

Charter of Rights and Freedoms

Article 1^{er}

Principle of non-discrimination

In accordance with the specific conditions of care and support provided by law, no one may be discriminated against based on his or her origin, ethnic or social origin, physical appearance, genetic characteristics, sexual orientation, disability, age, or opinions and beliefs, political or religious opinions and beliefs, during social or medico-social care or support.

Article 2

Right to appropriate care or support

The person must be offered individualized care or support that is as adapted as possible to his or her needs, in the continuity of interventions.

Article 3

Right to information

The person receiving benefits or services has the right to clear, comprehensible and appropriate information on the care and support requested or provided, as well as on his or her rights and on the organization and operation of the establishment, service or form of care and support. The person must also be informed about user associations working in the same field.

The person has access to information concerning him or her under the conditions provided for by the law or regulations. The communication of this information or documents by the persons entitled to communicate them by virtue of the law is carried out with appropriate psychological, medical, therapeutic, or socio-educational support.

Article 4

Principle of free choice, informed consent, and participation of the person

In compliance with legal provisions, court decisions or judicial protection measures as well as orientation decisions:

- 1° 1° The person has a free choice between the adapted services offered to him or her either within the framework of a service in his or her home, or within the framework of his or her admission to an establishment or service, or within the framework of any mode of support or care.
- 2° 2° The informed consent of the person must be sought by informing him or her, adapted to his or her situation, of the conditions and consequences of the care and support and by ensuring that he or she understands them.
- 3° 3° The right to participate directly, or with the help of his/her legal representative, in the design and implementation of the reception and support project that concerns him/her is guaranteed.

When the expression of choice or informed consent by the person is not possible because of his or her young age, this choice or consent is exercised by the family or the legal representative with the establishment, the service or within the framework of other forms of care and support. This choice or consent is also made by the legal representative when the person's condition does not allow him/her to exercise it directly. As far as the care services provided by medico-social establishments or services are concerned, the person benefits from the conditions of expression and representation set out in the public health code.

The person may be accompanied by the person of his or her choice during the steps required by the care or support.

Article 5

Right to waive

The person may, at any time, renounce in writing the benefits he or she is receiving or request a change in the conditions of capacity, listening and expression as well as communication provided for in this charter, in compliance with existing court decisions or judicial protection measures, orientation decisions and review procedures in these areas.

Article 6

Right to respect for family ties

The care or support provided must encourage the maintenance of family ties and seek to avoid the separation of families or siblings in care, in accordance with the wishes of the person, the nature of the service from which he or she benefits, and the decisions of the courts. Establishments and services providing care and support for minors, young adults or individuals and families in difficulty or in distress take, in relation with the competent public authorities and other stakeholders, any useful measure to this end.

In accordance with the individualized reception and support project and the wishes of the person, the participation of the family in the activities of daily life is encouraged.

Article 7

Right to protection

The person, as well as his/her legal representatives and family, are guaranteed respect for the confidentiality of information concerning him/her, within the framework of existing laws, by all personnel or persons providing care or support. The person is also guaranteed the right to protection, the right to safety, including sanitary and food safety, the right to health and care, and the right to appropriate medical follow-up.

Article 8

Right to autonomy

Within the limits defined in the context of the realization of his care or accompaniment and subject to court decisions, contractual obligations or obligations related to the service from which he benefits and guardianship or reinforced guardianship measures, the person is guaranteed the possibility to move freely. In this respect, relations with society, visits inside and outside the institution are encouraged. Within the same limits and subject to the same reservations, the resident may, for the duration of his/her stay, keep goods, effects, and personal objects and, if he/she is of age, dispose of his/her assets and income.

Article 9

Principle of prevention and support

The emotional and social consequences that may result from care or support must be considered. They must be considered in the individual objectives of care and support. The role of families, legal representatives or relatives who provide care to the person in need must be facilitated by the institution, with their agreement, in accordance with the individualized care and support project and court decisions. The end-of-life moments must be the object of care, assistance and support adapted in the respect of the religious or denominational practices and convictions of the person as well as of his relatives or representatives.

Article 10

Right to exercise the civil rights attributed to the person cared for

The institution facilitates the effective exercise of all civic rights and individual freedoms attributed to the residents and takes all necessary measures to this effect, in compliance with court decisions if necessary.

Article 11

Right to religious practice

The conditions for religious practice, including visits by representatives of different faiths, must be facilitated, without this impeding the missions of the establishments or services. Staff and beneficiaries are obliged to respect each other's beliefs, convictions, and opinions. This right to religious practice is exercised with respect for the freedom of others and provided that its exercise does not interfere with the normal functioning of the establishments and services.

Article 12

Respect for the dignity and privacy of the individual

Respect for the dignity and integrity of the person is guaranteed. Apart from the exclusive and objective necessity of the realization of the care or the accompaniment, the right to intimacy must be preserved.