors, poor transmission of documentation, incorrect information. These situations have not been created by the development of the digital administration, but they are made even more difficult to resolve for users in the absence of a desk and contact person, when administrations require that they go through the Internet to modify elements, complete applications, send documentation, or interact with an agent.

#### HOMELESS AND WITHOUT A COUNTER TO GO TO

Having been unable to make their quarterly declaration of resources online, and the France Services Space where they used to do their procedures being closed during the summer, one claimant without a fixed home and with no digital equipment had the CAF office terminate his rights to for lack of a declaration...



### WHEN THE OFFICES NO LONGER COMMUNICATE WITH EACH OTHER

Following a computer malfunction between the CAF and the MSA, the claimant was deprived of benefits. The CAF office referred her to the MSA, which indicated that the case was transferred to the CAF office.

### AN UNCORRECTABLE ERROR

An anomaly in the transmission by CPAM to the CAP office of the annual resources amount (one zero too many) from a family father earned him the suspension of APL housing benefits from January to May 2021. The CAF office informed the person that he was required to modify his resources in his personal space, but that is not possible. His letters remained unanswered and he could not meet with anybody. Once CPAM contacted by the delegate, the problem was solved with a retroactive payment.

### WHEN THE DELEGATE HAS TO DO IT "IN PLACE" OF THEM

Mr. B, living alone and having difficulties in getting around, had not forwarded his pension file to CARSAT. The social assistant for the sector had initially helped him, but he lacked certain information that Mr. B could not search for on the Internet, because he has neither a computer nor a mobile phone. His pharmacist, his only close social link, was willing to scan the information and documents and forwarded them to the Defender of Rights delegate. CARSAT accepted Mr. B's file being forwarded by a Defender of Rights delegate.

### SERIAL BREACHES OF RIGHTS

A foreign national residing in France for more than 10 years, almost lost her rights to the minimum old age because the prefecture believed that she had left French territory in 2019, when the procedure for renewing her residence card was changed. The woman in question had renewed his card by mail, although the prefecture had dematerialised the process. The prefecture had not issued her a receipt and considered her absent: consequently, the MSA considered that she had left France in 2019 and prevented her from receiving the solidarity allowance for the elderly (ASPA).

After referral to the prefecture, the fund eventually acknowledged its error, and the case is under review.

Since 2019, new difficulties related to the pandemic have been added, in particular to access the health system and particularly vaccination (cited by 36% of delegates). Some delegates reported situations of refusal by a health professional to grant appointments by telephone, the procedure being done only over the Internet... Issues related to the continuity of education (cited by 20% of delegates) also emerged following the periods of school closures.

### MY RENOVATION BONUS: NEW AID, NEW CHALLENGES

The subsidy created in 2020 for the energy renovation of housing called "My Renovation Bonus (My Prime Rénov)" is cited by 37% of the delegates, particularly due to malfunctions of the website of the National Housing Agency (Agence nationale de l'Habitat - ANAH) and the exclusively digital nature of the procedure to be followed to obtain the aid.

The delegates encountered situations in which the claimants saw their application cancelled and then had to reopen a new one, which was then blocked, if the works were carried out in

the meantime. Many claimants complain about the lack of a dedicated and easily accessible contact person on the ANAH side and the difficulty in modifying an ongoing application.

Here too, the use of intermediaries can complicate access to the public service, as in the case of this individual, blocked in filing his application, because he does not know the password for his account, previously created by a contractor who carried out a simulation in the individual's name. Despite several phone calls to the site platform, he cannot reset his password.

In the absence of a response from ANAH on a blocked case, one claimant said they spent the winter without heating.

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Despite the inclusion policies pursued by the public authorities, a substantial portion of the country's population remains in 2022 facing difficulties related to the dematerialisation of administrative procedures which are sometimes insurmountable and have serious consequences for access to rights. These users in difficulty, supported when they know they can be, and that they have the chance to access one of the existing systems, must make very significant efforts to have their rights recognised by administrations that are too often remote. This effort is, of course, particularly costly for the elderly, the youngest, the less affluent, the more isolated, the less urban, and the less educated. They represent a substantial part of the population, and they have no fewer rights than others - they are perhaps even one of the categories that most need access to public services.

However, the negative effects of dematerialisation are not limited to them. They also concern caregivers, family members or professionals in the social sector, the association world, public officials, especially in small towns. Everyone must adapt to this change that they did not make. They are therefore requested to comply with the digital processes decided by the public services, must adapt to them, and modify their relations with the administration. At the end of the day, any person may encounter a difficulty in a procedure, and find it difficult to resolve it if they do not have access to anything other than a web page or a mobile app.

But while this profound transformation of the method of relationship with the administration has consequences for all users, some social groups are particularly at risk of having access to their rights hindered. In 2019, the Defender of Rights had drawn the attention of the public authorities to these specific situations and made recommendations to ensure their access to public services.

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**PART II**

# SOME POPULATIONS ARE STRUCTURALLY PENALISED BY THE DEVELOPMENT OF THE DIGITAL ADMINISTRATION

As of early 2022, nearly 40% of the on-line administrative procedures are accessible to persons with disabilities. This increase can be welcomed as a step forward, but cannot be enough to guarantee universal access to administrative procedures, as more than 60% of them remain “out of reach” of persons with disabilities.

The same applies to the situation of prisoners, which has almost not changed at all, whereas they are faced with the need to carry out administrative procedures to assert their rights.

A similar finding prevails for other categories of people, such as people in poverty, the elderly, and protected adults. The obstacles to accessing rights even appear to have been increased for young people, for some parents, or for foreign nationals, who are now victims of very serious administrative dysfunctions involving their access to some of their fundamental rights.

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**1· PERSONS WITH DISABILITIES, STILL  
WIDELY EXCLUDED FROM THE DIGITAL  
ADMINISTRATION**


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Not all persons with disabilities experience difficulties with the digital administration. Disability can, however, reinforce difficulties in accessing public services, when digital tools and interfaces are not accessible to carry out a dematerialised procedure.

Stressing the inaccessibility of the majority of public sites in its 2019 report, despite the legal obligation of accessibility enshrined in Article 21 of the United Nations Convention on the Rights of Persons with Disabilities<sup>47</sup>, by the Directive of the European Parliament and of the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies<sup>48</sup>, and by Article 47 of Act No. 2005-102 of 11 February 2005 as amended<sup>49</sup>, the Defender of Rights called for the establishment of an effective supervision of the fulfilment of accessibility obligations<sup>50</sup>.

**FOCUS****DIGITAL ACCESSIBILITY: WHAT THE LAW SAYS**

The development of digital accessibility consists in ensuring that interfaces, tools and content can be consulted and manipulated by persons with disabilities (e.g., visual, hearing, motor, cognitive) and thus act on the obstacles that can make digital technology "incapacitating" for access to public services.

Access for persons with disabilities to websites is a right recognized by the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which makes it an essential condition for ensuring the effective enjoyment of fundamental rights on an equal footing with others. Article 9 of the Convention provides that "[t]o enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: [...] Information, communications and other services, including electronic services and emergency services."

By ratifying the Convention and transposing it into French law in 2010, France has committed itself to taking appropriate measures to ensure that all its legislative instruments, public policies, and programmes respect and guarantee the effectiveness of the rights covered by the Convention.

Similarly, Directive (EU) 2016/2102 of the Parliament and of the Council of Europe of 26 October 2016 on the accessibility of the websites and mobile applications of public

sector bodies requires accessibility of public bodies' websites by 20 September 2020.

Under domestic law, article 47 of the Equal Opportunities Act of 2005<sup>51</sup> introduced into law an obligation of accessibility of online public communication services, a concept referring to any type of information in digital form, regardless of the means of access, content and method of consultation, particularly websites, intranet, extranet, mobile applications, software packages and digital urban furniture.

Decree No. 2019-768 of 24 July 2019 on accessibility of on-line public communication services for persons with disabilities, adopted in application of the European Directive, also sets out a triple obligation:

- The obligation for the Minister for Persons with Disabilities to prepare and communicate to the European Commission no later than 23 December 2021 (for every three years) a report on the annual monitoring of the compliance of websites, intranet and extranet and mobile applications with accessibility requirements;
- The obligation of accessibility of public sites as at 23 September 2020;
- For all mobile applications, software packages and digital urban furniture as of 23 June 2021.

Compliance with these obligations is assessed with regard to the accessibility level of the sites, as addressed by the responsible public entities, in a statement published on the website. The site manager is also required to produce a multi-year accessibility scheme over three years and annual action plans developed from the latter.

According to Article 8 of the same decree, failure to comply with these reporting obligations may result in a financial penalty imposed by the Minister for Disabled Persons in the amount of 20,000 euros per online service.



The Directorate-General for Social Cohesion is responsible for verifying compliance with obligations and proposing to the Minister for Social Affairs the sanctions to be imposed.

Finally, to facilitate the implementation of digital accessibility, DINUM has been publishing since 2009 the general framework for improving accessibility (référentiel général d'amélioration de l'accessibilité - RGAA), created to implement Article 47 of the 2005 Disability Act and its implementing decree updated in 2019. It is regularly the subject of new versions and updates to adapt to changes in the Web as well as changes in standards and regulations. Version 4 of the RGAA was jointly adopted by the Minister for Disabled Persons and the Minister for Digital Affairs on 20 September 2019. The RGAA is a two-part operational document. The first part presents the obligations to be met, and the second contains a list of criteria to verify compliance of a web page.

In order to comply as strictly as possible with the European and international reference standards for digital accessibility, version 4.1 of the RGAA was published on 16 February 2021

A circular from the Minister for Transformation and Public Service and the Secretary of State to the Prime Minister, responsible for persons with disabilities dated 17 September 2020, entrusts the Government Information Service with monitoring the compliance of the 15 most frequented government websites and the inter-ministerial digital directorate (direction interministérielle du numérique) with monitoring compliance of the 250 most used administrative procedures<sup>52</sup>.



The Interministerial Directorate of Digital Affairs (DINUM) has developed support for administrations wanting to improve and bring their site into line with the general reference framework for improving accessibility (RGAA). In this context, DINUM initiated, from September 2020, a more sustained follow-up of the accessibility of the sites, particularly through its “UX squad”<sup>53</sup>.

For its part, the Interministerial Directorate for the Public Transformation offers administrations tools for simplifying administrative documents integrating the legibility component for disabled people (colour, font character, contrast, place of elements on the web page, etc.).

The designers of the “service-public.fr” website use the user experience in their policy of continuous improvement of the site. In their panel of users, persons with disabilities are always represented. The Legal and Administrative Information Department (direction de l’information légale et administrative - DILA), which publishes this site, has made the choice, in order to obtain the best possible result, that accessibility be taken into account natively in projects by the teams involved in the development of websites. Accessibility teams are also supported by third-party experts, particularly for auditing, arbitration, and verification of corrections throughout the design and development phases.

Despite these developments which it welcomes, the Defender of Rights notes the continuing gap between the legal obligation of digital accessibility, whose objective of total accessibility on 23 September 2020<sup>54</sup> is recalled by the circular of 17 September 2020 on accessibility of mobile sites and applications, and the objectives set in this area. By 2022, the objective is to bring “just” the 15 most frequented government sites into compliance, as well as 80% of the 250 steps taken by the Quality Observatory of Online Procedures<sup>55</sup>.

As stated by the Defender of Rights in its recent report on the implementation of the United Nations Convention on the Rights of Persons with Disabilities<sup>56</sup>, these objectives appear to be partial in view of the urgency of responding to the challenges faced by persons with disabilities.

## FOCUS

### KAFKAESQUE CAPTCHAS FOR THE VISUALLY IMPAIRED

The Captcha tool, which aims to verify through a question-and-response that the person seeking access to the site information is not a robot, requires the user to decipher signs that are illegible to people who are visually impaired or blind. Their audio playback is also covered by background noise in order to prevent malware from identifying them, making such characters inaudible. The visually impaired are thus deprived of access to many digital public services in their procedures (FranceConnect, Journal-officiel.gouv, websites of administrations etc.) whereas there are however other digital security systems that are not based on the reading of characters that are difficult to decipher. For example, the Directorate of Legal and Administrative Information (direction de l’information légale et administrative - DILA), under the responsibility of the General Secretariat of the Government, replaced the Captcha<sup>57</sup> system formerly used for the protected-access texts of the Légifrance website, by now proposing the user answer a clear and precise question, written in “normal” characters, through encrypted means that can satisfy both the required level of security and the accessibility of visually impaired people.

### WITHOUT CAPTCHA, THE PRE-COMPLAINT WAS NOT SUCCESSFUL

Mr. X, a blind person, petitioned the Defender of Rights following the difficulties he encounters in using the online pre-complaint service of the Ministry of the Interior (<https://www.pre-plainte-en-ligne.gouv.fr/>). The claimant indicates that at the end of the process he is asked to copy the text in an image, which is impossible given his visual handicap. After a verification by Defender of Rights agents, no alternative is proposed by the site for blind persons. In view of the provisions of Article 13 of the CRPD, this absence of an alternative constitutes an infringement of the right to “effective access to justice for persons with disabilities on an equal basis with others”.

As in 2019, the Defender of Rights regrets the overly restrictive nature of the obligations and sanctions provided by the legislation in order to ensure effective access to online procedures and information.

In particular, it regrets that the sanctions mentioned above relate “only” to the declaration of compliance or non-compliance with the site accessibility rules and not on the level of accessibility of the sites as such.

It also observes that to date, despite the submission of individual claims files with the State Secretariat for Disabled Persons (secrétariat d’État aux personnes handicapées) for lack of a declaration of compliance, no sanction has been imposed. It therefore seems necessary to create a competent and “outfitted” structure, in order to check the accessibility of the sites and to sanction non-compliance in this area.

### RECOMMENDATIONS

The Defender of Rights recommends, once again, the establishment of a real system for monitoring the compliance of public websites with accessibility rules, accompanied by dissuasive sanctions and an obligation to take into account, particularly in the public procurement specifications, accessibility when designing or redesigning a site.

As recommended by the National Digital Council (Conseil national du numérique) in its report on accessibility published in 2020<sup>58</sup>, the Defender of Rights invites the government to create an inter-ministerial delegation for digital accessibility, which would be responsible for the management, control and monitoring of the digital accessibility of public services.

The Defender of Rights also recommends introducing training in digital accessibility in the initial and continuing training of digital professionals;

### A PAPER-BASED PROCEDURE FOR RENEWING HIS PARKING CARD

Mr. X petitioned the Defender of Rights as a result of difficulties in obtaining a duplicate of his mobility inclusion cards (CMI) mentioning “disability” and “parking for disabled persons”. After losing those two documents, the claimant, through his social assistant, carried out the renewal procedures with the departmental home of disabled people (maison départementale des personnes handicapées - MDPH) of V, before turning to the services of the Imprimerie Nationale (national printing office). Although he did not have any computer equipment or Internet access, Mr. X was informed by the Mobility Card Inclusion service that duplicate requests are made only on the *carte-mobilité-inclusion.fr* website.

Following the intervention of the Defender of Rights, the Imprimerie Nationale set up an additional “paper” ordering procedure for CMI duplicates. This new service has been open and operational since 6 July 2021.

## 2· FOR PRISONERS, ACCESS IS STILL REFUSED

Some European countries, such as the Netherlands, Finland, Spain, Sweden, the United Kingdom or Denmark, allow prisoners (in a controlled manner and taking account of prison security requirements) to access the Internet so that they can access information and training<sup>59</sup>. If access is not widespread, these countries mobilize technologies to organise limited access to certain sites, for some prisoners, some institutions, generally with the supervision or oversight of the prison administration.

In January 2019, the Defender of Rights recommended that a “*part of the content existing on the Internet be freely accessible within penal establishments (public services website, but also on-line training sites)*” in order to allow those who are in custody to carry out a certain number of procedures using the Internet.

Internet access in custody is still not authorised, the applicable law still resulting to date from the circular of 13 October 2009 on access to information for persons in custody<sup>60</sup>.

The exercise of many fundamental rights and freedoms that must remain guaranteed for prisoners is hampered by restrictions on access to digital technologies and the Internet<sup>61</sup>, among them: freedom of expression (protected by articles 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 11 of the Declaration of Human and Citizens’ Rights), the right to investigation (based on which the European Court of Human Rights recently condemned Turkey)<sup>62</sup>, but also the

right of a prisoner to prepare for their release from prison (guaranteed by Article 2 of the Prisons Act of 24 November 2009). Certain limitations on the rights of prisoners may be justified by public order and security requirements. But while the prisoners do not have the freedom to come and go, they are not deprived of their other fundamental rights due to that fact, except in the case of an express judicial decision.

The inability to access the Internet in custody excludes prisoners from the digital means made available to users as part of the development of digital administration and justice. As an example, the “Litigant Portal”, a service based on electronic communication of information on the state of progress of civil and criminal proceedings using the Internet, allows litigants to take legal action via the digital <sup>63</sup> request. Without Internet access, prisoners may not use these platforms. Finally, this prohibition on Internet access does not appear to have any legal basis<sup>64</sup>.

The possibility of creating restricted access was considered in 2009, following the signing of an agreement between the Ministry of Justice and the Deposits and Consignments Fund (Caisse des dépôts et consignations) providing for the installation of ten “Cyberbase” spaces over three years<sup>65</sup>. This project aimed to equip prisons with terminals featuring restricted access to a list of administrative, informational and educational websites, whose use was supervised by professionals<sup>66</sup>. This experiment has not been extended. In December 2019<sup>67</sup>, the Comptroller General of Correctional Facilities (Contrôleur général des lieux de privation de liberté) indicated that, ten years after the start of the experiment in seven prison institutions, “*some of these Cyberbases have ceased to operate, particularly due to insufficient or inadequate maintenance.*”

*This tool, which was intended to “make prisoners self-sufficient in the use of the Internet and multimedia tools and to allow them to access IT equipment, through collective workshops, individual support or supervised access,” has never been rolled out in other institutions”.*

In March 2019, the Digital in Detention System (Numérique en détention - NED), carried by the prisons administration as part of the digital transformation project of the Ministry of Justice, entered the experimental phase. Its objective is *“to save working time and public expenditures by reducing the administrative tasks currently carried out by prison officials or delegated to vendors” and “to improve the quality of service by making inmates and relatives more self-sufficient in their requests for services and by providing new services (educational platform)”*<sup>68</sup>. While the educational component of this system provides for the integration of a digital workspace (ENT) into the digital portal - offering people in custody to access content related to educational paths - and the roll-out of “connected Campus in Custody (Campus connecté en détention)” allowing access to university training content, the work component<sup>69</sup> and the roll-out of Connect Helpers<sup>70</sup> are intended to be used by third parties.

The use of support from a third party to fill out specific administrative documents - sometimes electronically - is already practised in prisons, since the detainee cannot access the forms independently<sup>71</sup>, particularly if they are socially isolated. In the absence of autonomy, access to the rights of prisoners and the possibility for them to carry out administrative procedures are subject to the human resources (penitentiary integration and probation counsellors (conseillers pénitentiaires d'insertion et de probation - CPIP) and social service assistants) available to the correctional institution under whose responsibility they are placed. In this respect, the Defender of Rights, in Opinion No. 21-13 of 30 September 2021, recalled

*that “the recommendations of the Council of Europe, according to which a probation officer should follow up to a maximum of 60 people, are far from being respected. Many CPIPs handle more than 100 people, sometimes up to 130, which does not make it possible to establishment personalised follow-up.”* Therefore, intermediation does not appear to be a valid solution for all prisoners.

In order to allow social organisations to intervene in the institutions themselves and thus to compensate for the non-Internet access of prisoners, it would be necessary for them to have Internet access (as well as the Defender of Rights delegates), and therefore to lift the general Internet access prohibition. One result of the latter is to restrict the involvement of partners in the structures and even deter them from committing to it.

Finally, the NED also concerns the procedures of daily life. The establishment of a digital canteen and a portal for carrying out the internal administrative procedures in custody by means of electronic referrals (requests for a hearing, change of cell, registrations for an activity, etc.)<sup>72</sup>, from the terminal located in the cell or in the activity rooms, can make it possible to ensure better follow-up on requests. However, some of the prisoner population may find it difficult to use this tool. This report was drawn up by the European Committee for the Prevention of Torture (CPT) during the visit, in spring 2017, to the Leuze-en-Hainant prison in Belgium, where the “Prison Cloud”<sup>73</sup> compute platform has been rolled out. The CPT states that *“a certain number of prisoners, particularly those who were not able to read or write, were in difficulty faced with the requirement to use the “Prison Cloud” computer platform and encouraged “the Belgian authorities to intensify their efforts to improve the accessibility of the “Prison Cloud” computer platform for all prisoners”*<sup>74</sup>. The CPT nevertheless notes that *“the assistance of prisoners designated as a “public writer” had offered a partial solution”.*

Within correctional institutions, the development of dematerialised procedures to simplify the lives of prisoners must be accompanied by the same precautions as outside, to prevent them from exacerbating inequalities.

Consequently, the Defender of Rights recalls that the rights and freedoms of prisoners (particularly freedom of expression, the right to education, the right to defence and the preparation of the defence) must be protected, with the penalty only having to affect their freedom to come and go. They must not only be supported towards digital autonomy when they do not master computer tools, but also be able to carry out the usual administrative procedures that are necessary for any user, as well as those that facilitate the preparation of their release (links with accommodation structures, health facilities, organisations involved in the field of work and training, etc.), limiting intermediation in the creation of such structures as much as possible.

## RECOMMENDATIONS

The Defender of Rights recommends ensuring that people deprived of their freedom have access to the websites of public services, social organizations and online training sites recognized by the Ministry of National Education and Higher Education and Research. The Defender of Rights also recommends that they receive training in digital tools and support in their administrative processes.

## FOCUS

### ESTABLISHING NATIONAL ID CARDS FOR PRISONERS

The possession of an ID card, which is indispensable for carrying out a whole series of acts of everyday life, depends on the proper functioning of social relations, whether professional (professional activities in custody or preparation for the release of the prisoner), personal (marriage, relationships) or civic (registration on the electoral rolls).

As such, the circular of 23 October 2012 on the request for the issuance of the CNI to persons in custody states that the possession and use of an ID card “*are essential elements for the process of integration and reintegration of any person in custody*”<sup>75</sup>.

Since 2016 and the implementation of the “Next Generation Prefectures Plan (Plan préfetures nouvelle génération - PPNG)” providing for the submission of applications for a national ID card with the town halls equipped with a collection system that allows the digitisation of supporting documentation and the collection of fingerprints, prisoners are facing persistent material difficulties in the processing of their first requests or requests to renew national ID cards.

In a decision dated 19 June 2019<sup>76</sup>, the Defender of Rights drew the attention of the Minister of the Interior to these difficulties and recommended the implementation of a homogeneous technical system throughout the territory allowing the registration of applications for the issue of national ID cards of prisoners, particularly the collection of their fingerprints.

Following this decision, a joint investigation by the Ministries of the Interior and Justice dated 28 July 2019 specified the terms and conditions for issuing national ID cards to prisoners.

This instruction entrusts the collection of CNI requests from prisoners to the agents of the prefectures, for travel within prisons by means of a mobile device. This system does



not exclude the possibility of entrusting this mission to the town hall agents when a local agreement is reached.

However, as part of their offices in prisons, of the Defender of Rights delegates are still regularly petitioned by prisoners experiencing difficulties in their efforts to establish or renew their national ID card.

The Defender of Rights recalls the need to ensure the implementation of the investigation of 28 July 2019 in order to standardize the practices on the issue of ID cards to prisoners in the various prisons and thus guarantee their right to maintain social relations and the principle of equality before public services.

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### **3· FOR THE MOST VULNERABLE, A DIGITAL BARRIER ON THE WAY TO SOCIAL RIGHTS**

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The people most exposed to situations of insecurity encounter significant difficulties in asserting their rights, this is a well-established and recognised fact<sup>77</sup>. The digital constraint users now need to overcome seems to have removed these people even further from their rights. This is a paradox, when we know that, despite the warnings issued in 2013 by the Defender of Rights<sup>78</sup>, dematerialisation was presented by the public authorities as a means of improving access to rights, particularly social rights<sup>79</sup>.

As pointed out by Pierre Mazet's work, or that of Philippe Warrin and Helena Revil<sup>80</sup>, dematerialisation acts as a new conditionality of access to rights that does not meet legal or regulatory eligibility criteria or behavioural criteria. In order to obtain their rights, you must – in addition to the other conditions provided by law – be autonomous and capable of mobilising digital technologies, or at least be able to find help to do so: *“The fractions of the most vulnerable populations are sent away to carry out multiple procedures, which delays or even compromises their access to rights. For vulnerable people who do not master the*

*Internet, dematerialisation of exchanges is not a simplification but rather a barrier, which must be circumvented, at the price of travelling to the counter (when they still exist), entreaties, or requests for help”<sup>81</sup>.*

The most vulnerable, the less educated, the poorest are also those who have the least access to digital. Indeed, in its socio-demographic analysis of Internet access, CREDOC points out that 40% of people without degrees, 22% of poor people and 24% of households benefiting from social minimums do not have fixed Internet access at home, whereas this is the case only of 15% of all French citizens<sup>82</sup>.

The causes of digital vulnerability can be linked to mastery of the tools, the connection (no fixed internet connection, problems of Internet access at day care facilities, etc.) or to the equipment. The mastery of computer tools, but also basic knowledge (mastery of the language, writing and administrative language) are a condition for the relationship to the digital administration, recalled Sandrine D., a user in a “digital illiteracy” situation, on the occasion of her discussion with the Defender of Rights<sup>83</sup>. Because dematerialisation often translates to a digital format of the application files that already exist in paper format: the cumbersomeness associated with the collection of supporting documentation and the effort for the user to understand the information requested, and the administrative language explain these difficulties of use. In this case, this effort is accentuated for the persons having the most difficulty with using the Internet: the need to scan documents, isolation behind the computer screen, form of captivity in the scrolling of web pages without having an overview of the application, fear of validating the information, etc.

The social isolation factor (family, geographical, professional) was also highlighted at the same time by Claude G. (without a fixed residence), as well as a certain distrust of the digital environment. The associations interviewed also alerted the Defender of Rights to Internet

access problems related to costs (subscription, equipment, etc.), as well as the difficulties in accessing an internet connection, some hosting centres going so far as to ban internet connections.

Faced with the high cost of internet connections, economically vulnerable people must sometimes make a choice between feeding themselves and having Internet access to carry out a procedure enabling them to access their rights. Solange V. says: *“I have trouble making my budget to feed my family. However, in order to live, I have to pay for an internet subscription to have access to my rights and submit my declarations online.”* During a meeting of social workers organised in Nice with the Defender of Rights, the head of a community social action centre highlighted the absurdity of the situation in which it was found, faced with households for which she had to release emergency aid... which they would not have needed if they had succeeded in asserting their right to certain benefits.

Such difficulties were particularly heightened during the first lockdown, with many people having been faced with the inability to receive assistance in their efforts due to the closure of public services and the cessation or reduction of activities and actions carried out by associations (closure of day care centres, termination of patrols in particular). The testimonies collected by the Federation of Actors of Solidarity (Fédération des Acteurs de la Solidarité) as part of the coordination of the regional councils of the supported persons (conseils régionaux des personnes accompagnées - CRPA) show that they were thus very isolated and in great difficulty in accessing the information and being supported. The social workers had to adapt their working methods, and to recreate the link in the absence of being able to organise physical interviews.

In this capacity, digital (telephone interview, video conferencing), proved for some to be an important tool to break the isolation. But this also means that the structures can provide equipment to the people they support.

## RECOMMENDATIONS

- The Defender of Rights recommends involving vulnerable or poor users, associations supporting them, and social workers, in the design and ongoing evaluation of public sites, in order to understand their difficulties and to study their proposals to adapt their ergonomics and the vocabulary of forms. Digital tools must be designed to facilitate access to rights and be resources for social workers in supporting people;
- The Defender of Rights encourages the development of partnerships between fixed telecommunications operators and public or private social landlords or managers of student housing, family pensions or emergency housing centres, to offer tenants or residents a connection at a negotiated solidarity price;
- The Defender of Rights recommends, in medical-social establishments, including housing centres, giving access to an internet connection and the possibility of charging mobile phones;
- The Defender of Rights recommends the development of the recovery and refurbishment of computers, tablets and smartphones, to give them a second life at solidarity prices, in line with the Act of 15 November 2021 aimed at reducing the digital environmental footprint in France;

- The Defender of Rights recommends better control of the cost of calls to authorities, which remain non-negligible when using prepaid cards. With regard to the use of data, in the context of increased use of videoconferencing, the Defender of Rights recommends that users be better informed of the costs incurred by such uses and the risk of plan overruns, for example by displaying in real time the volume of data remaining or by raising awareness to professionals so that they systematically alert people about such costs;
- The Defender of Rights recommends implementing “go-to” actions for the audiences most removed from public services, digital services and thus access to rights. These actions must include positive awareness, by trusted stakeholders, to quell fears – otherwise the people experiencing the most difficulty will not go to training. The training courses offered must allow people to receive full support, adapted to their needs – which the Digital Pass, as it is being rolled out today, does not allow. Finally, the employees of France Services Spaces should be better trained in digital support services.
- The Defender of Rights also encourages initiatives simplifying access to rights, such as the digital safe.

## FOCUS

### **PATROLL'IN: GOING TO THE HOMELESS, WITH TABLETS**

The Defender of Rights recommends the generalization of the initiatives toward the most vulnerable, such as the “Patroll'IN (Maraud'IN)” project for homeless people, developed with the support of the AFNIC Foundation and in partnership with La MedNum. The objective of this project is to promote access to rights and inclusion through the development of digital inclusion patrols. This experiment with six patrols will be expanded, in 2022, with ten other patrols. Designed to integrate with existing patrols who know the field and have the material means to go to homeless people, the project will make it possible to:

- Provide patrols with digital equipment, particularly tablets with 4G packages for patrollers, to provide homeless people with the most autonomous tablets, terminals and charging lockers for mobile phones;
- To carry out digital mediation work in the social monitoring sector through the training of patrollers (professionals as well as volunteers) in digital mediation co-developed with La MedNum.

## FOCUS

### **A DIGITAL SAFE TO AVOID LOSING ONE'S RIGHTS**

The digital safe makes it possible to keep digital copies of administrative documents, record events with a SMS reminder system, store contacts, and useful notes. People who have such a safe can, even without having an e-mail address, send their document to administrations via the safe deposit box.

15,000 digital safes have been opened for people in a vulnerable situation throughout France, often people without a fixed residence. 300 structures have joined the *scheme* by means of a grant search agreement, or in the context of a call for tenders.

The Reconnect association keeps offices in social structures to support the use of the digital safe, with workshops intended for NEETs<sup>84</sup> in a logic of a remobilization journey: basic digital knowledge, access to rights, digital access, best practices, and professional digital in a logic of integration.

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#### 4· THE ELDERLY: TOWARDS “DIGITAL DEPENDENCY”?

Even before dematerialisation, some elderly people had great difficulties in carrying out administrative or day-to-day procedures independently. But the need for an additional tool has exacerbated this state of dependency on a third party, whether it is family, friends, or institutional.

The Defender of Rights released a survey in September 2021 - “Difficulties of access to rights and discrimination related to advanced age (Difficultés d’accès aux droits et discriminations liées à l’âge avancé)”, which revealed that almost a quarter of people aged 65 and older are facing difficulties in their administrative processes. 30% of the survey sample reported that they do not have Internet access at home, a proportion that increases significantly with age (21% of 65-74 year-olds, 38% of 75-84 year-olds and 53% of 85 year-olds or older).

Of the respondents, 23% of people 65 years of age and older reported having encountered difficulties in carrying out their administrative procedures, whether in paper or electronic format, and 21% have encountered difficulties over the past five years in resolving a problem with a public administration or service.

People 65 years of age or older with rare Internet use (less than once a week) report that they encounter more administrative difficulties than those with more frequent use.

The main problems raised by the elderly in the face of a difficulty with a public service are the difficulty in contacting someone (28%), the lack of information (19%), poor information (18%) and finally, the lack of response (18%).

Faced with administrative difficulties, more than one elderly person in seven abandons their procedures. The study also points out that, unsurprisingly, beyond age, difficulties in access to public services are reinforced by the situation of the person’s vulnerability, the lack of mastery of the French language but also by the difficulties in using the Internet.

According to the qualitative survey of caregivers of the elderly, the omnipresence of digital technology increases difficulties, giving rise to a strong sense of exclusion and an imperative of adaptation, which results in increased dependence on caregivers. *“I think they are suffering from not having a specific contact person in front of them who helps them, reassures them, or validates what they are doing. There is the side, “oh what if I make a mistake.” “The elderly need to adapt, they are increasingly asked to be connected, to have a mobile phone, tablets, computers and there are the stubborn ones, people who don’t want to and encourage the link.”*

Although Internet usage in the population of seniors is growing according to the latest Digital Barometer<sup>85</sup>, the number of elderly people remain the least numerous to report carrying out administrative procedures online. The digital administration creates worries for almost one person in two aged 70 or older<sup>86</sup>. These results are corroborated by the testimony of the caregivers: *“Now we are increasingly organizing around computers, the Internet and everything, and they are completely outdated. Already at my age I’m starting to be outdated, so they are completely lost.”*



*“For taxes: if you don’t master the internet you can’t do anything. The declarations are made on the Internet. I’m the one who handles it. My father trusts me, but he is afraid of missing something.”*

The study conducted by the association les Petits frères des pauvres corroborates these findings: the older people are, the more difficulties they encounter with digital<sup>87</sup>. As such, nearly a quarter of respondents do not have any possible help among their friends or family in case of difficulties in their administrative procedures. The closure of the local counters also contributes to this, particularly in rural areas.

#### RECEIVING A PAPER PENSION SLIP: MISSION IMPOSSIBLE?

Several former state officials, born in 1940, petitioned the Defender of Rights to report difficulties in obtaining a paper copy of the pension certificate or the tax certificate previously sent to them by post.

In correspondence dated 10 June 2021, the State Pension Service (SRE) explains that it “continues to support users who have technical difficulties in accessing these documents using several accessible solutions, either electronically (on-line help and explanatory film available on the ENSAP website, detailed explanations provided by e-mail depending on the problems encountered by users), or by telephone”.

With regard, in particular, to pensioners who do not have Internet access or do not manage to access their documents online, this service explains that they “may obtain them upon request submitted with the reception department of the State Pensions Service (Service des Retraites de l’État -SRE),” insisting that it continues to “send such documentation as soon as necessary”.





However, the information provided by the SRE does not coincide with the explanations, particularly written ones, that the Pension Management Centres (Centres de Gestion des Retraites - CGR) sent the users, indicating that no paper-based mailings could be carried out. There are two examples of this:

Mrs. X, a pensioner aged 81 years old, petitioned the Defender of Rights after asking, in vain, by mail to the Pension Management Centre of Limoges for the postal mailing of the pension certificate. In her complaint, she explains: “I don’t have the internet (...). I therefore wrote to Limoges to explain my situation and ask to continue to providing the paper mail service. I received a negative response saying that I had access to my ENSAP personal space, under the heading “My Pension”.

Mr. X, a pensioner aged 78 years old, petitioned the Defender of Rights after asking, in vain, by mail to the pension management centre of Limoges for the postal mailing of his pension certificate. His testimony is as follows: “This morning, February 16, I called the pension management centre in Limoges. Not without difficulty, I managed to get in touch with an advisor. I expressed my wish to continue to receive, once a year, my pension slip in the paper version, because I do not use a computer. Answer: “We don’t make any exceptions.”

The Defender of Rights requested and obtained from the SRE a commitment that each pensioner who so requests will be able to obtain the paper transmission of documents that they are unable to access electronically.

## 5- PROTECTED ADULTS: UNSUITABLE ACCESS

In his first report, the Defender of Rights argued that the dematerialisation of administrative procedures should not have the effect of calling into question the principles enshrined both in the Convention on the Rights of Persons with Disabilities (CRPD) or by Article 415 of the French Civil Code, which establishes the framework for the legal protection of adults. This article states, in particular, that “this protection shall be established and guaranteed in respect of individual freedoms, fundamental rights and dignity of the person” and “encourage, as far as possible, the autonomy of the person”. He noted, however, that by bringing new complexity to the exercise of their rights, the dematerialisation of procedures created a breach of equality before public services between protected adults and other users.

He recommended that protected adults be put in a position to exercise their rights independently, whenever possible.

Therefore, he recommended the rapid generalisation on all public service sites of dual access to personal accounts, one for the protected adult and the other for their legal guardian, adapted to each mandate.

Three years later, if the dematerialisation of procedures continues for protected adults as well as for other users, the situation remains unchanged with regard to their right to autonomy. No public website offers separate access for protected adults and for the persons responsible for their protection measures. This failure infringes on the rights and autonomy of protected adults.

In his 2019 report, the Defender of Rights presented the system put in place by the National Fund of Family Associations (Caisse nationale des associations familiales - CNAF), “CAF-partners”, an interface dedicated to professionals, as the only tool adapted to the specific missions of judicial officers for the protection of adults according to the mandates issued by the judge.

This finding is now confirmed by all stakeholders in the sector who consider this tool to be essential for the proper performance of their missions.

The Defender of Rights regrets in this regard that the terms of access to this portal, respectful of the missions of judicial officers, have not been transposed to other public services online.

She also notes certain deficiencies which had not been highlighted in 2019.

Her attention was thus drawn to the restrictions on access to CAF personal accounts of protected persons when implementing a protective measure. On the one hand, the transmission of the judgement to place an adult under a protective measure would lead the CAF to suspend the existing personal account of the protected adult. On the other hand, once the protective measure had been put in place and registered by the CAF, the protected adult would find it difficult to create, on their own initiative, a new personal space.

The fact of benefiting from a protective measure should in no way unduly restrict the possibility for the protected adult to conduct procedures online and therefore their autonomy.

## RECOMMENDATIONS

The Defender of Rights recommends that adjustments be put in place to best guarantee the rights of protected adults. She also recommends that CNAF ensure a harmonisation of the conditions of access to its site for the various statuses of judicial officers for the protection of adults (services, individuals, employees, families, or relatives) so that there are no disparities according to the methods of exercise of the measure.

## FOCUS

### ONLY PARTIAL AUTONOMY TO OBTAIN AN ID CARD

Since an order of 13 March 2021<sup>88</sup>, persons under a guardianship measure can now apply for and sign their national ID card alone. The Defender of Rights has already had the opportunity to welcome the implementation of the recommendations made in her Decision 2020-027<sup>89</sup>, which indicated that the legislation previously in force did not comply with the provisions of the CRPD on the right of protected persons to autonomy. Nevertheless, she regrets that the department of the National Agency for Secure Credentials (Agence nationale pour les titres sécurisés - ANTS) has not anticipated the implementation of this regulatory text. Thus, while protected persons must produce a certificate from their guardian declaring that they are informed of their procedure, a copy of their ID and the last judgement concerning the guardianship measure, the ANTS does not provide either a dedicated inset on its site, nor a CERFA form adapted to their specific situation. In addition, for national ID card (CNI) renewals due to loss or theft, it is necessary to pay an electronic tax stamp that must be provided with the number to register the pre-application online. However, without a credit card, the person under guardianship is forced to interrupt the on-line procedure. Thus, through the implementation of the dematerialised procedure, the right to autonomy of the adult under guardianship enshrined in the aforementioned decree is no longer effective.

Furthermore, the development of the dematerialisation of public services creates new difficulties, particularly with regard to the protection of the confidentiality of personal data of protected adults.

As an independent mechanism under Article 33.2 CRPD, the Defender of Rights has a mission of protection, promotion, and monitoring of the implementation of the

CRPD, whose purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of persons with disabilities on an equal basis with others<sup>90</sup>.

Pursuant to Article 22, “No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.; States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others”.

The Defender of Rights questions the effects that the generalisation of dematerialised procedures, without prior consideration of the specific situation of protected adults, may lead to the effectiveness of the right to respect the personal data enshrined in this article.

For example, in its current version, the Health Insurance website, Ameli.fr is likely to infringe this fundamental right.

Depending on the nature of the measure and the extent of the judicial mandate, the personal and medical data contained in the protected person's Ameli area may not be brought to the attention of the person responsible for ensuring their protection. Thus, a person with a property guardianship measure, whether a relative or a professional, wishing to download a simple certificate to obtain reimbursement of expenses, should not have access to the health information of the protected person (example: check of vaccine status).

However, at this stage, despite access specifically dedicated to professionals, the person in charge of protection is forced to directly use the personal account of the protected adult and is therefore able to access their personal information.

## RECOMMENDATIONS

The Defender of Rights urges exercising vigilance in the roll-out of the new digital health space<sup>91</sup>, which aims to gather the medical data of users in the form of a digital health booklet (prescriptions, examinations, results of analyses, etc.).

Since the beginning of 2021, the referral to the guardianship judges of applications for the management of an ongoing judicial protection measure can be carried out online from the justice.fr website.

Despite being relatively new, this system is presented by professionals in the sector as useful, at least for users experienced with computer tools. However, according to the National Union of Family Associations (Union nationale des associations famille - UNAF)<sup>92</sup>, connecting to the justice.fr portal is carried out through the France Connect platform, which requires the registration of personal data such as a social security number or tax number. However, certain decisions handed down by guardianship judges petitioned digitally would show that information.

It seems necessary to recall that pursuant to the aforementioned Article 22 and the CNIL recommendations, the dissemination and processing of this type of data must be strictly limited<sup>93</sup> as for all users.

Finally, unlike professionals, family guardians and conservators do not have privileged contacts with public services. It seems therefore necessary to make available to them, very soon, an extension of the “Connect Helpers” scheme. As with the previous recommendations made by the Defender of Rights in 2019 and regardless of the measure in question, access to and consulting their personal information must be guaranteed to the protected adult. Under no circumstances

should the person in charge of the measure be obliged to use the login credentials of the protected adult. Finally, they must only have access to the information strictly necessary for the exercise of the mandate entrusted to them by the judge. Failing this, the repeated development of obstacles due to dematerialisation is likely to discourage relatives in charge of a protective measure and thus infringes the principle of family pre-eminence recognised in Article 415 of the French Civil Code.

## RECOMMENDATIONS

The Defender of Rights recommends extending access to the “Connect Helper” scheme to family guardians and conservators.

## 6· YOUNG PEOPLE: “WE ARE NOT DIGITAL NATIVES, WE ARE BECOMING DIGITAL NATIVES”

It is necessary to go beyond the clichés of audiences with difficulties with digital technology, and particularly to do away with the myth of the “digital native”. Some young people are “agile” in making online purchases on their smartphone, exchanging instant messages, connecting to network video games, or producing and publishing creative content (videos, podcasts, etc.), but are totally lost when carrying out administrative procedures online.

It is not always known, but under 25 year-olds are more in difficulty than the rest of the population in carrying out procedures on the Internet. In 2020, the first year of the pandemic, a quarter of people aged 18-24 years indicate having encountered difficulties in carrying out online procedures alone, which is 14 points higher than the average<sup>94</sup>.

It has, of course, always been complicated for young citizens to carry out administrative procedures which had until then been the responsibility of their parents.

An administrative form available on the Internet, therefore on a media that is wrongly considered as mastered by young people, remains an administrative form with its vocabulary, codes, complexities.

It is therefore necessary to undertake work to simplify, modify ergonomics, or interface type and, above all, train young people in administrative culture.

## FOCUS

### WHEN YOUNG PEOPLE ENCOUNTER ADMINISTRATIONS ON THE INTERNET...

In the preparation of this report, the Defender of Rights teams asked ten young people to demonstrate their relationship with public services, especially when they involve digital technology. They collected several stories of complex entrances in the life of adult administration:

*“I had problems with my driver’s licence.*

*The ANTS site seemed clear to me and I had no difficulties in the beginning. But after a long waiting period, the ANTS responded to me that it was missing a document in the application without specifying which one. My father had to go to the prefecture to find out where the error came from. At the counter, the agent realizes that the document, supposedly missing, had been received with the entire application file. In fact, I waited for a year, simply by what was missing a signature on the ASSR2<sup>95</sup> delivered in year nine.”* (Léna, 19 years old, in civic service, Loire Atlantique)

*“I made a request for naturalization online in 2017, but I have still not received a response while I have been living in France since a very young age. Dedicated physical spaces should be provided in order to be supported and to have more information.”* (Hamza, 18 years old, student, Les Mureaux)

*“During the first lockdown, I was in year ten and I had problems in completing my schooling because I did not have any equipment. So I could not attend the video conference classes, nor could I communicate with my teachers, who did not believe that the problem was due to a lack of equipment. (Mackenlove, 17 years old, followed by the association Intermèdes Robinson, Hauts-de-Seine)*

*“Registering for university, everything is dematerialised. I am in a master’s degree programme, and I had to register on the e-applicant platform, that is the same for all universities. We waste our time giving the same information online. It’s all repeated. There should be a consolidation of information on that platform. To find out if you are accepted, you have to check the platform regularly. We do not always receive an email prompting us to log in. Furthermore, the possible refusal of our application is never really motivated.” (Eva, 21 years old, in civic service, Loire Atlantique)*

*“I remained without a scholarship at the beginning of my first year. I had made my online request on the CROUS website but, thinking that this approach was linked to Parcoursup, I validated my requests on Parcoursup but I did not carry out any additional procedure for my scholarship application.” (Luc, 21, a first-year undergrad student)*

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The young people and associations met in preparing this report in the context of a “young, digital, access to rights” working group, expressed the feeling that youth was the “poor relation” of the government’s digital inclusion strategy, even though some young people, in great vulnerability, marginalized, or isolated, are particularly exposed to the difficulties related to the dematerialisation of services. Young people staying in a social hotel, living in slums, or even in the priority districts of the city’s policy,

young migrants - particularly early arrivals - are also faced with exclusively online procedures, which are difficult to access for them. For young people met, what works are direct links (counter, telephone) because they give the opportunity to explain their situation in all its dimensions, which is not allowed by a dry form.

Such young people are applicants for digital training but not in technical digital as they experienced it at the school in technology class or year eight. They want to be trained in a practical everyday digital, create an e-mail address, scan a document, attach a document, know the websites of the administrations, to know how to complete an administrative document by learning the vocabulary specific to such documents.

With regard to facilitating their access to dematerialised procedures, the young people interviewed would be in favour of the establishment of a single administrative platform where all the steps to be taken by young people would be combined, particularly with entries by age: at 16 years, registration on the citizenship day, at 18 years of age, the steps to be taken upon adulthood (creation of an Ameli account, income declaration, etc.); or by situation: “I’m getting my first place (je prends mon premier logement)”, with the help available, the steps to be taken to declare my move, etc. The platform “a young person - a solution (un jeune - une solution)”, still poorly known, could be improved to achieve this goal.

For the associations interviewed, dematerialised relationships often require the intervention of a trusted third party who enters into the relationship between the administration and the young user. One example of this is the Net Workers (Promeneurs du net) scheme, which consists of deploying an educational presence on the Internet by mobilising youth professionals to be present with young people on social networks. Some social workers are contacted by young people, themselves directed by other young people who are already familiar with specialised educators.



Another practice can be highlighted, that of the CRIJ Occitanie, which works in neighbourhoods with other structures. It has put in place with several administrations (CAF, Pôle Emploi, prefecture, etc.) training and a network of referents that respond to the requests of young people as part of their support by the Youth Info (Infos jeunes) points. The question of equipment and access to an internet connection may also arise (e.g., some procedures may require scanning documents). Young people have very little access to digital training aids, of which they rarely have knowledge.

And public authorities do not always think of them as a priority audience. Thus, Digital Passes, when they are rolled out in a territory, seem insufficiently distributed to young people - Passes are often distributed in priority by Pôle Emploi to older audiences.

## RECOMMENDATIONS

The Defender of Rights recommends training young people in everyday digital and facilitating the procedures they must carry out as young people from a single entry point.

## 7· SCHOOL AND DIGITAL, WHAT ARE THE CONSEQUENCES FOR CHILDREN AND THEIR FAMILIES?

Since the start of the pandemic, the objective of authorities has been to continue receiving children in schools and to continue the lessons learned. Unfortunately, this objective has not always been achieved for all children. In such cases, and since the lockdown, teachers often have introduced new ways of working with students, in a dematerialised format that allowed some form of educational continuity. These distance education methods, made necessary by the crisis and beneficial for

many children, have however contributed to strengthening inequalities between pupils<sup>96</sup>, between families and, sometimes, between teachers, depending on their degree of ownership and access to digital technology<sup>97</sup>.

The attention of the Defender of Rights was called to the delays in learning such children, creating inequalities between pupils, according to their social and family environments (housing conditions, non-existent or insufficient computer equipment for all children in the home, difficulties for parents to provide support to their children in their learning, etc.), thereby accentuating the factors of school drop-out, absenteeism or even leaving schooling altogether.

In view of the new health protocol applicable in schools since the beginning of September 2021, the Defender of Rights informed the Ministry of National Education, Youth and Sport of her concerns about the conditions under which the continuation of distance learning during periods of isolation and school closure will be ensured. Given the continuing difficulties for some children in accessing educational content remotely, she also wished to draw attention to the effects of such measures, particularly for secondary school students who are far from vaccination and those made more vulnerable by their economic and social situation (unaccompanied minors, faced with parental conflict, entrusted to ASE, etc.). Nevertheless, the Defender of Rights would like to welcome the initiatives of some teachers, particularly in REP+, who, for families with no computer or tablet equipment, sent homework by mobile phone and asked students to submit their answers by sending them photos.

Over the past few years, the dematerialisation of part of education has not been a choice, but a necessary and useful instrument to limit the effects on children of other health decisions. It is possible that this issue will no longer be relevant once the pandemic has passed. But this situation, however exceptional, has shown how much social and educational inequalities are reinforced by the use of digital tools that are accessible to the majority

of children but not to all, and not always in satisfactory conditions, with medium and long-term consequences that are difficult to assess.

Older and more sustainable is the dematerialisation of relationships between children, families, teachers, and school institutions. The development of digital workspaces (ENT) is an interesting example<sup>98</sup> of this new paradigm of the pedagogical relationship.

Such school life management software allows teachers to communicate not only to students, but also, if not first, to parents, the grades, absences, deadlines, homework to be done, and various educational resources necessary for the conduct of schooling. They gradually replace the traditional correspondence books. Students also have a personal space, where they can consult this information, but also communicate with each other or upload homework. Students' parents also have access, most often in real time, to relevant information about the school, class, or child. These digital workspaces (ENT) can facilitate the parents' consultation of their child's grades, textbooks, and schedule.<sup>99</sup>

But, as with distance education, lack of mastery or ability to access it for parents or children, are these new methods of communication not a factor of inequality? How can a student parent support the schooling of their child, if all the homework is done electronically, but they are not self-sufficient with computer tools? For example, additional exercises may be offered through a QR code in the lessons. However, this presupposes that the parent has not only a smartphone but also that they have a subscription with a large volume of data, to be shared possibly between several children. In a context where children are told not to spend all their time in front of screens.

Beyond this issue, the Defender of Rights wonders about the changes brought about by such tools in relations between parents, children, and teachers in light of the best interests of the child. These digital tools, used for practical reasons, are not simple technical objects.

While their transparency and immediacy in the transfer of information can have the effect of bringing some parents closer to the school institution and teachers, they also deprive the children of their role in mediation between the school and the family universe, leaving them no more autonomy, with what that covers in terms of learning responsibility, in the conduct of their relations with both teachers and their parents. Because no tool is neutral, it is imperative to debate the effect of digital technologies on children's right to education and their right to privacy.

## RECOMMENDATIONS

The Defender of Rights recommends organising consultations within the educational community on the transmission of information relating to the education of pupils in primary and secondary education (grades, homework, absences, etc.), in order to ensure that it is carried out in accordance with procedures defined according to educational choices and not dictated by technology - with, in any event, the ongoing concern for the best interests of the child.

She also recommends that schools maintain non-digital communications with families who wish to do so.

## 8· FOR FOREIGN NATIONALS, SYSTEMIC DYSFUNCTIONS AND SERIOUS INFRINGEMENTS OF RIGHTS

Third-country nationals in the European Union are de facto the most tested users of the dematerialisation of administrative procedures. Indeed, they must carry out procedures online, without any alternative, to be granted a right of residence. Yet, almost all of their economic and social rights are dictated by this right. In recent years, the procedures imposed on them have experienced a large number of structural dysfunctions, leading to significant breaches of rights for the persons concerned, and on which the Defender of Rights is heavily petitioned.

Already highlighted in the 2019 report, this situation continues, in the absence of a response to the challenges, from the Ministry of the Interior, to the numerous warnings sent to it.

### 8-1· SATURATED ONLINE APPOINTMENT MODULES

Since 2016, some prefectures have used an on-line appointment module and make certain residence procedures for foreign nationals subject to obtaining an appointment online only. No exceptions are allowed. Therefore, when the time slots open to the reservation are saturated due to a lack of sufficient slots, the claimants are not able to make an appointment and find themselves unable to carry out the procedures they are nevertheless required to carry out with a view to filing a first application or a request for renewal of their residence permit, often with very strict deadlines.

However, only at the end of this meeting can persons who submitted a complete application obtain a receipt. These dematerialised procedures therefore lead to foreign nationals being kept in a precarious situation or even placed in an irregular situation, even though they have all the elements allowing them to file an application for a residence permit.

In a large number of departments<sup>100</sup>, the saturation of schedules is almost permanent. This forces users to constantly attempt to connect to the prefecture's website, at any time of the day and night, as online appointments are often made at random times to try to combat the unlawful capture of appointments for commercial purposes. The shortage in fact led to the sale of such appointments by unscrupulous intermediaries, which resulted in even more difficult access to appointments for users. People who petition the Defender of the rights with such difficulties have generally spent several months, or sometimes several years, trying to get an appointment in the prefecture.

Some prefectures use this appointment module for almost all applications for a residence permit. Others now reserve it for people in an irregular situation. In such cases, they use other teleservices for other situations. These are teleservices which, in the absence of an available slot, do not allow either registering on a waiting list, or identifying oneself, and do not issue a connection receipt.

The Defender of Rights has made a public position on two occasions concerning such systems: first by Decision No. 2020-142 of 10 July 2020 on recommendations to the Minister of the Interior, then by an Opinion No. 20-03 of 28 April 2021 issued following the hearing by the special rapporteurs of the National Assembly's Finance Committee on the immigration, asylum and integration mission of the Finance Act.

The Defender of Rights considers that this mandatory online appointment procedure stems from obstacles to the broad principles governing public services, particularly the principles of continuity and equal access.

In particular, she notes a difference in treatment between users according to the basis of their residence permit application, it being specified that any foreign national - with the exception of European Union nationals - is required to carry out the formalities enabling them to



hold a residence permit, and that a certain number of foreign nationals who are, at a given time, in an irregular situation do not fall under exceptional admission to residency, but must automatically receive a residence permit when they request it<sup>101</sup>.

The Conseil d'État also ruled, by a judgment of 27 November 2019<sup>102</sup>, that neither the provisions of the Code of Relations between the Public and the Administration providing for a right of referral to the administration electronically, nor the Decree of 27 May 2016 authorising the administrations to create teleservices, had the effect of making it mandatory, for the user, to the use of this method of referral to the exclusion of any other.

The Defender of Rights has thus repeatedly recalled that referral by electronic means to the administration remains a right for users, who cannot have it imposed on them, and that any administration is therefore required to provide for an alternative to the dematerialised procedure.

In the prefectures where making an appointment is almost impossible, in the absence of alternative means of filing applications, a legal appeal has become in fact an almost obligatory prerequisite for access to the prefectural counter. The Defender of Rights thus presented several dozen observations in the context of “*useful measures*” interim relief aimed at ordering the prefecture to make an appointment<sup>103</sup>. The administrative tribunals have granted almost all of such claims.

It should be noted that the Conseil d'État has precisely regulated this dispute. Following the difficulties encountered by a person wishing to regularise his administrative situation with the prefecture, it thus ruled that the latter was responsible for registering an application for a residence permit within a reasonable time.

Failing this, provided that the foreigner establishes that he was unable to obtain an appointment date “*despite several attempts not having been made the same week*”, he is entitled to petition the administrative judge

with an application for “*useful measures*” interim relief (EC, ref., 10 June 2020, No. 435594).

In another decision dated 21 April 2021, the Conseil d’État recalled that proof of such attempts to make appointments could be reported by the production of anonymous screenshots insofar as, in the absence of an available time range, the teleservice does not allow the person to identify themselves (EC, ref., 21 April 2021, No. 448178).

Such requests have increased dramatically since 2018 and now represent a substantial part of the activity of some administrative tribunals, as noted by the special rapporteurs for the immigration, asylum and integration mission<sup>104</sup>. For the Conseil d’État<sup>105</sup> *“This artificial dispute gives rise to recurring injunctions of the judge, who is thus in charge of managing the shortage of appointments and queues.”*

## 8-2 · “SIMPLIFIED PROCEDURES” FAR FROM REMOVING ALL OBSTACLES

To deal with the pandemic and the resulting closure of counters, a large number of prefectures chose to use the digital “simplified procedures” scheme, which technically allows an administration to dematerialise any administrative procedure of its choice.

Although this platform has sometimes been used for simple appointments, it has most often been used to dematerialise the entire procedure for filing the application for a residence permit.

Here again, such teleservices appear to have been rolled out outside any legal and regulatory framework. A teleservice can only be created by a published regulatory act. In addition, Decree No. 2015-1423 of 5 November 2015 excludes any possibility of requesting the issue of a residence document electronically, except - when provided for by order - through the platform called “Digital Administration for Foreign Nationals in France (Administration

numérique des étrangers en France)”<sup>106</sup>.

While such irregularities were explained by the need to take urgent measures to ensure the continuity of the public service during the first weeks of the lockdown of March 2020, they appear to be significantly less justifiable today.

The use of this platform constitutes progress in relation to the online appointment system in several ways: the user can, theoretically, at any time file their application for a residence permit and is automatically issued a registered and dated acknowledgement of receipt which, while it does not guarantee their right to stay, will enable them to demonstrate the reality of their procedures and to protect themselves against detention. In the absence of being able to finalise the request, the person having to identify themselves in advance may constitute nominative evidence of their due diligence. In addition, the platform can be used from a smartphone and it is possible to resume a procedure at the point in which it was interrupted.

However, this dematerialisation, which does not appear to have been supervised by the Ministry, suffers from a lack of uniformisation, with each prefecture having prepared its forms itself. The information requested and the required documents can thus vary from one department to another, which is not without problems with regard to the principles of legality and equality.

Moreover, the fact of not allowing any alternative referral to the administration poses a certain number of difficulties: it is necessary to master computer tools, and in particular to be able to upload documents, as well as to have an internet connection to carry out the administrative procedure. As a result, the imposition of simplified procedures places a considerable burden on social workers and associations that support people in their efforts. In addition, in the event of a technical blockage, people are too often referred to the platform, while a prefecture agent could take the lead to complete the request themselves.



Finally, the use of this platform is far from facilitating the examination of the applications due to the lack of interconnection between simplified procedures and the business tool of the prefectures (AGDREF application). The agents are therefore forced to do a lot of data entry work that the dematerialisation should nevertheless make it possible to remove, or at least drastically reduce.

### **8-3· THE DIGITAL ADMINISTRATION OF FOREIGN NATIONALS (ADMINISTRATION NUMÉRIQUE DES ÉTRANGER - ANEF): A PLATFORM DEVELOPED AT AN ACCELERATED PACE**

The use of simplified procedures by prefectures to investigate residence applications of Foreign nationals should end in the short term. The Ministry of the Interior is in fact developing its own platform entitled “Digital Administration of Foreign Nationals (Administration numérique des étrangers en France - ANEF)”, which aims to dematerialise the filing of all such applications. However, there is still a question as to the exceptional admission to the stay, for which a “filter” will probably be kept upstream of access to the ANEF.

Since February 2019, holders of long-stay visas worth a residence permit must use this platform to validate such documents and pay the corresponding taxes.

As of June 2020, the Ministry has proposed that users carry out certain simple procedures (request for duplicates, renewal of receipt, DCEM, or change of address notification). If the use of this teleservice was then presented as a mere possibility, some prefectures took this opportunity to remove any alternative procedure allowing such procedures to be carried out.

Similarly, the integration of “student” residence permits with ANEF appears to have been accelerated to take place on the grounds that some prefectures have not actually taken into account the experimental nature of this procedure for the 2020 return to school, despite the absence of a regulatory framework providing for the use of this teleservice.

During 2021, “visitors” and “talent passports” were integrated into ANEF, and students are now required to use them, as well as employers seeking work authorization on behalf of a foreign national.

For all such procedures, no alternative to teleservice is maintained and the only contact person available in case of difficulty is the “Citizen Contact Centre” managed by ANTS, which is not equipped to solve an individual computer problem or to inform users about the substance of their request.

The ANEF has the same overall advantages as simplified procedures for users: automatic acknowledgement of receipt (called “*electronic certificate of on-line filing*”), a procedure that can be fully performed on-line, more problems with appointments, these being normally assigned by the administration as soon as the case is investigated. It also suffers from the same shortcomings, with this in mind, its use is now explicitly provided for by the CESEDA and its roll-out makes it possible to put an end to the inconsistency of practices, since the forms are drawn up directly by the Ministry.

From the point of view of the staff involved, it seems, however, that the switch to ANEF presents a substantial increase in value which should ultimately benefit users - provided, however, that it is not accompanied by a new wave of reductions in the number of staff responsible for examining the applications.

First of all, ANEF is interconnected with the working tools of the prefectural agents, which must allow for significant time savings. This tool is also intended to enable end-of-activity management, and in particular to deal with the most urgent requests as a matter of priority, which the previous dematerialisation tools did not allow.

On the other hand, CESEDA has been supplemented to integrate this new teleservice.

First, it now allows the issuance *via* ANEF – and therefore without moving around in prefectures – of certificates creating rights: a certificate of extension of examination must be issued when the residence permit expires during the examination of the renewal application, and a certificate of favourable decision is issued as soon as the Prefect has decided to grant the application. These certificates replace receipts for all applications filed *via* ANEF.

However, the introduction of such new residence documents is not without problems.

First of all, only the certificate of favourable decision is intended to be issued to persons requesting regularisation, even if it is automatic. It should therefore be feared that certain categories of persons who had so far obtained receipts as soon as a complete application was filed, will no longer be issued a residence document before the end of the examination of their application. This is particularly the case for parents of French children in an irregular situation, and persons in an irregular situation justifying a significant presence in France and significant periods of employment.

In addition, some coordination measures have not yet been taken: if the certificates of favourable decision and extension of examination are now included in the list of documents proving the regularity of the stay for entry on the Pôle Emploi lists, they have not been included in the list of documents contained in the social security code concerning family benefits and housing aid. Therefore, the continuity of such services has not always been ensured by the funds.

Pending an update of the legislation, the National Fund for Family Allowances (Caisse nationale des allocations familiales – CNAF) has instructed the CAF offices to temporarily maintain the rights of holders of a dematerialised certificate of on-line filing, extension of examination, favourable decision or any proof of an online procedure to renew their residence permit.

Secondly, CESEDA now provided that “*People who are not able to file their application online themselves are received and supported so that they can carry out this formality*” (Article R.431-2). The terms of this reception and support are however referred to a decree which has not yet been issued.

If this provision does not constitute a real alternative to the dematerialised referral since it is an aid for dematerialised referral, it could be a step forward if its implementation is up to the stakes.

At present, the three procedures – online appointment, simplified procedures and ANEF – coexist in many prefectures. The terms of filing have been modified several times since the reopening of the counters in June 2020. However, the prefectures communicate little on this subject to users, social workers, and associations who support them. In addition, information is often difficult to find on their websites, especially since contradictory messages often persist.

During the hearings conducted by the Defender of Rights, associations, particularly La Cimade, expressed concern about the inequalities and discrimination that may result from the hasty switch, mandatory and without alternative, to the digitisation of online procedures for foreign nationals.

The Defender of Rights shares such concerns. In her Decision No. 2020-142 concerning the prefecture appointment modules, she pointed out that imposing the use of a dematerialised procedure creates differences in treatment between the users subject to it, insofar as their chances of obtaining an appointment vary depending on the computer equipment and type of Internet access they have.

This difference in treatment could also be considered as discrimination based on the “*particular vulnerability resulting from their economic situation, apparent or known to the xxxperpetratorxxx*”.

Finally, the inability for a foreign national to apply for a residence permit, in addition to the basic principles of the public service, necessarily has considerable and daily repercussions on their right to respect for their private and family life guaranteed by Article 8 of the European Convention on Human Rights (ECHR), insofar as this has the consequence of keeping them in a very delicate administrative situation and to extend more than necessary the uncertainty inherent in the examination phase of an exceptional application for admission to residency.

## RECOMMENDATIONS

The Defender of Rights recommends supporting the dematerialisation of additional staff in all prefectures where processing times are currently too long.

The Defender of Rights reiterates her recommendations made in Decision No. 2020-142, and in particular:

- Guarantee several methods of effective access to public services so that no administrative approach can be accessed only electronically;
- Allow users to contact the agent in charge of processing their request in order to be regularly informed of the progress of the examination of the latter;
- Establish a procedure allowing the user to report a difficulty - of a technical nature or due to an unplanned situation - to carry out the procedure, by any useful means;
- Allow the agents informed of such difficulties to have sufficient prerogatives to resolve them.

She also recommends opening long-term digital access points dedicated to supporting foreign nationals at least in each city where a prefecture or sub-prefecture is established,

providing them with staff trained in the right of residence - in sufficient numbers - and giving them access to the working tools enabling them to resolve any technical difficulties encountered by users in the context of their procedures.

The Defender of Rights recommends ensuring equal access to the prefectural counters for all foreign nationals, regardless of their administrative situation.

She also recommends amending the system for issuing dematerialised certificates creating rights so that they are issued upon registration of a file considered to be complete, including for persons in an irregular situation.

Finally, she recommends adding to the list of documents proving the regularity of the stay in order to receive family benefits and housing aid included in the Social Security Code, the dematerialised certificates issued via ANEF.

## NATURALISATION: ENDLESS DELAYS

In addition to the difficulties associated with obtaining a residence permit, the Defender of Rights is also petitioned every year by more than 1,000 people who fail to see their request for naturalization processed within a reasonable time. It is impossible to obtain an appointment with the prefecture to file an application, wait several years before receiving a reply, etc., the path to obtain the registration of a request for naturalization continues to be a real obstacle course. After having repeatedly petitioned different prefectures on individual situations, and having issued several decisions since 2017, the Defender of Rights will publish in the first few months of 2022 a report setting out all infringements of users' rights observed in the context of claims relating to naturalization requests and making recommendations.

## PART III

# ANOTHER APPROACH IS POSSIBLE

Nearly a quarter of French people feel they live in a territory abandoned by the public authorities<sup>107</sup>. When questioning such people about what explains this feeling, the most common point cited is “the lack of access or difficulties of access to public services.”

The Defender of Rights also observed for several years in annual reports that the perception of a “retreat” of the state is largely fuelled by the failure of the administrations to respond to the requests of users, by the inability for many of them to actually interact with the administration to explain and resolve their difficulties, and to access their rights, by “virtualization” of exchanges with the administrations that eliminate human relations.

The numerous exchanges between the Defender of Rights, her delegates and the users who petition them make it possible to assert that the situation is not only unsatisfactory, but that it is tending to deteriorate. The Defender of Rights delegates currently receive users who are desperate, but also sometimes outraged by the treatment they suffer. In addition to these cohorts are all those who have abandoned and waived their rights. This situation can only produce a lack of confidence in public authorities and the State in general. The rapid, sometimes even abrupt, dematerialisation of administrative procedures, unfortunately contributes to feeding the mistrust of users.

This is not inevitable: digitising administrative procedures can be a step forward for all users, and not a relegation for millions of users, if this process is understood, designed and led not as a constraint driven by technological

developments, budgetary objectives and the search for productivity gains, but as a change in relations between administrations and users, admittedly profound but chosen, which is part of a historical and legal continuity, and in a time that is not that of a technological break, but that of needs, expectations and “uses” of all users, not just the most connected ones.

Historical continuity, because what plays along again with the digital transformation of administrations is the debate on the kind of desirable relationship between administration and society: since the beginning of the last century this relationship has gradually developed around the figure of the user as opposed to that of citizens administered to. However, as the lawyer Jacques Chevallier wrote very well, in 1985, “*the term “users” evokes a bilateral exchange relationship and involves an administrative model based on reciprocity, proximity, and freedom: faced with the equipment that the administration provides to them, before the services it offers, the user retains an ability to choose, a critical distance and a margin of autonomy*”<sup>108</sup>.

Legal continuity, because the relationship to public services has also been based since the last century on major principles, equality, continuity but also the principle of adaptability<sup>109</sup> which organises the permanent transformation of the administration, particularly the integration of technical developments, by guiding it so that it remains in line with the needs of the user<sup>110</sup>. For the mutability or transformation of a public service to be accepted by the user, it is essential that the administration adopt transitional measures.

The time taken into account: the time needed to carry out the change, to put in place systems that work, to train and support those who use them within the administrations, the time necessary for users to understand them, take them into account. In his 2019 report, the Defender of Rights had already warned of this factor: the transformation of the public service induced by its digitisation is profound, it radically changes the modes of relations with users and deserves to be carried out at a rate compatible with changes in users' uses and capacities, as well as with the pace of the roll-out of essential supporting policies.

Therefore, the Defender of Rights calls for changes to the current approach to ensure that this transformation is a success for all, by rebalancing the respective responsibilities and tasks of users and administrations, and by adapting the digital inclusion policy to the needs of users.

## **1· ONE ADMINISTRATION RESPONSIBLE FOR THE ACCESS OF ALL TO PUBLIC SERVICES**

As mentioned in the first part of this report, the current philosophy of the dematerialisation process seems to be based, at least in part, on the idea that part of administrative work, which the administration considers the simplest, with the lowest “value added” compared to the public resources consumed, can be transferred to the user.

This workload transfer is accompanied by a transfer of responsibility: if the user is wrong, is not successful, is not equipped or connected, does not understand what is requested, it is up to them to get to work to succeed, by pushing doors that want to open, whether they are family, associations, or falling under a public service dedicated to helping users or not. It is also up to them to be trained in digital, to be autonomous and in line with what the administration expects from a model user.

In fact, the responsibility for failure or error weighs on them. Although the public authorities have announced the recognition of a “right to error” granted to the user, it must be noted that its scope of application is so far extremely restricted, and that it has not led to the cultural change that could be hoped for<sup>111</sup>.

It is necessary to change this approach, which does not take into account the reality of the situation of millions of users who are not today, and probably won't be tomorrow, independent and able to easily carry out their procedures online, which are in sometimes complex administrative situations, who do not understand the logic and the administrative and legal vocabulary, who do not know the support arrangements. Nor does this current approach take into account the wishes and representations of such users on what the relationship should be with the public service. Access to public rights and services should not depend on the merits of the users, their expected capacities, the conformity of their behaviour with the expectations of the administration, but should be adapted to the needs of users and their specific situation, in the present.

Several recommendations, already made in the 2019 Defender of Rights report, are in line with a rebalancing of burdens and responsibilities, and would promote not only greater autonomy of users but also effective access to their rights.

### **1·1· GIVE EVERY USER THE CHOICE OF THEIR METHOD OF RELATIONSHIP WITH THE ADMINISTRATION**

The counter, postal mail, telephone, online service or e-mail, depending on their situation, request, means of communication, the user should be able to effectively have equivalent, non-prioritized or prioritized alternatives that are accessible and which do not lead to unfair treatment on the part of the public service.

The Defender of Rights is not unaware of the recent will of the public authorities, and particularly the ministers responsible for



such issues, to make progress in this regard, particularly by ensuring that any public site allows the use of a telephone platform and that each dematerialised approach includes possible modalities of human contact. Nor is she unaware of the roll-out efforts of the France Services programme.

To date, however, this will is not reflected in the reality of millions of people. Above all, the current logic remains that of a policy to offset the difficulties generated by dematerialisation, and not that of the roll-out of an additional offering, the dematerialised relationship, which would not replace but complement and reinforce other possible arrangements for relations with the administration. The dematerialised procedure should become an alternative to other means of communication, at the free choice of the user, and not a yoke imposed on everyone.

In this context, the counters would not be reserved for a category of persons considered to be “incapable” of carrying out their procedures on their own. Physical reception should be the subject of investments that benefit all users, in their diversity. As explained by the recent work of the Observatory on non-use of rights and services (*Observatoire des non-recours aux droits et services - ODENORE*), “*the multiplicity of communication channels (written, digital, telephone and physical) enables adapting to the situations, preferences and constraints of the various users provided they are not intended for specific and exclusive cases*”<sup>112</sup>.

Access to alternative modes of relations with the administration should also be facilitated. Thus, the Defender of Rights notes the willingness of public authorities to improve the quality of telephone reception and their decision to no longer surcharge telephone calls<sup>113</sup> to the authorities. This is a significant improvement for 95% of people, those equipped with a mobile phone with a flat rate plan. However, 3% of people, essentially the poorest, use prepaid cards, so that their dealings with the administrations are sometimes a significant expense for them.

## RECOMMENDATIONS

The Defender of Rights recommends further developing the possibilities of multiple access to public services, since the implementation of multichannel reception cannot be limited to France Services Spaces alone. Wherever they may be located, the user must be able to choose the most appropriate method of communication for their situation when communicating with the administration.

The Defender of Rights also recommends adopting a legislative provision, within the Code of Relations between users and the administration, requiring several methods of access to public services to be preserved so that no administrative procedure is accessible only electronically.

She recommends that the telephone platforms of all public services (Green No.) be truly free and not just to limit themselves to the non-surcharging of calls.

The Defender of Rights reiterates her recommendation to improve the information for users in order to increase awareness of the free administrative procedures and end practices directing users towards a private paid service.

### 1-2· DO NOT TRAP THE USER IN AN EXCLUSIVELY DIGITAL RELATIONSHIP

The user must also be able to change their mind or adapt their relationship with the administration to their abilities at the moment. They must therefore be able to refuse, at any time and by any means, the use of the electronic process for carrying out or continuing an administrative procedure. The consent to dematerialised exchanges must be reversible, but also understood and expressly accepted by the user.

As it stands, adherence to a system for dematerialisation of an approach often entails irreversible consent to exclusively dematerialised exchanges.

However, changes in living situation can lead to a temporary or permanent inability to carry out one's procedures on the Internet. Users should be able to retain the possibility of returning to correspondence by mail, particularly for the notification of decisions granting or refusing rights. The same applies to the preservation of an effective right to recourse, which is jeopardised if the user cannot access electronic notifications of decisions against them.

## RECOMMENDATIONS

The Defender of Rights proposes giving the user the opportunity to retract, at any time, their consent to dematerialised communications, either permanently or temporarily.

She also recommends establishing the principle of sending paper notifications of allocation, cancellation or revision of rights including time limits and remedies, unless the person expressly consents in advance to dematerialised exchanges.

### 1-3· DO NOT HOLD USERS LIABLE FOR ERRORS OR MALFUNCTIONS OF PUBLIC SITES

Even consented to, this dematerialised relationship between the administration and the user will only be truly balanced if an error committed by the latter does not give rise to a sanction, and gives rise to a right to regularisation. Users must not be held responsible at first sight for errors in the online filling of applications or malfunctions of digital online services (problems of access to online services, undersizing of the system to absorb the flow of requests, blockages, errors and IT failures). Similarly, given the complexity that carrying out online procedures may represent for some users, the Defender of Rights wishes to recall that an error, even if committed

on several occasions, does not *ipso facto* constitute evidence of bad faith.

## RECOMMENDATION

The Defender of Rights recommends guaranteeing a time limit for making corrections, for all administrative procedures carried out online.

## 2· A SUSTAINABLE, STRUCTURED DIGITAL INCLUSION AND QUALITY STRATEGY

Digital inclusion is complementary to a strategy of multimodal access to the administration: it must allow every person who wishes to be supported or trained to be so easily, it must ensure the accessibility and ergonomic quality of the sites for all, it must facilitate the equipment and connection of those who wish but cannot do so for economic reasons or due to network coverage. It must be visible, clear, accessible, and rolled out as close as possible to users.

Because it plays an essential role in both integration and the development of the individual, in a society where work, but also knowledge, culture and recreation are deeply digitized, its usefulness far exceeds the sole issue of access to the administration.

The digital inclusion policy pursued by public authorities therefore deserves to be deepened, improved, and sustained: young people are not necessarily more comfortable with dematerialised procedures, for some of them specific learning is essential, so that the needs of digital training and mediation are not close to going away.

## 2-1· IMPROVE THE DESIGN AND ROLL-OUT OF PUBLIC WEBSITES

Designing, developing and deploying a dematerialised procedure is a complex, lengthy and costly approach. When the required time is not taken or the human and financial resources are too limited, this systematically results in the multiplication of errors, dysfunctions, or lack of adaptation to the real situations of users.

In his 2019 report, the Defender of Rights had already insisted on the critical nature of *how* procedures are dematerialised. The preparation of this report confirmed to the various stakeholders, administrative and associative, the importance of bringing together, upstream, during, and downstream of the dematerialisation process, not only “users”, taken abstractly and generally, but particularly those who, amongst users, are most likely experience difficulty with digital or with administration in general.

It is also essential to involve public officials. In fact, the digital transformation of administrations leads to a significant change in their tasks, the organisation of their tasks and their working conditions. Interviewed by the Defender of Rights teams in the preparation of this report, trade unions and groups of public officials have highlighted a tendency toward fragmentation of tasks, a risk of overloading linked to staff cuts that often accompany dematerialisation processes, but also a loss of contact with the user, which may lead to a loss of meaning<sup>114</sup>.

Sensitive to the quality of the tools used to implement dematerialised procedures, public officials, like users, are subject to pressure to adapt to the new standards imposed by the digital system, often accompanied by job cuts. During the pandemic, the experience of teleworking was very contrasted with the way in which the administrative services had invested in IT infrastructure - which did not fail to have consequences for users of public services.

Furthermore, the Defender of Rights maintains regular contact with those responsible for public services whose dematerialised procedures lead to a great deal of referrals; in this context, public managers frequently mention staffing restrictions, difficulties in recruiting trained staff, and the outsourcing of part of the relationship with the user, as many causes of the difficulties encountered by users in their procedures.

Users of the digitised procedures, those for whom the public service is rendered, like the agents responsible for processing them, each of them must be involved in the design of the digital transformation of the administrations, in order to derive the greatest possible benefit and to limit the risks from it.

Digitisation must not be limited to the dematerialisation of procedures, designed solely as the transposition of paper forms into an electronic format. It must also be simplified, because at present the writing remains predominant, and administrative language is complex. The work carried out, particularly by the DINUM “UX Squad”, on the presentation of the forms, on the vocabulary and the usual formulation must be continued and interfaces must improve the ergonomics.

## 2-2· RELY ON PUBLIC DATA TO FACILITATE ACCESS TO RIGHTS

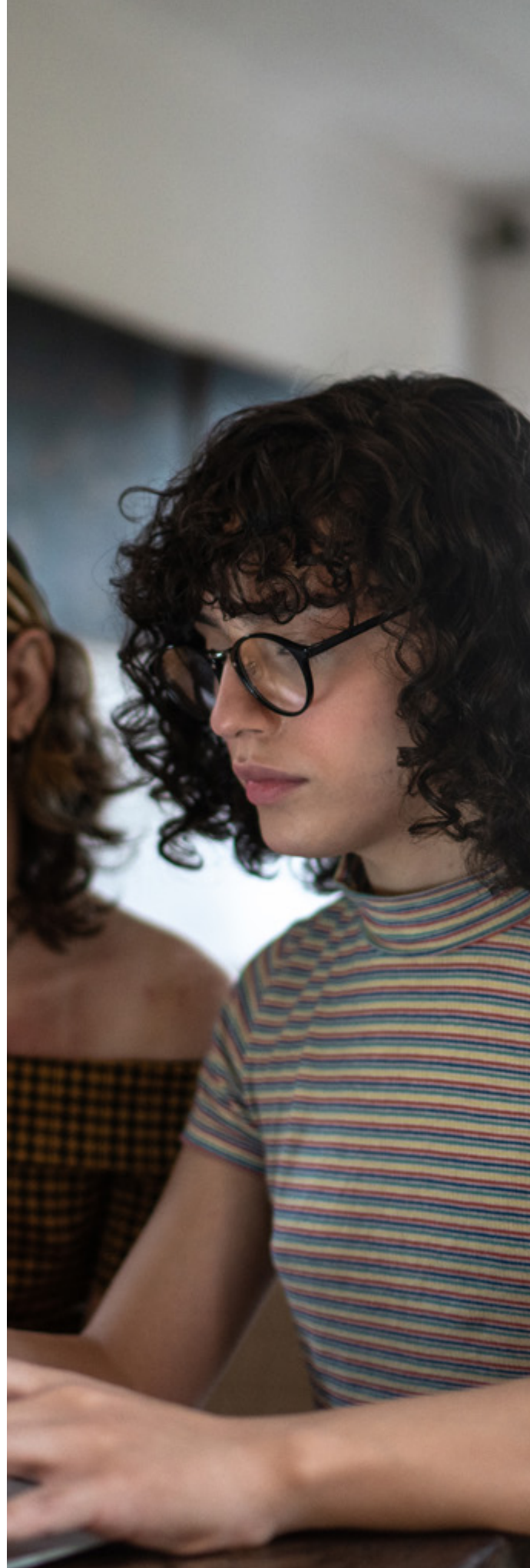
Dematerialisation processes must also be an opportunity to facilitate user procedures. One of the main difficulties encountered by users in carrying out their procedures is to always provide the same information and data that is often already held by this administration or by an administration whose data is necessary to carry out this process.

Significant progress is being made in this regard. The development of automated data sharing between administrations was initiated by Act No. 2018-727 of 10 August 2018 “*for a State serving a society of trust (pour un État au service d’une société de confiance)*,” supplemented by the Decree of 20 January

2019 on the exchange of information and data between administrations. Under certain conditions, the user undertaking an administrative procedure is no longer required to provide certain information or supporting documentation (reference tax income, proof of identity, certificate of entitlement issued by social security bodies) already held by the administration. Pending the adoption, then, if necessary, the application of the “3DS” Act, the rule currently in force prohibits such data exchanges between administrations unless otherwise expressly authorised by regulation after the opinion of the French Data Protection Authority (CNIL).

The extension of data sharing possibilities can also be seen as a tool to fight non-recourse of rights, by making it possible to inform users directly about their rights and even by organising the automatic granting of certain services. This is already the case, for example, with the energy cheque, the Subsidized Supplementary Health Insurance Program (“Complémentaire santé solidaire”/ CSS) for recipients of the RSA and the minimum old age (Social Security Financing Act of 2022), the payment of maintenance payments unless the two former spouses refuse. However, the referrals received by the Defender of Rights over such services suggest that automation is not a miracle remedy against malfunctions.

Article 82 of Act No. 2020-1576 of 14 December 2020 on the funding of Social Security for 2021, integrated into the Social Security Code in Article L 261-1, provides that social security organisations undertake all actions likely to detect situations in which persons are likely to benefit from rights or receive benefits and to support such persons in accessing their rights and benefits which they may claim.



They shall carry out such actions, as necessary, in conjunction with other administrations or bodies with information that can help to identify situations of non-recourse. This provision includes the experiment implemented within the framework of the “Carte Blanche” in Cahors which in 2018 concerned the sharing of user data between social and labour operators (CAF, CPAM, Pôle Emploi). CAF offices, for example, call women reporting having separated from their spouses to explain the rights they can claim as a result of this change of circumstances.

Such changes, which are permitted by digital technology, must be encouraged insofar as their purpose is to promote access to rights and simplify the procedures for users. The Defender of Rights will, however, remain attentive to the fact that such processes do not infringe other rights of users and that they do not lead, as in the case of the fight against fraud, to taking away the administration’s responsibility or penalizing the user acting in good faith. Thus, the responsibility for the accuracy of the information should always weigh on the administration; and the sharing of data, like access to users’ data should not be mobilised for the purposes of monitoring, overseeing, and sanctioning users without the latter being aware of it and being able to object to it.

Finally, the recommendations relating to the ergonomics of websites remain current. The Defender of Rights encourages public actors who conduct dematerialisation operations to integrate explanatory elements (tutorials) and elements adapted to people who do not speak French or speak it just a little.

## RECOMMENDATIONS

The Defender of Rights recommends the inclusion of users experiencing difficulty with digital in the development and evaluation of processes for dematerialisation of public services.

The Defender of Rights recommends combining the changes to interfaces in order to limit the number of them so as not to disrupt users, as repeated interface changes over a short period of time have an impact on users (loss of landmarks, sometimes renunciation) but also on helpers who need to adapt their teaching tools supporting them (updated tutorials).

The Defender of Rights recommends adopting in all public services producing an online procedure or disseminating information online, a process facilitating understanding by all of the tasks, choices, steps, important information, etc. This approach, which will benefit all users, should be based on:

- The use of ergonomics suitable for all and the use of simple vocabulary and phrasing. In this regard, the Defender of Rights recommended in 2019 the use of language that is “easy to read and understand” (FALC);
- The development of tutorials explaining the steps of the procedure, the documents required to carry out the procedure. Such tutorials, as well as forms particularly, those for the attention of foreign nationals, could be translated into several languages and accessible to persons with disabilities.

The Defender of Rights encourages social, national and territorial public services to develop data sharing and pre-population of forms.



### 2-3· ENSURING SUFFICIENT EFFECTIVE INTERNET ACCESS TO CARRY OUT ADMINISTRATIVE PROCEDURES ONLINE

It is appropriate, as the government has announced, to speed up the implementation of coverage of the entire territory, including overseas territories, with very high-speed Internet. The time lag between access to this type of network and the roll-out pace of dematerialised procedures, difficult to endure for users, was pointed out in the 2019 report. Despite significant progress, the difficulties remain current. However, having Internet coverage, which is essential, is not a sufficient condition for carrying out one's procedures.

While the strictly financial dimension of the difficulties of accessing the digital system does not explain everything, it must nevertheless be taken seriously, and ways of responding must be explored in order to ensure equal access to communications and information electronically, regardless of the household's income. In 2019, the Defender of Rights raised the issue of social rates, access to computer equipment, assistance to subscribers in difficulty in paying their internet bills. On this last point, experiments had been undertaken in two administrative departments, without it being possible to know their conclusions. Insofar as access to rights depends on it, it should not be possible to deprive a user of their fixed internet access in the event of financial difficulties, like for water and electricity. Experiments aimed at ensuring such access should be relaunched, evaluated and, where appropriate, continued.

Three years later, no significant progress appears to have been made on such issues: the poorest population can count only on local, association, and family solidarity.

Therefore, the Defender of Rights wonders about the introduction of a "right to connect". In 2012, the UN recognized "Internet access as a fundamental right."

Determining what such a right would be, its scope, its scope, its universal or non-universal nature, its concrete methods of implementation, requires in-depth collective reflection. There are obviously several possible models combining various elements (right to the network, access to a plan at a social rate, purchase of equipment at a solidarity price, access to digital training, guaranteed local access, home access, etc.).

#### RECOMMENDATION

The Defender of Rights invites public authorities to develop free Wi-Fi spaces and to conduct a consultation on a "right to connect" or a "right of access to digital", involving both Internet service providers and vulnerable persons. Experiments must be conducted to determine the best model for making the Internet accessible to all. Internet access is now as essential as access to electricity, water or telephone service.

### 2-4· RESPONDING TO THE LACK OF CLARITY, COORDINATION, AND AWARENESS OF SUPPORT SYSTEMS

The findings established in the first part of this report show that there is a deep lack of knowledge, by their potential beneficiaries, by users, particularly those who need it most, but also by the associations who support them or by the professionals in the social sector, of the assistance or support mechanisms implemented. This situation, probably in part related to the recent nature of such systems, leads too many users to deal, alone, with the difficulties posed by a digital administrative relationship.

## RECOMMENDATION

The Defender of Rights recommends that public authorities take all necessary measures to ensure that user support systems are known, that their services are identified and qualified, and that their action be coordinated.

### 2-5- ORGANISING SUPPORT THAT IS NOT LIMITED TO DIGITAL

The support of users who want it, towards a form of digital autonomy is a complex and long-term undertaking. In addition to such difficulties directly related to the use of digital technologies, users often need legal and administrative support to be able to carry out their own procedures. There are sometimes other fragilities: economic, social, language proficiency, etc.

Therefore, the aid, training or support systems must include such dimensions. Without prejudging the ideal organization to achieve this objective, the leverage of the announced increase in the number of digital mediators could be an opportunity to better structure what is becoming a profession by not just focusing on technical and educational skills. The creation of a sector of the digital trades and more particularly digital mediation could promote this development through initial and continuous training.

Similarly, the limitations of the Digital Pass, highlighted by all the stakeholders encountered, must be an encouragement to rethink it, in its content (duration and nature of the training courses) as well as in its method of distribution. Such a redesign could be an opportunity to include a not exclusively technical approach to digital learning.

Within this framework, the Defender of Rights also calls on the public authorities to anticipate what could be similar to a form of “planned obsolescence” of the skills acquired during training courses, by rolling out on-the-job training programmes, which are supported by the new needs of users as well as the evolution of the technologies and media used.

Moreover, the quality of the support is not only measured during the training time. On this point, the Defender of Rights recommends an approach to training that is thought out in terms of learning and not only in terms of lessons. The semantic distinction is important, the logic of learning referring to that of personalized learning, which will make sense for the person, allowing them to “learn to learn” and to conquer a new familiarity with the digital world.

The various sites receiving the public should offer digital support, free of charge, which would not only cover the field of digital fragility, but more generally that of fragilities with the mastery of the written word and the French language. Among the of digital mediation professions, the profession of digital public writer in particular should be better recognized.

## RECOMMENDATIONS

The Defender of Rights recommends, to the Ministry of Labour, the Ministry of Public Service and the Ministry of National Education, the creation of a sector of the digital mediation trades, particularly in the territorial civil service, recognising the sustainability of their action and their usefulness.

## 2-6· DEVELOPING AND SYSTEMATIZING "GO-TO"

People experiencing difficulty with digital who abandon their procedures, who do not seek help or know where to find it, are the target audience of a "go-to" logic. There are many existing public or association initiatives. They should be developed and, for some, scaled up, allowing them to have structural effects.

The digital patrols put in place by the Federation of Actors of Solidarity (Fédération des acteurs de la solidarité - FAS) within the framework of the Patrol'IN (Maraud'IN) programme to support homeless people towards autonomy, is an experiment that should be rolled out to other audiences.

### FOCUS

#### WHEN THE CAF OFFICES GO TO THEIR RECIPIENTS

##### IN GARD

The Gard CAF office has a unique project in France: the Digital Inclusion Home (Maison de l'inclusion numérique - MIN) that combines innovation and solidarity.

This location is a space dedicated to learning digital tools; it aims to facilitate digital inclusion and avoid the digital insecurity of users.

Made available to the 170,000 recipients in the department, the 440 employees of CAF, as well as institutional partners (CPAM, Pôle Emploi, URSSAF, CARSAT, MSA), integration associations and social centres or local authorities, it responds to a need for users of the public services of the Gard Department, 46% of which wish to be supported in carrying out their administrative procedures online.

This location has four objectives:

- Training in the use of digital technologies in order to give the recipients autonomy in their procedures,
- Listening and mutual assistance,
- Becoming a laboratory for innovation and incubation,
- Being a crossroads and a place for digital creation.

## IN BAS-RHIN

The CAF Bas-Rhin office has set up digital support appointments, lasting approximately thirty minutes, which allow a user, accompanied by an agent, to discover the CAF site and the procedures, statements and supplements to certain things that can be done online. The CAF office also has a partnership with Emmaüs Connect, which consists of the participation of CAF agents in training organized by the association for the attention of the people it supports to present the various features of the caf.fr website over several days.

## 2-7· ESTABLISHING FAIR, STABLE FUNDING

Social associations that receive the public or are in contact with users, local authorities, and social services in general are faced with an increase in their digital support activity, simply so as not to leave stranded the people they help in other respects. These additional activities are not funded as such by the administrations which, by dematerialising their procedures, make them indispensable.

Some associations, either to find funding or because they are actually carrying a digital inclusion project, seek to fund themselves through digital inclusion programmes.

Most of these programmes are based on calls for projects, calls for expression of interest (AMI) and other grant-funded competitions. Responding to all these calls for projects requires dedicated teams trained in this type of exercise. In addition, such funding is often only provided for the start-up of the project. Finally, competition in the search for grants between large traditional associations and certain new start-ups is developing, while small local associations, with a strong social dimension, known locally, do not always have the resources to respond to calls for tenders.



This organisation can produce very useful projects, but which will eventually have to find dedicated funding or disappear, even though the difficulties of users will persist.

The question of the sustainability of funding also arises for certain public schemes. The programme for the four thousand digital advisor positions is part of the two-year recovery plan, while, again, the needs are going to last.

Finally, the question of sharing the burden linked to dematerialisation can arise within the framework of the financial set-up of the French services houses. If the State and the services represented within them bear part of the cost, the local authorities also finance a significant part of it, even though the services offered to their users are not their responsibility.

As in 2019, the Defender of Rights calls on the public authorities to organise compensation for the additional burdens suffered by association stakeholders and by local authorities as a result of the dematerialisation of the administrative procedures of the State and social bodies.

She also calls for an assessment of the effects of funding on calls for projects in terms of service results for users and medium-term efficiency.

## APPENDIX 1

### FOLLOW-UP TABLE FOR THE RECOMMENDATIONS OF THE 2019 REPORT

The purpose of this table is to present the follow-up to the recommendations made by the Defender of Rights in his report of 16 January 2019 entitled, Dematerialisation of Public Services and Inequity of Access (Dématisation des services publics et inégalités d'accès aux services publics). It corresponds to the analysis made by the institution of the measures put in place by the public authorities following the publication of this report, after discussions with the Ministry of Transformation and Public Service, the Ministry of the Interior and the State Secretariat for Digital Transition and Electronic Communications.

It emerges from this that the majority of the recommendations issued in 2019 remain at least partly current: their full and total implementation would allow the transformation of the administration to be carried out for the benefit of all.

### ALWAYS RETAIN MULTIPLE METHODS OF ACCESS TO PUBLIC SERVICES

#### RECOMMENDATION 1

Adopting a legislative provision in the French Code of Relations between users and the administration requiring several methods of access to public services to be safeguarded, so that no administrative procedure can be accessed only electronically.

#### FOLLOW-UP AFTER THREE YEARS

Mechanisms have been put in place to allow a non-dematerialised access path to certain public services (observatory of the quality of online procedures; announcement of the plan to promote the roll-out of the telephone channel in all public services; France Services Spaces), but there has been no legislative provision made enshrining this right.

Two bills have been tabled, but their legislative process was not successful.

**Bill No. 2997 of 26 May 2020** introducing a right to dematerialised access to administrative applications submitted to the National Assembly and referred to the Law Committee: After Article L. 111-3 of the Code of Relations between the Public and Administration, an article L. 111-4 has been inserted reading as follows: "No one can be forced to resort to dematerialised procedures in their relations with the administration. Everyone has the right to request handling by mail of their administrative procedures."

**Bill No. 367 of 12 February 2021 on the fight against digital illiteracy and for digital inclusion, initial version presented to the Senate**, containing the Senate information report, on the fight against digital illiteracy and for digital inclusion which provides for the insertion of Article 112-6-1 into the Code of Relations between the Public and the Administration, stating that "any user of the public service shall be received, at their request, in the physical sites of the administrations in order to carry out any administrative procedure within a reasonable time, at the latest two months from the date of the submission. The existence of a teleservice shall not entail any obligation of electronic submission to the administration."



## INTERNET ACCESS AND IT EQUIPMENT FOR THE MOST FRAGILE HOUSEHOLDS

### RECOMMENDATION 2

Set up over throughout the territory, including the overseas territories, an internet connection with a minimum and effective rate of 8 mbps, and at the same prices for the overseas territories and mainland France.

### FOLLOW-UP AFTER THREE YEARS

The universal electronic communications service guarantees **access to a high-quality telephone service at an affordable price**. The universal service is provided in the territories of mainland France, Guadeloupe, French Guiana, Reunion, Martinique, Mayotte, Saint-Barthélemy, Saint-Martin and Saint-Pierre-and-Miquelon.

The concept of “Universal Service” was amended in December 2020 in order to respond to European Directive No. 2018/1972 of 11 December 2018. Thus, since 3 December 2020, Article L.35-1 of the Postal and Electronic Communications Code provides that the Universal Service must allow any end-user to have access, in a fixed position, at an affordable price:

- To an adequate high-speed Internet access service;
- To a voice communications service.

To guarantee access to the right high speed (>8 Mbps) for all, the “Digital Cohesion of Territories” scheme gives individuals and businesses a boost until 31 December 2022, to provide them with good broadband. Within the framework of this counter, up to 150 euros of support for the equipment, installation or commissioning of a wireless solution (fixed 4G, satellite or local radio loop) are provided to private individuals and companies that are not covered by wired networks. The State's financial support concerns, potentially, almost 4 million households and establishments, especially in small towns and rural areas.

According to the State Secretariat for Digital Transition and Electronic Communications, more than 99% of premises are covered with a speed greater than 8 Mbps (Good High-Speed).

### RECOMMENDATION 3

Compliance by the Government with the deadlines for the implementation of the very high-speed broadband plan.

### FOLLOW-UP AFTER THREE YEARS

Access to very high-speed fixed broadband was improved: as of June 30, 2021, 27 million homes or premises for professional use were eligible for fibre, with a target of 32 million in 2022<sup>115</sup>. As regards the very high-speed targets set at the end of 2022, ARCEP estimates that the share of homes or premises for professional use eligible for a bandwidth of more than 30 Mbit/s (Very High Speed - (THD)) using wired technology (FttH, cable, DSL) has increased from 68 % (28 million out of 41.9 million premises<sup>116</sup>) as at 31 December 2020 to 74% (31 million) as at 30 June 2021.

**RECOMMENDATION 4**

Maintain alternative procedures to dematerialised administrative procedures for territories that do not have a high-quality internet connection.

**FOLLOW-UP AFTER THREE YEARS**

The possibility of alternative procedures to digital procedures is far from systematic. To support the implementation of online procedures, the “France services” program (2055 locations today) allows users to be received by digital advisors. However, the program did not select as a priority location criterion the fact that territories are in an area not covered by a quality internet connection.

**RECOMMENDATION 5**

Improve communication on the “Alert ARCEP” mechanism and on the possibility of alerting it by other means than the Internet.

**FOLLOW-UP AFTER THREE YEARS**

Few improvements recorded outside of a more fluid path for users with disabilities. ARCEP collects reports of non-operation or malfunction of the Internet network *via* its internet platform. They do not give rise to individual processing but allow it to take action in case of peak alerts. ARCEP can also be alerted via traditional channels (letter, telephone, email), but this possibility is not the subject of specific information. New platforms have been created by local authorities to know the status of the network and the real-time flow.

**RECOMMENDATION 6**

Implement throughout the territory the system provided for in Article 108 of the Digital Republic Act, incorporated in Article L. 115-3 of the French Social Action and Family Code, which provides that any person or family experiencing particular difficulties, particularly with regard to their assets, insufficient resources or conditions of existence, has the right to assistance from the community to have the provision of a fixed telephone service and an internet access service.

**FOLLOW-UP AFTER THREE YEARS**

Since 2016 this assistance was in the experimentation phase in three departments: Seine-Saint-Denis, Haute-Saône and La Marne. The methods for obtaining the aid are determined by the departmental councils. They may therefore differ depending on the place of residence. The results of this experiment show that the system was very little monitored because the social workers were uninformed and equipped to mobilize it. Generalization is not planned to date.

**RECOMMENDATION 7**

Set up assistance with the payment of an internet subscription on the model of energy cheques.

**FOLLOW-UP AFTER THREE YEARS**

No system in place to respond to this recommendation.

**RECOMMENDATION 8**

Centralisation of information on local initiatives by the State in order to establish a precise mapping of places where assistance or computer equipment can be provided at a reduced cost.

**FOLLOW-UP AFTER THREE YEARS**

The territorial hubs, initiated by the State, are tasked with mapping the support offering on their territory. Of the 16 existing Hubs only 6 offer on their website a mapping of the digital inclusion places present in their territory by categories of target audiences. However, the national territory was not fully covered by a Hub until October 2021.

They are not tasked with mapping the offering of sales outlets of refurbished equipment at a reduced price. However, within the framework of France Relance recovery plan, credits are dedicated to providing professionals and digital helpers with refurbished IT equipment. The objective is to support the local refurbishers by allowing the local authorities to order this equipment from the nearest refurbisher. To do this, ANCT has launched a registration platform.

A national mapping of France Services digital advisors and their reception structures is also being carried out and is expected to be put online in January 2022.

**RECOMMENDATION 9**

Assessment and national steering by CNAF of equipment support devices with a view to harmonisation taking into account the specific situation of people experiencing extreme insecurity and the difference in costs between mainland France and overseas territories.

**FOLLOW-UP AFTER THREE YEARS**

No assessment by CNAF or harmonisation of equipment aid schemes.

## TAKING ACCOUNT OF DIFFICULTIES FOR USERS

### RECOMMENDATION 10

Create a protection clause for users in the event of a technical problem allowing them not to be held responsible for the failure to complete the process.

#### FOLLOW-UP AFTER THREE YEARS

Recommendation not followed up on because, according to DINUM, it would not be technically possible to distinguish the steps that were not completed due to a technical problem from those interrupted by the user.

### RECOMMENDATION 11

Establish, for each dematerialised administrative procedure, a procedure allowing the user to report a difficulty in carrying out the procedure by any useful means.

#### FOLLOW-UP AFTER THREE YEARS

Set up of the “I’ll give my opinion” button and the “Public Services +” program that allows the collection of user experiences with a view to continuous improvement. However, such devices are only accessible to the most agile people with digital or the best informed.

### RECOMMENDATION 12

Issue a nominative and dated receipt on each connection of a user to an online service, and that receipt must then, in the event of failure to do so, be able to be produced as evidence in an administrative appeal or litigation.

#### FOLLOW-UP AFTER THREE YEARS

The Ministry of Public Transformation considers that **the connection itself does not prove the carrying out of an administrative approach**. However, this recommendation can be considered to be partially effective. If the user carries out their procedures by connecting via FranceConnect, they will receive an email indicating the date and time at which they connected and the site visited.

**RECOMMENDATION 13**

Establish the principle of sending paper notifications of allocation, cancellation or revision of rights including time limits and remedies, unless the person expressly consents in advance to dematerialised exchanges.

**FOLLOW-UP AFTER THREE YEARS**

No change. Only certain networks such as the DGFIP offer this possibility today. Recommendation repeated.

**RECOMMENDATION 14**

Guarantee a time-limit to make corrections as part of a dematerialised administrative procedure.

**FOLLOW-UP AFTER THREE YEARS**

Recommendation partially implemented for certain on-line procedures, such as income declarations or procedures on the CAF website.

**RECOMMENDATION 15**

Provide for legal exceptions to the dematerialised payment obligations imposed by the regulations, and that, regardless of the dematerialised procedure, the existence of a payment method other than those related to the possession of a bank account is guaranteed.

**FOLLOW-UP AFTER THREE YEARS**

The Directorate General of Public Finance has partnered with the network of tobacconists to offer a local payment offering for paying taxes, fines or utility bills (cantine, nursery, hospital bills). Users can make their payments in cash, up to €300, and by credit card. Tax notices in excess of the amount of €300 cannot be paid to tobacconists.



## IDENTIFYING AND SUPPORTING PEOPLE EXPERIENCING DIFFICULTY WITH DIGITAL

### RECOMMENDATION 16

Organize a test to evaluate the basic learnings of digital use on the occasion of the Defence and Citizenship Day.

#### FOLLOW-UP AFTER THREE YEARS

At the level of the Ministry of National Education: PIX certification at in junior high school and senior year/90 min. of digital sciences in year eight/coding instruction in junior high and high school in mathematics classes. Ongoing negotiations between the PIX GIP and the Ministry of Armed Forces to integrate a test as part of the Defence and Citizenship Day.

### RECOMMENDATION 17

Distribute the roll-out of the “Digital Pass” throughout the territory, publish the labelling criteria for public spaces accepting them, increase the number of support hours for those who are most in difficulty.

#### FOLLOW-UP AFTER THREE YEARS

National roll-out in progress but the Defender of Rights observes certain limitations (see section 1 of this report). :

- Lack of knowledge of the system;
- Problem of identification by the “distributors” of the training structures;
- Problem of the ability to assess the digital skills and needs of people by social workers;
- Number of training hours insufficient to achieve digital autonomy.

### RECOMMENDATION 18

Redeploy some of the savings generated by the dematerialisation of public services towards the implementation of long-term user support systems.

#### FOLLOW-UP AFTER THREE YEARS

To date, there is no consolidated data to assess the extent of savings achieved through the dematerialisation of public services or their possible redeployment to support users. However, some projects are subject to an assessment of this nature. A systematic approach to such one-off procedures would help to consolidate, and above all, to monitor and highlight the distribution of gains from these operations between improving the support service and budget savings.

**RECOMMENDATION 19**

Establish a local public service bringing together a representative of each social body, taxes, Pôle Emploi, a social worker, and a digital mediator to provide generalised, quality support for the population, particularly the most fragile. The scale of implementation of the new scheme could be adapted according to the needs of the territories.

**FOLLOW-UP AFTER THREE YEARS**

The France services programme partially responds to this recommendation because, if it makes it possible, to take carry out administrative procedures of several public services in one place, particularly the 9 of the common base (Ministry of the Interior, Ministry of Public Finance, Ministry of Justice, health insurance, retirement insurance, family allowances, Pôle Emploi, Mutualité sociale agricole, La Poste), the agents supporting users do not come from these various public services. They are reception agents offering first-level support, with the support of the “Administration+” digital service, which connects governments to unlock particularly sensitive files.

**RECOMMENDATION 20**

Create, for ease of access, a mapping of all public or association places where a user support service exists.

**FOLLOW-UP AFTER THREE YEARS**

The territorial hubs, initiated by the State, are tasked with mapping the support offering on their territory. Of the 16 existing Hubs only 6 offer on their website a mapping of the digital inclusion places present in their territory by categories of target audiences. Mapping initiatives are under way (see recommendation 8).

However, the maps are more suitable for professionals than users. In addition, these maps are available on the net and therefore difficult to access by people away from the digital world who seek to train.

A module for making appointments with digital mediators is being developed. This module will be accessible *via* the Internet.

## IMPROVING AND SIMPLIFYING DEMATERIALIZED PROCEDURES FOR USERS

### RECOMMENDATION 21

Promote the use of a unique login ID to access all dematerialised public services.

#### FOLLOW-UP AFTER THREE YEARS

The France Connect scheme does not cover all procedures but allows the user with a single login and password to authenticate to access more than 1,000 online services. The CAF offices have recently joined the system already used by 33 million French.

### RECOMMENDATION 22

Visually and ergonomically standardize public service sites and use a “easy to read and understand” language.

#### FOLLOW-UP AFTER THREE YEARS

The Government Information Service (Service d'Information du Gouvernement - SIG) has built a “state design system” tool for the attention of the various ministries. This project is the digital component of the “state brand”, which allows citizens to have graphical consistency and better browsing experience across all state sites and to better recognize them.

“Easy to read and understand (FALC)” was used during lockdowns for exemption certificates. However, it is not currently planned to translate all forms of administrative procedures into FALC. The Prime Minister, at the February 2021 Interministerial Committee on Public Transformation, announced a goal: making 10 procedures and 100 administrative forms simpler and more clear by 2022.

**RECOMMENDATION 23**

Improve visibility and simplify the process of consent to dematerialised exchanges and generalise alerts on documents filed by public services in the user's personal space, by telephone (SMS) and/or by mail.

**FOLLOW-UP AFTER THREE YEARS**

As it stands, adherence to a system for dematerialisation of a procedure often implies consent to exclusive dematerialised exchanges, without the user being able to subsequently refuse the use of the electronic process to carry out or continue the administrative process.

Some public services, such as CAF, send emails or SMS to inform the user of the filing of a new document in their personal space or to provide information on the procedures or benefits to which they are eligible. Unfortunately, this process is not widespread and does not favour postal mail.

E.g.: The Health Insurance Fund sends by SMS information on the end of the health pass following failure to complete the 3<sup>rd</sup> dose within seven months of the 2<sup>nd</sup> dose.

## INFORMATION FOR USERS

### RECOMMENDATION 24

Improve the information for users in order to increase awareness of the free administrative procedures and end practices directing users towards a private paid service.

### FOLLOW-UP AFTER THREE YEARS

Some actions have been carried out with the search engines. For example, Google has prohibited “advertisings for documents or services that facilitate the acquisition, renewal, replacement or consultation of official information or documents directly available from a public authority or a delegated service provider” and “advertisements to get help with the application or payment of official or public services, directly available from a public authority or a delegated service provider.”

### RECOMMENDATION 25

Improve the transparency of the status of authorised third parties through the implementation of a label posted on their website.

Establish a real-time searchable list of authorised third parties.

Highlight government sites in search engines, including those of ANTS.

### FOLLOW-UP AFTER THREE YEARS

A list of authorised third parties is available on the ANTS website. ANTS has also taken steps to improve its referencing and stop situations where private operators could use the term “ANTS” in the keywords of online research in order to appear before ANTS. To do this, it registered as a trademark with the INPI and improved its online listing. The ANTS is once again the first result in searches relating to identity credentials or registration certificates on the Google search engine.

### RECOMMENDATION 26

Implement a referral tool to the PHAROS platform for reporting fraudulent websites.

### FOLLOW-UP AFTER THREE YEARS

Anyone can report illegal content to the police and gendarmerie services (site, video...) found on the Internet *via* Pharos.



## TRAINING SUPPORT STAFF

### RECOMMENDATION 27

Strengthen the initial and continuous training of social workers and reception agents of public services for digital use, detection and support of public service workers in difficulty.

#### FOLLOW-UP AFTER THREE YEARS

Training schools for social workers have added digital training to their courses. The training is designed in the form of three complementary modules:

- Digital culture and social work,
- Changes in the professional practices of social workers in the digital age,
- Use of digital tools by the social worker.

However, the issue of digital training for reception agents of local authorities and other public services has not yet been resolved.

In particular, the officials of the administrative call centres are not specifically trained to understand the person's situation and detect their level in computer proficiency, in order to remotely support them in their dematerialised procedures.

### RECOMMENDATION 28

Train volunteers from the civic service in welcoming fragile audiences and mobilize those volunteers not to replace the reception agents but as a complement to the mobilization of officials of the organization that dematerialises procedures.

#### FOLLOW-UP AFTER THREE YEARS

If the digital system is absent from the civic and citizen training framework defined by the Agency for the Civic Service, the recruitment of 4,000 "France services" digital advisers goes beyond the demand for training of young people in civic service, in order to deploy high-quality digital support.

## ACCOUNTING FOR SPECIFIC AUDIENCES

### RECOMMENDATION 29

Allow all persons in custody, particularly in prisons, to have effective access to the websites of public services, social bodies and online training sites recognised by the Ministry of National Education.

#### FOLLOW-UP AFTER THREE YEARS

There are no developments at the moment in the field. The Defender of Rights will monitor the roll-out of the “Digital in Detention” programme funded by the Ministry of Transformation and Public Service of 7,9 million euros.

### RECOMMENDATION 30

Rapidly generalize dual access to personal accounts at all public service sites, one for the protected adult, one for the legal representative, adapted to each mandate.

#### FOLLOW-UP AFTER THREE YEARS

Being considered at the Ministry of Justice.

### RECOMMENDATION 31

Systematically implement appropriate measures to enable disabled persons to effectively access their rights in case of proven impossibility of accessibility of an existing website and pending the establishment of a site that meets accessibility standards.

#### FOLLOW-UP AFTER THREE YEARS

The share of accessible procedures increased from 12% in June 2019 to 40% in February 2022. Resources have been dedicated to further progress (32 million euros of the recovery plan and launch of “UX Squads”).

**RECOMMENDATION 32**

Create a digital safe for all persons who are in custody.

**FOLLOW-UP AFTER THREE YEARS**

The IPRO 360° platform, rolled out gradually from August 2021 in prisons, will gather all information relating to prison work, vocational training, and professional integration. It will gather all the information and documents useful to the prisoner for their professional reintegration. Unfortunately, this safe is not intended to accommodate the administrative documents of the prisoner.

**RECOMMENDATION 33**

Designate an *ad hoc*, technically competent authority responsible for handling complaints and their centralisation, monitoring compliance with accessibility standards for sites of public bodies and their labelling.

**FOLLOW-UP AFTER THREE YEARS**

RGAA, which provides for recourse to the Defender of Rights in the event of non-compliance with information on the level of accessibility, is not a satisfactory solution as indicated on several occasions. The Defender of Rights does not have such powers. A dedicated body is required. Today, failing which, the DINUM monitors the accessibility of public services and accessibility audits are carried out by specialised companies.

**RECOMMENDATION 34**

Amend Article 1 of the Order of 14 November 2014 adopted for the application of Article 3 of Decree No. 2014-879 of 1<sup>st</sup> August 2014 on the State information and communication system to reduce the current provisional amount for the consultation of DINUM of any project relating to an information or communication system to 5 million euros.

**FOLLOW-UP AFTER THREE YEARS**

The threshold of €9 million was confirmed by an Order of 5 June 2020 adopted for the application of Article 3 of Decree No. 2019-1088 of 25 October 2019 on the information and communication system of the State and the Interministerial Directorate of Digital Affairs).

**RECOMMENDATION 35**

Create an evocation power for DINUM to carry out and make public opinions on a planned state information system without a minimum amount.

**FOLLOW-UP AFTER THREE YEARS**

No evocation powers have been granted.

## APPENDIX 2

### NEW RECOMMENDATIONS

#### RECOMMENDATION 1

Put in place a genuine compliance control system for public websites with accessibility rules, accompanied by dissuasive penalties and an obligation to take into account, particularly in the public procurement specifications, accessibility when designing or redesigning a site.

#### RECOMMENDATION 2

Like the National Digital Council in its report on accessibility published in 2020<sup>117</sup>, the Defender of Rights invites the government to consider the creation of an inter-ministerial delegation of digital accessibility, which would be responsible for the management, control and monitoring over the duration of the digital accessibility of public services.

#### RECOMMENDATION 3

Introduce training in digital accessibility in the initial and continuing training of digital professionals.

#### RECOMMENDATION 4

Ensure that people in custody have access to the websites of public services, social organizations and online training sites recognized by the Ministry of National Education and Higher Education and Research.

#### RECOMMENDATION 5

Provide people in custody with digital tools training and support in their administrative processes.

#### RECOMMENDATION 6

Involve vulnerable or poor users, associations supporting them, and social workers, in the design and ongoing evaluation of public sites, in order to understand their difficulties and to study their proposals to adapt their ergonomics and the vocabulary of forms.

#### RECOMMENDATION 7

Encourage the development of partnerships between fixed telecommunications operators and public or private social landlords or managers of student housing, family pensions or emergency housing centres, to offer tenants or residents a connection at a negotiated solidarity price.

#### RECOMMENDATION 8

Provide access to an internet connection in medical-social establishments, including housing centres, giving access to an internet connection and the possibility of charging mobile phones.

#### RECOMMENDATION 9

Develop recovery and refurbishment streams for computers, tablets and smartphones, to give them a second life at solidarity prices, in line with the Act of 15 November 2021 aimed at reducing the digital environmental footprint in France, which provides that within six months of its promulgation, the government will submit to Parliament a report on the measures that could be envisaged in order to improve recycling, the repurposing, and reuse of digital equipment and the feasibility of such measures.

**RECOMMENDATION 10**

Better regulate the cost of calls to authorities, which remain significant from prepaid cards and better inform users about the costs of using videoconferencing.

**RECOMMENDATION 11**

Implement “go-to” actions for the audiences furthest removed from public services, digital services, and thus access to rights.

**RECOMMENDATION 12**

Simplify access to rights procedures, such as the digital safe.

**RECOMMENDATION 13**

Put in place adjustments to best guarantee the rights of protected adults. The Defender of Rights also recommends that CNAF ensure a harmonisation of the conditions of access to its site for the various statuses of judicial officers for the protection of adults (services, individuals, employees, families, or relatives) so that there are no disparities according to the methods of exercise of the measure.

**RECOMMENDATION 14**

Be vigilant when rolling out the new digital health space<sup>118</sup>, which aims to gather the medical data of users in the form of a digital health booklet (prescriptions, examinations, results of analyses, etc.).

**RECOMMENDATION 15**

Extend access to the “Connect Helper” scheme to family guardians and conservators.

**RECOMMENDATION 16**

Train young people in everyday digital and facilitate the procedures they need to carry out as young adults from a single entry point.

**RECOMMENDATION 17**

Organise consultations within the educational community on the transmission of information relating to the education of pupils in primary and secondary education (grades, homework, absences, etc.), in order to ensure that it is carried out in accordance with procedures defined according to educational choices and not dictated by technology - with, in any event, the ongoing concern for the best interests of the child.

The Defender of Rights also recommends that families be able to obtain from schools and schools the maintenance of non-digital communications.

**RECOMMENDATION 18**

Support the dematerialisation of additional staff in all prefectures where the processing times are currently too long.

**RECOMMENDATION 19**

The Defender of Rights reiterates her recommendations made in Decision No. 2020-142, and in particular:

- Guarantee several methods of effective access to public services so that no administrative action can only be accessed electronically;
- Allow users to contact the agent in charge of processing their request in order to be regularly informed of the progress of the examination of the latter;
- Establish a procedure allowing the user to report a difficulty - of a technical nature or due to an unplanned situation - to carry out the procedure, by any useful means;
- Allow the agents informed of such difficulties to have sufficient prerogatives to resolve them.



#### **RECOMMENDATION 20**

Open long-term digital access points dedicated to supporting foreign nationals at least in each city where a prefecture or sub-prefecture is established, providing them with staff trained in the right of residence - in sufficient numbers - and giving them access to the working tools enabling them to resolve any technical difficulties encountered by users in the context of their procedures.

#### **RECOMMENDATION 21**

Guarantee equal access to the prefectural counters for all foreign nationals, regardless of their administrative situation.

#### **RECOMMENDATION 22**

Modify the system for issuing dematerialised certificates creating rights so that they are issued upon registration of a file considered to be complete, including for persons in an irregular situation.

#### **RECOMMENDATION 23**

Add to the list of documents proving the regularity of the stay in order to benefit from family benefits and housing aid included in the Social Security Code, the dematerialised certificates issued via ANEF.

#### **RECOMMENDATION 24**

Further develop the possibilities of multiple access to public services, since the implementation of multichannel reception cannot be limited to France Services Spaces alone. Wherever they may be located, the user must be able to choose the most appropriate method of communication for their situation when communicating with the administration.

#### **RECOMMENDATION 25**

Adopt a legislative provision in the French Code of Relations between users and the administration requiring several methods of access to public services to be safeguarded, so that no administrative procedure can be accessed only electronically.

#### **RECOMMENDATION 26**

Make the telephone platforms of all public services (Green No.) be truly free and not just not surcharging calls

#### **RECOMMENDATION 27**

Improve the information for users in order to increase awareness of the free administrative procedures and end practices directing users towards a private paid service.

#### **RECOMMENDATION 28**

Give the user the opportunity to retract, at any time, their consent to dematerialised communications, either permanently or temporarily.

#### **RECOMMENDATION 29**

Establish the principle of sending paper notifications of allocation, cancellation or revision of rights including time limits and remedies, unless the person expressly consents in advance to dematerialised exchanges.

#### **RECOMMENDATION 30**

Guarantee a time-limit to make corrections for all administrative procedures carried out online.

**RECOMMENDATION 31**

Include users experiencing difficulty with digital in the development and evaluation of processes for dematerialisation of public services.

**RECOMMENDATION 32**

Combine the changes to interfaces in order to limit the number of them so as not to disrupt users, as repeated interface changes over a short period of time have an impact on users (loss of landmarks, sometimes renunciation) but also on helpers who need to adapt their teaching tools supporting them (updated tutorials).

**RECOMMENDATION 33**

Adopt in all public services producing an online procedure or disseminating information online, a process facilitating understanding by all of the tasks, choices, steps, important information, etc. This approach, which will benefit all users, should be based on:

- The use of ergonomics suitable for all and the use of simple vocabulary and phrasing In this regard, the Defender of Rights recommended in 2019 the use of language that is “easy to read and understand” (FALC);
- The development of tutorials explaining the steps of the procedure, the documents required to carry out the procedure. Such tutorials, as well as forms particularly, those for the attention of foreign nationals, could be translated into several languages and accessible to persons with disabilities.

**RECOMMENDATION 34**

Develop data sharing and pre-populating forms between social, national, and territorial public services.

**RECOMMENDATION 35**

Develop free WIFI spaces and consult on a “right to connect” or a “digital access right”, involving both Internet service providers and vulnerable persons. Conduct experiments to determine the best model for making the Internet accessible to all.

**RECOMMENDATION 36**

Take all necessary measures to ensure that user support systems are known, that their services are identified and qualified, and that their action be coordinated.

**RECOMMENDATION 37**

Create, at the Ministry of Labour, the Ministry of Public Service and the Ministry of National Education, a sector of the digital mediation trades, particularly in the territorial civil service, recognising the sustainability of their action and their usefulness.

**RECOMMENDATION 38**

Encourage the presence of a free digital public writer in all areas of support to administrative procedures, particularly in France Services Spaces.

## APPENDIX 3

### LIST OF PERSONS INTERVIEWED AND WRITTEN CONTRIBUTIONS

#### ASSOCIATIONS

##### **ASSOCIATION OF RURAL MAYORS OF FRANCE (ASSOCIATION DES MAIRES RURAUX DE FRANCE - AMRF)**

John BILLARD, Mayor of Le Favril (28) -  
Secretary General of the Association of Rural  
Mayors of France in charge of Digital Affairs

Cyril COTONAT, Mayor of Ladevèze Rivière (32) -  
President of the AMRF of Gers - Member of  
the Digital Commission

Céline VINCENT, Digital Mission Manager and  
[Campagnol.fr](https://campagnol.fr) platform manager

##### **RECONNECT ASSOCIATION**

Vincent DALLONGEVILLE, President

##### **THE APTIC COLLECTIVE INTEREST COOPERATIVE**

Gérald ELBAZE, Director

##### **THE FRENCH RED CROSS**

Elsa HAJMAN, Head of Social Inclusion

Leslie MORICE, Mission Manager, access to  
rights and global support

##### **FEDERATION OF ACTORS OF SOLIDARITY**

Sarra CHEKLAB, GDPR Mission Manager,  
Rights Access and Digital Inclusion

Fahad SAID, Digital Mediator, ADPEI (member  
association of the FAS)

##### **ATD QUART MONDE**

Michel LANSARD, Head of Digital Dynamics

##### **EMMAÛS CONNECT**

Marie COHEN-SKALLI, Co-director

Tom-Louis TEBOUL, Partnership Manager

##### **CATHOLIC AID**

Aurélie MERCIER, Family Solidarity Project  
Manager

Marion CASANOVA, Project Manager

##### **THE NATIONAL UNION OF PIMMS MEDIATION**

Jean-François VAQUIERI, President of the  
national network

Benoît BOURRAT, Chief Executive Officer

Isabelle LE DIBERDER, Head of Partnerships -  
Institutional Relations

##### **MEDNUM - NATIONAL COOPERATIVE OF DIGITAL MEDIATION ACTORS**

Caroline SPAN, Co-director

Emma GHARIANI, Co-director

##### **THE POLE S ASSOCIATION**

Claude SICART, Chairman

##### **HINAURA - HUB OF THE AUVERGNE-RHÔNE-ALPES REGION**

Dorie BRUYAS, founder and manager of the  
Hub, Director of Super Demain & Fréquence  
écoles

##### **CIMADE**

Lise FARON, Head of Entry, Stay and Social  
Rights Questions

##### **VRAIMENT VRAIMENT - GENERAL INTEREST DESIGN AGENCY**

## ADMINISTRATION

### MINISTRY OF TRANSFORMATION AND PUBLIC SERVICE

Antoine MICHON, Councillor for Digital Transformation of the State, European and International Affairs - Cabinet d'Amélie DE MONTCHALIN, Minister of Transformation and Public Service

### MINISTRY OF JUSTICE

Michel GOUHIER, Deputy Head of Evaluation and Modernization Projects Department at the General Secretariat

Edith LAUNAY, Chief of the Office of Individual and Family Law, Directorate of Civil Affairs and Seal

Edouard THIEBLEMONT, Assistant Director Steering and Security of Services to the Management of the Penal Administration

Alexandre HUYGHUES-BEAUFOND, DSN project manager at the prison administration directorate

Patricia THEODOSE, Assistant Deputy Director of Integration and Probation at the Directorate of the Penal Administration

Justine RENAULT, Head of the Department of Partnership Policies in the Directorate of Penal Administration

Stéphanie HOUDAYER, Director of the Information System for Jurisdictional Aid (SIAJ) project at the General Secretariat

Ségolène PASQUIER, Deputy Chief of the Office of Access to Law and Mediation at the General Secretariat

### STATE SECRETARIAT FOR THE DIGITAL TRANSITION AND ELECTRONIC COMMUNICATIONS

Oriane LEDROIT, Councillor Inclusion, Territories, Digital Social Entrepreneurship and Environment - Cabinet of Cédric O, Secretary of State for Digital Transition and Electronic Communications

### THE DIGITAL INTERMINISTERIAL DIRECTORATE - DINUM

Marine BOUDEAU, Head of the Digital Design Services and Commissioner for Disability and Inclusion

### NATIONAL AGENCY FOR LOCAL COHESION - ANCT

#### Delegation for Digital

Pierre-Louis ROLLE, Director of Programs "Digital Inclusion", "New Locations - New Links" and "Incubator Mission"

#### Territorial and Rural Delegation

Pierre BOUILLON, Director of the "France services" programme

### THE NATIONAL LITERACY AGENCY - ANLCI

Hervé FERNANDEZ, Director

Elie MAROUN, National Mission Manager

### PIX PUBLIC INTEREST GROUP

Benjamin MARTEAU, Director

Marie BANCAL, Head of Partnerships and Development

### CITY OF NANCY

Laurent WATRIN, Deputy Mayor of Cooperative Democracy, Public Policy Innovation and Digital City

## **SOCIAL ORGANISATIONS**

### **THE NATIONAL OLD AGE INSURANCE FUND (CNAV)**

Sabrina AOUCI, Socio-Demographer at the Ageing Research Unit

Rémi GALLOU, Socio-Demographer at the Ageing Research Unit

Julie ROCHUT, Economist at the Ageing Research Unit

## **CIVIL SOCIETY**

### **RIGHTS SIMULATOR**

Thomas GUILLET, Member of the Digital Services Incubator, Principal contributor at <https://mes-aides.gouv.fr>

### **PUBLIC OFFICIALS' COLLECTIVE**

Johan THEURET, Léonore BELGHITI, Mathieu GIRIER, Members of the Sense of Public Service Collective

## **ROUNDTABLE WITH PEOPLE EXPERIENCING DIGITAL VULNERABILITY**

### **ATD QUART MONDE DE BREST**

Ms. LE D., ATD Quart Monde Activist

MS A., ATD Quart Monde Ally

### **PIMMS MEDIATION OF LES MUREAUX**

Ms. O.

Mr. B.

Mr. K.

Ms. A.

Sokona SANGARE, Head of Digital Inclusion in the Pimms of Les Mureaux

Isabelle LE DIBERDER, Head of Mission, National Pimms Mediation Network

### **EMMAÛS CONNECT PARIS**

Mr. M.

Sophie HAUTIER, Support Staff Member

### **FEDERATION OF ACTORS OF SOLIDARITY OF BURGUNDY-FRANCHE-COMTÉ**

Claude GOURRIER, Regional Delegate for Residents

Solange VIN, Regional Delegate of Residents

Sarra CHEKLAB, GDPR Mission Manager, Rights Access and Digital Inclusion

### **ASSOCIATION PÔLE S OF VILLENEUVE LA GARENNE**

Mr. C.

Mr. L.

Fatima ALHOUE, Digital Mediator

Sonia CHIBAN, Head of Digital Mediation Spaces

## **PANEL DISCUSSION ON YOUTH, DIGITAL AND ACCESS TO RIGHTS WITH STRUCTURES RECEIVING YOUNG PEOPLE**

### **NATIONAL UNION OF LOCAL MISSIONS**

Olivier GAILLET, Project Manager

### **MULTI SERVICES INFORMATION AND MEDIATION POINTS (PIMMS)**

Guillaume LAHOZ, Head of digital inclusion mission

### **ESPACE 19 NUMÉRIQUE**

Judicaël DENECE, Manager

### **CRIJ OCCITANIA**

Pierre GUYOMAR, Director of the Montpellier Hérault site

Audrey ARROUDERE, Toulouse Host Sites Coordinator

### **CRIJ PACA**

Florence AOUDAI, Specialised Educator

### **L'ETAGE ASSOCIATION (STRASBOURG)**

Manon JUNIOT, Specialised Educator

## **ROBINSON INTERTERMÈDES**

Laurent OTT, Director

Arnaud CAIRE, Administrative Manager of the Association

Nicolae OITA, Permanent Specialized Educator of the Association

## **PANEL DISCUSSION ON "YOUTH, DIGITAL AND ACCESS TO RIGHTS" WITH YOUNG PEOPLE**

### **CRIJ OCCITANIA**

Lucas G., Youth in civic service at CRIJ Montpellier

### **YOUNG AMBASSADORS OF THE DEFENDER OF RIGHTS (JADE)**

Aissa A., JADE in Mayotte

Eva M., JADE in Loire-Atlantique

Charlotte G., JADE in Loire-Atlantique

Lena C., JADE in Loire-Atlantique

Oriane L., JADE in Loire-Atlantique

### **LA RÉUNION LOCAL MISSION**

Aurélié ATCHIAMAN, Employee of the local mission of the East in Saint-André and member of the young college of the CRIJ Réunion

### **INTERMÈDES ROBINSON ASSOCIATION**

Mr.

Y.

Accompanied by Marie MAUDUA, School Mediator

### **CAHORS CONNECTED CAMPUSES**

Salomé A., Student beneficiary of Cahors Connected Campus since September 2020

Luc L., Student beneficiary of Cahors Connected Campus since September 2021

### **NORD ESSONNE LOCAL MISSION**

Hamza D.

## **TRADE UNIONS REPRESENTED ON THE JOINT COUNCIL OF THE CIVIL SERVICE (CCFP)**

### **GENERAL CONFEDERATION OF LABOUR - CGT CULTURE**

Emmanuelle PARENT, National Secretary

### **FRENCH DEMOCRATIC CONFEDERATION OF LABOUR - CFTD CIVIL SERVICES**

Carole CHAPELLE, Deputy General Secretary

### **THE GENERAL FEDERATION OF OFFICERS WORKERS' FORCE - FGF-FO**

Nathalie DEMONT, Federal Secretary

### **UNSA - PUBLIC SERVICE**

Luc FARRE, General Secretary

Annick FAYARD, National Secretary Quality of Life at Work (occupational first aid, risk prevention, etc.) - Pensions

### **FÉDÉRATION SYNDICAL UNITAIRE - FSU CIVIL SERVICE**

Claire BORNAIS, Emancipated School, Member of the National Secretariat of the FSU

### **UNION SYNDICALE SOLIDAIRES**

Bruno CHANIAC, Deputy Delegate

### **CONFÉDÉRATION FRANÇAISE DE L'ENCADREMENT - CGC**

Laurent VERDU, Chief Development Officer



# NOTES

- <sup>1</sup> more specifically, the institution recommended the adoption of a legislative provision in the French Code of Relations between users and the administration requiring several methods of access to public services to be safeguarded, so that no administrative procedure can be accessed only electronically.
- <sup>2</sup> CREDOC, Digital Barometer - ARCEP, Ministry of the Economy of Finance and Recovery, National Agency for Local Cohesion - Digital Society, Survey on the diffusion of information and communication technologies in French society, 2021 edition.
- <sup>3</sup> Ibid.
- <sup>4</sup> See above, paragraph 1.1.
- <sup>5</sup> Agreement concluded in January 2018 between the State and the telecommunications operators, negotiated under the aegis of ARCEP, in order to resolve the digital territorial divide, by speeding up the generalisation of very high-speed mobile in 4G.
- <sup>6</sup> France would be the most advanced European country in the rollout of fibre and the European country where fibre rollout is fastest (see InfraNum, Banque des Territoires and Avicca, 9<sup>th</sup> edition of the French very high speed snags, 11 May 2021).
- <sup>7</sup> ARCEP press release of 9 December 2021 "Market for fixed broadband and ultra-fast broadband - The rate of roll-out and adoption of fibre optic (FttH) is stabilising at a high level".
- <sup>8</sup> CREDOC, Digital Barometer - ARCEP, Ministry of the Economy of Finance and Recovery, National Agency for Local Cohesion - Digital Society, Survey on the diffusion of information and communication technologies in French society, 2021 edition.
- <sup>9</sup> To cope with the Covid-19 Coronavirus epidemic, the Government has put in place a €100 billion recovery plan around 3 main axes: ecology, competitiveness and cohesion.
- <sup>10</sup> In view of this, it should be recalled that in 2017, the budget for digital inclusion was only 300,000 euros (see written question No. 18110 by Mr Jean-Noël Guérini, Senate OJ of 08/10/2020 - page 4561).
- <sup>11</sup> The recruitment of advisers was launched in April 2021, with the aim of deploying 4,000 field agents by the end of 2022.
- <sup>12</sup> After a year of experimentation in 2020, Connect Helpers was rolled out throughout the national territory, with €10 million from the France Relance recovery plan having been allocated to this end.
- <sup>13</sup> See below paragraph 1.2.
- <sup>14</sup> Press release, Launch of Public Action 2022.
- <sup>15</sup> Decree No. 2019-1088 of 25 October 2019 relating to the State information and communication system and the Interministerial Directorate for Digital Affairs.
- <sup>16</sup> <https://observatoire.numerique.gouv.fr/>
- <sup>17</sup> "Public Services +" is the continuous improvement program for public services that aims to provide users with ever closer, simpler and more efficient services. It sets out 9 commitments to meet the French's priority expectations, namely:
  - More rapid processing of requests;
  - Simplification of administrative procedures;
  - More easily reachable public services;
  - More personalised monitoring of user files, in view of their personal situation.<https://www.plus.transformation.gouv.fr/>
- <sup>18</sup> "voxusagers.gouv.fr" is a platform offering the possibility for the user to contribute to the improvement of the public service by sharing their positive or negative experience. It is also possible to do so in paper format at the public service counters.
- <sup>19</sup> Act No. 2018-727 of 10 August 2018 for a State serving a society of trust (ESSOC) provides particularly for the implementation of the right to error.
 

The "OUPS.gouv.fr" platform provides access to:

  - All the main errors made by users, presented by life events;
  - Practical advice from administrations giving users the keys to avoid making errors and better understanding their obligations;
  - Links allowing users to explore each topic.
- <sup>20</sup> "Digital Solidarity" is the support platform for citizens for all their digital needs
   
<https://www.solidarite-numerique.fr/>
- <sup>21</sup> Pix is a generalist platform addressing the French citizen in an undifferentiated manner, regardless of age or status. It is also intended for educational use, succeeding the B2i (IT and Internet Certificate) and level 1 of the C2i (IT and Internet Certificate). The platform allows the digital skills of learners to be assessed online using a model based on the Digicomp European framework. It issues a certification at the end of the year nine and year twelve classes via a campaign launched by the school.
- <sup>22</sup> See above.

- <sup>23</sup> Amicable settlement RA-2021-058 of 9 September 2021 relating to the modification of the pre-application form for a French identity document on the ANTS website in order to take into account parentage, with regard to same-sex parents.
- <sup>24</sup> See above.
- <sup>25</sup> See below.
- <sup>26</sup> Decision 2021-158 of 28 June 2021 on the effects of the closure of station counters on access to rail transport. [https://juridique.defenseurdesdroits.fr/index.php?lvl=notice\\_display&id=39786&opac\\_view=-1](https://juridique.defenseurdesdroits.fr/index.php?lvl=notice_display&id=39786&opac_view=-1)
- <sup>27</sup> François Pasquier - Study of low-traffic rail stopping points in the Midi-Pyrénées region - Gestion et management, 2005, Glossary: "An unmanaged stop point (PANG) is a stop in which no human presence is assured (sales, operation, etc.). Without a passenger building, the stop may have a regional ticket distribution device (DBR or ADDAMS) if the traffic justifies it. In other cases, the sale of an TER ticket is carried out on board the train. A special feature of a PANG is its very low daily traffic."
- <sup>28</sup> Objective for 2022 of the barometer of the results of the public action. <https://www.gouvernement.fr/les-actions-du-gouvernement/resultats>.
- <sup>29</sup> Appearing statistically in France in 2003 and renewed in 2012 following a reform abolishing the reference to employment, the living area makes it possible to delimit the smallest territory in which the inhabitants have access to the most common facilities and services. A large part of the daily lives of the inhabitants are organised within such outlines, Insee Première No. 1425, the new living area zoning of 2012, Brutel and Levy, 2012.
- <sup>30</sup> This analysis is also highlighted by Terra Nova in its survey on the "Barometer of the results of public action France services: places serving the public in the territories". The agency notes that while the programme targets three populations in particular: those who are physically removed from public services, those who are removed from the digital sector, and those with a particularly intensive use of such public services, local actors have misunderstood this programme, yet it was developed and financed by the State. More specifically, the analysis by departments highlights the delay in some territories, even though their population could be considered as a priority, particularly because they are the poorest and the most removed from digital technology.
- <sup>31</sup> CREDOC, Improving the knowledge and monitoring of poverty and the monitoring of social exclusion, Report for the National Observatory of Poverty and Exclusion <sup>27</sup> Sociale (ONPES), December 2021, p. 77.
- <sup>32</sup> See section 3.
- <sup>33</sup> Court of Accounts (March 2021), <https://www.vie-publique.fr/sites/default/files/rapport/pdf/279088.pdf>.
- <sup>34</sup> "Digital support covers sundry realities ranging from assistance to filling out online forms to basic knowledge training or more specific tools", Philippe Archias and Solène Manouvrier, understanding the diversity of practices to support digital empowerment, feedback on digital capital study, libraries and digital inclusion, 2020, p. 4.
- <sup>35</sup> See below, para. 1.3.
- <sup>36</sup> See above.
- <sup>37</sup> National Digital Council, 2013 report, Citizens of a digital society. Access, literacy, mediation, power to act: for a new inclusion policy.
- <sup>38</sup> Defender of Rights, Report, "Dematerialisation and Inequity of Access to Public Services, January 2019, page 47.
- <sup>39</sup> I. Camaji, L. Isidro, Dematerialisation of public services: What impacts on the social rights of employees?, Revue de droit du travail 2021.
- <sup>40</sup> IGAS, Guaranteeing an Inclusive Digital, December 2019, p.20.
- <sup>41</sup> I. Camaji, L. Isidro, Dematerialisation of public services: What impacts on the social rights of employees?, Revue de droit du travail 2021.
- <sup>42</sup> Ibid.
- <sup>43</sup> Dematerialisation of public services. Survey on the impact of difficulties in access to digital services, Executive Summary, CNAV Books, June 2021, page 4.
- <sup>44</sup> CREDOC, Digital Barometer - ARCEP, Ministry of the Economy of Finance and Recovery, National Agency for Local Cohesion - Digital Society, Survey on the diffusion of information and communication technologies in French society, 2021 edition.
- <sup>45</sup> CREDOC, Digital Barometer - ARCEP, Ministry of the Economy of Finance and Recovery, National Agency for Local Cohesion - Digital Society, Survey on the diffusion of information and communication technologies in French society, 2021 edition, p. 117.
- <sup>46</sup> CREDOC, Improving the knowledge and monitoring of poverty and the monitoring of social exclusion, Report for the National Observatory of Poverty and Social Exclusion (ONPES), December 2021.
- <sup>47</sup> On 13 December 2006, the United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities (CRPD). Ratified by France, the Convention entered into force on 20 March 2010.
- <sup>48</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, the transposition of which results from Article 80 of Act No. 2018-771 of 5 September 2018 on the freedom to choose one's professional future.
- <sup>49</sup> Amended by Act No. 2016-1321 of 7 October 2016 (Article 106) and Act No. 2018-771 of 5 September 2018 (Art. 80).

- <sup>50</sup> the Defender of Rights having been designated by the Government in 2011 as an independent mechanism for monitoring the United Nations Convention on the Rights of Persons with Disabilities, pursuant to Article 33.2 of the same text.
- <sup>51</sup> Act No. 2005-102 of 11 February 2005 on equal rights and opportunities, participation and citizenship of persons with disabilities.
- <sup>52</sup> Circular of 17 September 2020 on the implementation of the Government's obligations and commitments regarding the accessibility of public websites, intranet, extranet and mobile applications to persons with disabilities.
- <sup>53</sup> Scheme launched by the Interministerial Directorate of Digital Affairs in June 2020 as part of the Public Action Plan 2022 consisting of the recruitment and deployment of web designers and developers within the administrations to make more accessible, more comprehensible the 250 administrative procedures most used by the French.
- <sup>54</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, the transposition of which results from Article 80 of Act No. 2018-771 of 5 September 2018 on the freedom to choose one's professional future.
- <sup>55</sup> Circular of 17 September 2020 on the Government's obligations regarding accessibility to persons with disabilities of public websites.
- <sup>56</sup> Defender of Rights, parallel report in the context of the review of France's initial report on the implementation of the United Nations Convention on the Rights of Persons with Disabilities, July 2021, p. 21.
- <sup>57</sup> CAPTCHA for *Completely Automated Public Turing test to tell Computers and Humans Apart*.
- <sup>58</sup> Report of the National Council for Digital, Digital Accessibility, between Need and Opportunity, February 2020.
- <sup>59</sup> [https://www.univ-montp3.fr/sites/default/files/spoc\\_in\\_prison\\_etat\\_de\\_l\\_art\\_sept2020.pdf](https://www.univ-montp3.fr/sites/default/files/spoc_in_prison_etat_de_l_art_sept2020.pdf).
- <sup>60</sup> Circular of the Directorate of Penal Administration dated 13 October 2009 on access to data processing for persons in custody, NOR: JUSK0940021C. [http://www.textes.justice.gouv.fr/art\\_pix/boj\\_20090006\\_0000\\_0016.pdf](http://www.textes.justice.gouv.fr/art_pix/boj_20090006_0000_0016.pdf).
- <sup>61</sup> opinion of the Controller General of Correctional Facilities of 12 December 2019 relating to Internet access in correctional facilities, access for prisoners on the Internet, NOR: CPLX2003262V. JORF No. 0031 of 6 February 2020.
- <sup>62</sup> ECHR, 18 June 2019, A. P., Nicot and Garçon v. France, Appl. No. 47121/06, 13988/07 and 34750/07.
- <sup>63</sup> Order of 21 October 2021 on the technical characteristics of the communication electronically via the "Litigant Portal", Article1.
- <sup>64</sup> Opinion of the CGLPL dated 12 December 2019 on Internet access in correctional facilities, published in the Official Journal on 6 February 2020 - NOR: CPLX2003262V.
- <sup>65</sup> Convention signed on 10 July 2007 between the Ministry of Justice and the Deposits and Consignments Fund (Caisse des dépôts et consignations).
- <sup>66</sup> [https://www.univ-montp3.fr/sites/default/files/spoc\\_in\\_prison\\_etat\\_de\\_l\\_art\\_sept2020.pdf](https://www.univ-montp3.fr/sites/default/files/spoc_in_prison_etat_de_l_art_sept2020.pdf).
- <sup>67</sup> Opinion of the CGLPL dated 12 December 2019 on Internet access in correctional facilities, published in the Official Journal on 6 February 2020 - NOR: CPLX2003262V.
- <sup>68</sup> Joint note of 11 December 2018 from the Budget and Ministry of Justice Directorate on the Management Delegation Agreement under the Public Action Transformation Fund page 3. NOR: JUST1904103X.
- <sup>69</sup> Inclusion platform through the integration through economic activity (IAE) allowing the Penitentiary Councillor for integration and probation to register eligible prisoners on an integration platform.
- <sup>70</sup> The implementation of the Connect Helper scheme is managed by the Digital Society Mission of the National Agency for Territorial Cohesion and accompanied by [beta.gouv.fr](http://beta.gouv.fr) (DINUM).
- <sup>71</sup> Defender of Rights, Report, "Dematerialisation and Inequity of Access to Public Services", 2019, p.29.
- <sup>72</sup> Joint note of 11 December 2018 from the Budget and Ministry of Justice Directorate on the Management Delegation Agreement under the Public Action Transformation Fund. NOR: JUST1904103X, p.2.
- <sup>73</sup> This system allows inmates to access certain services (personal account management, purchase orders, appointment requests, access to certain online content, access to telephony on the internet, video games, educational content).
- <sup>74</sup> Report to the Belgian Government on the visit to Belgium by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 6 April 2017.
- <sup>75</sup> Circular of 23 October 2012 on the application for the issue of the national ID card to prisoners (JUSK1240043C).
- <sup>76</sup> Decision of the Human Rights Defender No. 2019-147.
- <sup>77</sup> See in particular P.-E., WEILL, Knowing how to assert your rights. Statutory competence and obtaining a status of "priority," Sociologies pratiques, 2012, No. 24, p. 93-105.

- <sup>78</sup> At the end of a colloquium devoted to access to rights, the Defender of Rights recalled that the dematerialisation of reception or administrative procedures was a source of complexity more than simplification (see “Closing Address”, Acts of the Symposium on Access to Rights: Building Equality, p. 75).
- <sup>79</sup> Clara Deville, *Les Chemins du droit. Dematerialisation of the RSA and distance to the State for rural working classes*, 2019, p. 256. The author recalls in particular that in the information report, the National Assembly proposes “to make digital inclusion a tool for access to social rights” (see Committee for the Evaluation and Control of Public Policies of the National Assembly, “Assessment of public policies in favour of access to social rights”, Information report, Paris, La documentation française, 2016, p.8. We will also mention the report to the Prime Minister issued in 2016 by Ch. Sirugue, which promotes “the creation of teleprocedures to allow the recipient to request such services directly (see Report to the Prime Minister, “Rethinking social minimums: towards a common base coverage”, Paris, La Documentation Française, 2016, p. 52). Finally, we will quote a report from the Council of Ministers of 12 April 2017: “Before the end of the 1st half of 2017, applications for active solidarity income (RSA) may be made via the Internet. Since January, a new simulator has already been available ([www.caff.fr](http://www.caff.fr)). It allows each individual to verify their entitlement to the RSA and to calculate the amount of their benefit. By the end of the first half of 2017, a new service will allow RSA beneficiaries to apply for supplemental universal health insurance (CMU-C) online in order to facilitate their access to the health care system. As soon as the RSA is opened, the rights to the CMU-C will also be opened” (Account issued by the Council of Ministers of 12 April 2017, “Progress on the reform of social minimums”).
- <sup>80</sup> Philippe Warin, Héléna Revil, *Digital, the risk of no longer preventing non-recourse*, Vie sociale, ERES 2020, The future of digital in the social and medical-social field, pp.121-136.
- <sup>81</sup> I. Camaji, L. Isidro, *Dematerialisation of public services: What impacts on the social rights of employees?*, *Revue de droit du travail* 2021.
- <sup>82</sup> see CREDOC, *Improving the knowledge and monitoring of poverty and the monitoring of social exclusion*, op.cit.
- <sup>83</sup> Exchange organised by the Defender of Rights and Persons experiencing digital illiteracy on 22 September 2021.
- <sup>84</sup> NEET: Not in Employment, Education or Training is a social classification of a certain category of unemployed persons, not pursuing any education or training.
- <sup>85</sup> Persons aged 60 - 69 are 86% daily Internet users and those over 70 years old are 66% daily Internet users. Globally 93% of persons aged 60 - 69 and 71% of those over 70 years old are Internet users.
- <sup>86</sup> CREDOC, Digital Agency, ARCEP, General Economic Council, 2016, “The Digital Barometer 2016”.
- <sup>87</sup> Les Petits Frères des pauvres, 2018 annual report.
- <sup>88</sup> Order of 13 March 2021 implementing Article 4-3 of Decree No. 55-1397 of 22 October 1955 as amended establishing the national ID card.
- <sup>89</sup> Defender of Rights Decision No. 2021-027 [https://juridique.defenseurdesdroits.fr/index.php?lvl=notice\\_display&id=33037&opac\\_view=-1](https://juridique.defenseurdesdroits.fr/index.php?lvl=notice_display&id=33037&opac_view=-1).
- <sup>90</sup> See Article 5: Equality and non-discrimination.
- <sup>91</sup> My health space - You have a hand in your health ([monespacesante.fr](http://monespacesante.fr)).
- <sup>92</sup> UNAF's contribution to the Defender of Rights, “Dematerialisation of services and legal protection of adults”, 17 December 2021. [https://www.unaf.fr/IMG/pdf/contribution\\_unaf\\_-\\_ddd\\_-\\_dematerialisation\\_-\\_17\\_decembre\\_2021\\_-\\_vf.pdf](https://www.unaf.fr/IMG/pdf/contribution_unaf_-_ddd_-_dematerialisation_-_17_decembre_2021_-_vf.pdf).
- <sup>93</sup> French Data Protection Authority (CNIL) Unique Authorisation No., AU-50, CNIL's recommendations for judicial officers for the protection of adults; “the social security number (NIR) may also be processed in the sole context of exchanges with health professionals, social security, welfare or retirement bodies, as well as social or medical benefit funders.”
- <sup>94</sup> CREDOC, Digital Barometer - ARCEP, Ministry of the Economy of Finance and Recovery, National Agency for Local Cohesion - Digital Society, Survey on the diffusion of information and communication technologies in French society, 2021 edition.
- <sup>95</sup> ASSR: school road safety certificate.
- <sup>96</sup> According to the Court of Accounts, between 500,000 and 600,000 pupils were not have been able to take the courses remotely or, in any case, to attend distance education during the first lockdown period without having digital equipment (see Court of Accounts, public thematic report, Digital public service for education: a concept without strategy, an unfinished roll-out, July 2019, p. 15).
- <sup>97</sup> Pascal Plantard, Education and Digital Inclusion in Lockdown, Digital Games - No. 14 - June 2021, p. 14.
- <sup>98</sup> About 90% of Nancy-Metz academy high school schools use PRONOTE (see Court of Accounts, public thematic report, Digital public service for education: a concept without strategy, an unfinished roll-out, July 2019, p. 85).
- <sup>99</sup> According to the results of the National EVALuENT survey published in 2019, relating to the uses of digital workspaces (ENT) of primary schools, the functioning of the ENT and the tools proposed therein is deemed satisfactory by 77% of teachers and school directors and 82% of parents of pupils.
- <sup>100</sup> Noting that there are no time slots available to make an appointment online, the CIMADE, GISTI, the SAF, the League of Human Rights and the Association for Foreign National Rights have summoned 23 prefectures before the territorially competent administrative court, so that they may be ordered to set up a non-dematerialised way of applying for residence permits, (see GISTI press release of 24 June 2021).

- <sup>101</sup> These include parents of French children, persons whose health condition requires care in France, and persons with particularly strong personal and family ties (Article L.423-23 of the EUDA).
- <sup>102</sup> CE, 10th-9th Ch. meeting., 27 November 2019, No. 422516.
- <sup>103</sup> Decisions of the Defender of Rights 2020-210; 2020-252; 2021-077; 2021-098; 2021-135; followed by orders requiring the issuance of appointments: Montreuil Court of Appeal, 20 Jan. 2021, No. 2013897; Montreuil Court of Appeal, 14 April 2021, No. 2103418; Paris Court of Appeal, 23 Apr. 2021, No. 2107924; Paris Court of Appeal, 11 May 2021, No. 2109664; Versailles Court of Appeal, 14 June 2021, No. 2103768.
- <sup>104</sup> Jean-Noël BARROT and Stella DUPONT, Special Rapporteurs, Appendix 28 *Immigration, Asylum and Integration*, to the report made on behalf of the Committee on Finance, General Economy and Budgetary Control on the draft budget regulation and approval of the accounts for 2020 (Laurent SAINT-MARTIN, general rapporteur).
- <sup>105</sup> Conseil d'État, "20 proposals to simplify the litigation of foreign nationals in the interest of all", September 2020, pp. 30-31.
- <sup>106</sup> Under Article L.112-10 CRPA and Appendix 1 of Decree No. 2015-1423 of 5 November 2015 implementing this article, the user may not - for reasons of public policy - electronically carry out the procedures for issuing residence or travel documents, "with the exception of those whose basis is listed in the decree of the Minister for Immigration provided for in Article R. 431-2 CESEDA" (ANEF).
- <sup>107</sup> CREDOC, Improving the knowledge and monitoring of poverty and the monitoring of social exclusion, Report for the National Observatory of Poverty and Social Exclusion (ONPES), December 2021.
- <sup>108</sup> Jacques Chevallier, "User Figures", Psychology and Administrative Science, P.U.F., 1985.
- <sup>109</sup> See for example G. KOUBI, "Public Service in the Digital Space", JCP A, 2014, p. 2184. See also Senate Information Report No. 711 (2019-2020) by Mr. Raymond VALL, made on behalf of the digital illiteracy and digital inclusion mission, submitted on 17 September 2020.
- <sup>110</sup> J.-P. MARKUS, "The principle of adaptability: from mutability to the duty of adaptation of public services to the needs of users", RFDA, 2001, p. 589.
- <sup>111</sup> Defender of Rights, Report "The Right to Error, and After?: Assessment of the Report on the prevention of social security benefit fraud: at what price for the rights of users?", March 2019. <https://www.defenseurdesdroits.fr/fr/rapports/2019/03/rapport-le-droit-a-lerreur-et-apres>.
- <sup>112</sup> Nasta Belhumeur and Antoine Rode, "Those removed from digital faced with the new administrative burden: the doubling of the service relationship", ODENORE, Working Paper #33, June 2021.
- <sup>113</sup> Article 28 of Act No. 2018-727 of 10 August 2018 for a State serving a trusted company (AKA the "ESSOC Act"). Since 1 January 2021, the following services are no longer paid (only the cost of the call is paid): Allô public service: 3939; payment of fines for automatic radars: 0 811 10 10 10 and 0 811 10 20 30 (automatic radars) as well as 0 811 871 871 (electronic report); RATP: 3424; the SNCF: 3635 ; Pension Insurance: 3960. Prior to the enactment of the law, some bodies had already made their services free of charge, particularly including Pôle Emploi, the National Agency for Secure Credentials (Agence nationale des titres sécurisés ANTS), the tax information service, CAF and URSSAF.
- <sup>114</sup> in this regard, see also Our public services (2021), Loss of meaning in public service officials, an investigation in which numerous evidence evoke the consequences of hasty or poorly orchestrated digital transformations. <https://nosservicespublics.fr/perle-de-sens>.
- <sup>115</sup> France would be the most advanced European country in the rollout of fibre and the European country where fibre rollout is fastest (see InfraNum, Banque des Territoires and Avicca, 9<sup>th</sup> edition of the French very high speed snags, 11 May 2021).
- <sup>116</sup> For the breakdown of premises operator fibre infrastructure data (IPE) is used, depending on availability, as well as data from INSEE 2017.
- <sup>117</sup> Report of the National Council for Digital, Digital Accessibility, between Need and Opportunity, February 2020.
- <sup>118</sup> My health space - You have a hand in your health (monespacesante.fr).

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