

2025DOCTORAL ALLOCATIONS-NOTE-DOCTORANTREATMENTS SUBJECT: Doctoral grants 2025 - Note - Recruitment of doctoral students

Employment information Organisation / Company University of Rouen Normandy Area of research Private law/Civil law/Fundamental rights Researcher profile Early-stage researcher (R1) France Country Friday 6 June 2025, 12 noon Send the single document (PDF) by email to Deadline for applications the DROIT NORMANDIE doctoral school. The acknowledgement of receipt will not be considered as proof of the admissibility of the application. Type of contract Temporary Employment status Full time Is the position funded by the European Commission's Research NO Framework Programme? the EU? Is the job linked to a staff position within a research NO infrastructure?

 Description of the offer
 Targeted thesis topic.

 Description of position and doctoral project (targeted and funded)
 Targeted thesis topic. The fundamental rights of protected adults

 A brief explanation. In France, more than 800,000 people are in care. under legal protection, such as the





or guardianship, due to an alteration in their personal faculties caused by age, illness or disability. While these arrangements essential to guarantee their safety and support, they also raise crucial issues concerning the preservation of their fundamental rights. This thesis explores the tensions between the need to protect these individuals and respect for their autonomy. How can we ensure that protected adults can fully exercise their fundamental rights, such as the right to vote, to marry, to parenthood, to privacy and to access to healthcare? The study is based on an in-depth legal analysis of national and international texts, such as the European Convention on Human Rights and the United Nations Convention on the Rights of Persons with Disabilities. It also draws on the latest reports. studies and debates, particularly around the 2024 "Ageing well" law, which have not yet led to any substantial changes in French law. It also looks at the practical implementation of these protections by judges and other players (in particular, legal representatives for the protection of adults -MJPMs - and structures such as nursing homes). Finally, this re- search aims to suggest ways of reconciling legal protection and recognition of the capacity to act of protected adults, drawing on good practice adopted in other legal systems. Ultimately, this work questions our model of society and the way we look at vulnerability, with the aim of contributing to a better articulation between social justice, human dignity and equal rights.

Requirements	Salary placement	2100-2300€ / month
	Eligibility: subject-specific prerequisites	 Eligibility vary depending on the project promoter: To apply for the thesis project funded by the Université de Rouen Normandie, candidates must hold a Master's degree in private law or be in the process of obtaining one as at 1 January 2010. Sept. 2025. A distinction (AB, etc.) must have been obtained in Master 2. In addition, candidates must have taken the following courses during their university career





		courses in personal law.
		After the candidate has been <i>interviewed</i> by a panel of judges, on Tuesday 10 June 2025, from 1 pm h. 30 , after <i>deliberation</i> by the Restricted Council of the ED Droit Normandie, will be admitted to prepare a thesis devoted to the fundamental rights of protected adults, the student who meets the following admission requirements:
		(1) Hold a Master's degree in private law by 1 October 2025, with honours, and have followed a course of study in line with the funded thesis project.
	Admission	(2) Be able to position yourself in relation to the thesis topic in order to convince others of your suitability to undertake doctoral research on the subject in question.
		(3) Be able to present, during the <i>audition</i> , their academic background, the merits of their analysis of the subject and the timetable for their research over the 3 years of the doctoral contract. Experience as a tutor or supervisor in law is a strong asset.
		(4) have written a <i>dissertation in private law</i> on a classic or topical issue relating to the law of persons and/or fundamental rights, including a bibliography compiled in accordance with academic standards. If the Master's degree is in progress, the candidate must present and justify the subject of the dissertation, a detailed argument, avenues of research, the method followed and a bibliography.
Applications		
		 The application must be submitted in the form of a single PDF document, with numbered pages. The entire document must contain : (1) A covering letter briefly describing the candidate's research interests and explaining the reasons for applying for the thesis project. (2) A description of the 3-year research programme.

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		 (3) A <i>curriculum vitae</i> (CV). (4) <i>Copies</i> of , diplomas and documents attesting to the completion of courses and award of a master's degree in private law.
Place(s) of work		University of Rouen (Normandy, France) 3, av. Pasteur - 76000 Rouen. UFR Droit (site pasteur) - CUREJ.
Where to find us		Mail of the doctoral school : gilles.raoul-cormeil@unicaen.fr
Contact		Mail of the thesis supervisor : amelie.dionisi-peyrusse@univ-rouen.fr





DOSSIER <u>UNIQUE</u> DE CANDIDATURE AUX ALLOCATIONS DOCTORALES D'ETABLISSEMENT ET ALLOCATIONS DOCTORALES 100% REGION NORMANDIE

For this 2025 campaign, Normandy's universities and engineering schools are once again setting up a **single** submission and evaluation process for institutional grants and 100% regional grants, together with a single submission and evaluation timetable.

Please tick at least one box (you may tick both boxes if you are making two submissions). The request concerns :

□ 100% regional allocation

Please complete the common section (pages 2-3) for all applications . <u>In the case of an application for a regional allowance (or a double application)</u>, also complete the corresponding section (pages 4-6).

Deadline for online submission on the Normandie Université platform: January 24, 2025 at 1 p.m.

COMMON PART: to be completed in all cases (submission to the establishment or region)

INFORMATION ABOUT THE THESIS

Thesis acronym	Title	Employing establishme nt	Host laboratory
DFonMaP	The fundamental rights of protected adults	University of Rouen	CUREJ

5 key words associated with the project : Fundamental rights - Protected adults - Legal protection - Vulnerability - Autonomy

Information about the host laboratory :

Name of host laboratory (name, acronym, UR/UMR number): Centre universitaire rouennais d'études juridiques - CUREJ - UR 4703

Research team (if any) : Person(s)" theme

If laboratory on several sites, specify location: City / Campus / Hosting establishment

Address: Avenue Pasteur

N° - Street name: 3

Postcode: 76186 City:

Rouen

Doctoral school to which the thesis supervisor belongs: Ecole doctorale Droit Normandie ED 98 DN

Timetable:

Period during which the thesis project will be carried out :

From 01/09/2025 to 01/09/2028, i.e. a 36-month project.

RÉSUMÉ <u>VULGARISÉ</u> ET DIFFUSABLE / ABSTRACT

A summary of the project in French and English (maximum 4000 characters each): Description intended for an uninformed/new audience on the subject. This paragraph may be used in communication documents if the project receives funding.

French version :

In France, more than 800,000 people are placed under legal protection, such as guardianship or curatorship, because their personal faculties been impaired by age, illness or disability. While these measures are essential to guarantee their safety and support, they also raise crucial issues concerning the preservation of their fundamental rights. This thesis explores the tensions between the need to protect these individuals and respect for their autonomy. How can we ensure that protected adults can fully exercise their fundamental rights, such as the right to vote, to marry, to parenthood, to privacy and access to healthcare? The study is based on an in-depth legal analysis of national and international texts, such as the European Convention on Human Rights and the United Nations Convention on the Rights of Persons with Disabilities. It also draws on the latest reports, studies and debates, particularly around the 2024 "Ageing Well" Act, which have not yet led to any substantial changes in French law. It also examines the practical implementation of these protections by judges and other players (in particular legal representatives for the protection of adults - MJPMs - and structures such as EHPADs). Finally, this research aims to suggest ways of reconciling legal protection and recognition of the capacity to act of protected adults, drawing on good practice adopted in other legal systems. Ultimately, this work questions our model of society and the way we view vulnerability, with the aim of contributing to a better link between social justice, human dignity and equal rights.

English version :

In France, more than 800,000 people are placed under legal protection measures, such as guardianship or curatorship, due to an alteration of their personal faculties due to age, illness or disability. These measures, although essential to guarantee their safety and support, raise crucial issues concerning the preservation of their fundamental rights. This thesis explores the tensions between the need to protect

these individuals and respect for their autonomy. How can we ensure that protected adults can fully exercise their fundamental rights, such as the right to vote, the right to marriage, to parenthood, or to privacy and access to care? The study is based on an in-depth legal analysis of national and international texts, such as the European Convention on Human Rights and the United Nations Convention on the Rights of Persons with Disabilities. It also draws on the latest reports, studies and debates, particularly around the "Aging Well" law of 2024, which have not yet given rise to substantial changes in French law. It also questions the practical implementation of these protections by judges and other stakeholders (in particular legal representatives for the protection of adults -MJPM and structures such as EHPADs). Finally, this research aims to propose ways to reconcile legal protection and recognition of the capacity to act of protected adults, drawing inspiration from good practices adopted in other legal systems. In the background, this work questions our model of society and the view taken of vulnerability, with the aim of contributing to a better articulation between social justice, human dignity and equal rights.

PRESENTATION OF THE PROJECT :

Context and objectives (maximum 2 pages): specify whether the research is incremental (continuation, reinforcement of an existing theme) or innovative (new subject), local-national-international positioning, bibliography.

Research context

Legal protection measures for adults, such as guardianship and curatorship, currently affect more than 800,000 people in France. Their aim is to protect individuals with impaired mental or physical capacity, in particular by controlling their personal and property decisions. However, these measures raise crucial questions about respect for fundamental rights, particularly as regards autonomy, dignity and equality. These issues are particularly highlighted by legal instruments

international conventions, such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which promotes a model of assistance based on respect for the will and preferences of individuals, as opposed to a purely substitutive model.

In France, recent reforms, such as the creation of the future protection mandate in 2007 or the abolition of prior authorisation for marriage for adults under guardianship or curatorship in 2019, aim to strengthen the rights of protected adults by introducing mechanisms that strike a balance between protection and autonomy. But many questions remain about their practical application and their real impact on the lives of the individuals concerned. Furthermore, while the ageing of the population and the lack of effectiveness of the rights of vulnerable adults have led the public authorities to consider reforming the system as a whole, and several reports have been published on the subject, no major changes have yet been adopted or even submitted to Parliament. Internationally, alternative models, such as the assisted decision-making practised in certain Nordic countries, are encouraging us to rethink the current arrangements.

This thesis project is at the crossroads of these national and international issues. The research is mainly incremental, in that it explores existing questions about the rights of protected adults. However, it also aims to be innovative by proposing an interdisciplinary and comparative approach, integrating law, sociology and ethics.

Research objectives

The main objective of this thesis is to analyse the tensions between the legal protection of adults and the preservation of their fundamental rights, in order to propose solutions to better reconcile these two requirements. This problem is broken down into several specific objectives:

- **In-depth legal analysis**: study national (Civil Code, case law) and international (CRPD, European Convention on Human Rights) standards to understand how they define and frame the rights of protected adults.
- Study of implementation: Evaluate the practical application of protection measures by judges, by people in charge of protection measures and by reception structures in the event of accommodation (EHPAD, specialised reception homes - MAS, hospitals, etc.), by identifying the obstacles encountered with regard to respect for fundamental rights.
- International comparison: Explore best practice other countries, particularly in the area of decision support, to learn lessons that can be applied to the French context.
- **Concrete proposals**: Draw up recommendations to improve French systems, both in legislative and practical terms, taking into account changes in society and international commitments.

Positioning

This project is anchored in a national and international positioning. At national level, it aims to shed light on the reforms needed to better protect the fundamental rights of adults while respecting their autonomy. Internationally, it contributes to the debate on changes in models of protection and assistance for vulnerable people, by interacting with work carried out in other legal systems.

Selected bibliography

- ASSEMBLÉE NATIONALE, Rapport d'information n° 2075 sur les droits fondamentaux des majeurs protégés, 26 June 2019
- BATTEUR (A.), *Droit des personnes, de la famille et des incapacités*, 13th edn, Paris, LGDJ, 2023

- BAUDEL (M.), "Repenser la protection des majeurs protégés au regard de la Convention relative aux droits des personnes handicapées", Dr. fam. 2018. Study 8.
- BEAURUEL (M.), *La théorie générale du pouvoir en droit des majeurs protégés*, Thesis, University of Caen Normandie, ed. A. BATTEUR, 2018.
- CARON- DEGLISE (A.), PETERKA (N.), Protection de la personne vulnérable, protection judiciaire et juridique des mineurs et des majeurs, Dalloz Action, 6th edn, 2023
- CARON DEGLISE (A.), L'évolution de la protection juridique des personnes. Reconnaitre, soutenir et protéger les personnes les plus vulnérables, Rapport de mission interministérielle, 2018
- CARON-DÉGLISE (A.), RAOUL-CORMEIL (G.), "La fin de vie de la personne protégée et l'office du juge des tutelles. Réflexions sur la recherche du consentement des personnes vulnérables", Les Cahiers de la Justice, n° 3, 2017/3, p. 443-455.
- DEFENDANT OF RIGHTS, Legal protection of vulnerable adults, 2016 Report
- FOSSIER (T.), ed, *Curatelle, tutelle, accompagnments. Protection des mineurs et des majeurs vulnérables*, LexisNexis, coll. Litec professionnel, 2009.
- FOSSIER (T.), BAUER (M.), VALLAS-LENERZ (E.), Les tutelles, Accompagnement et protection juridique des majeurs, ESF éditeur, Actions sociales series, 7th edn, 2016.
- L'autonomie des personnes très vulnérables, conference proceedings, Rouen, February 2024, special file RDSS 2024 n°6
- LE DU (N.), Le consentement à l'acte médical des personnes vulnérables, Thesis, Université Paris-Est, ed. A. DEBET, 2018.
- MARCHADIER (F.), V° Majeurs protégés, Rép. D. Dr. Civ. feb. 2020, news oct. 2024
- MASSIP (J.), *Tutelle des mineurs et protection juridique des majeurs*, Defrénois, Lextenso éditions, 2009.

- MAZEAUD (H.), MAZEAUD (L.), MAZEAUD (J.) and CHABAS (F.), *Leçons de droit civil*, tome 1, vol. 2, *Les personnes : la personnalité, les incapacités*, 8th ed. by F. LAROCHE-GISSEROT, Paris, Montchrestien, 1997.
- MIGAUD (D.), ed, *La protection juridique des majeurs*. *Une réforme ambitieuse, une mise en œuvre défaillante*, Cour des comptes, Oct. 2016, 117 p.
- MILLERIOUX (G.), *La capacité juridique des majeurs vulnérables*, Thesis, Université Jean Moulin Lyon 3, dir. C. BIDAUD, H. FULCHIRON, 2021.
- NOGUERO (D.), "Pour la protection à la française des majeurs protégés malgré la Convention des Nations unies relative aux droits des personnes handicapées", RDSS 2016. 964
- PLAZY (J.-M.), RAOUL-CORMEIL (G.), eds, *Le patrimoine de la personne protégée*, LexisNexis, 2015.
- RAOUL-CORMEIL (G.), CARON-DÉGLISE (A.), eds, *La vie privée de la personne protégée. In memoriam Thierry Verheyde*, ed. Mare et Martin, 2019.
- RAOUL-CORMEIL (G.), dir, *Le nouveau droit des majeurs protégés*. *Difficultés pratiques*, Dalloz, coll. Thèmes et commentaires, 2012.
- RAOUL-CORMEIL (G.), REBOURG (M.), MARIA (I.), eds, Majeurs protégés
 : bilan et perspectives (De la loi n° 2007-308 du 5 mars 2007 à la loi n° 2019-222 du 23 mars 2019, et après?), LexisNexis, 2020.
- RICHEMONT (H.), Rapport fait au nom de la commission des Lois constitutionnelles, de législation, du suffrage universel, du Règlement et d'administration générale (1) sur le projet de loi, adopté par l'Assemblée nationale, après déclaration d'urgence, portant réforme de la protection juridique des majeurs, Sénat, 7 févr. 2007, n° 212, 592 p.
- TALARICO (L.), *La personne du majeur protégé*, Thesis, Université Jean Moulin Lyon 3, ed. H. FULCHIRON, 2008.

Detailed project (scientific details on the subject, questions or issues addressed, programme and planned timetable) and prospects for the team/laboratory (3 pages maximum) :

Scientific details on the subject

The subject of this thesis is the tension between legal protection and respect for the fundamental rights of protected adults. Measures such as guardianship and curatorship, while essential for protecting vulnerable individuals, raise profound ethical and legal issues. By restricting the exercise of certain fundamental freedoms such as marriage, the right to make decisions about one's health and the management of one's assets, these measures can sometimes compromise the dignity and equality of protected adults. From a scientific point of view, this thesis explores a key question: how can legal protection and recognition of the autonomy of protected adults be reconciled while respecting fundamental rights?

Ways of reconciling autonomy and protection will need to be explored, prioritised and perhaps extended; here we are thinking in particular of anticipatory measures such as the future protection mandate, the improvement of which is being called for by notaries. Where there is a discrepancy between respect for autonomy and the need for protection, as evidenced in particular by a conflict between the persons wishes and his or her interests (as determined by a third party), it will be necessary to determine in which situations preference should be given to one or the other. The question is how to ensure that protection does not lead to an excessive form of diminution and that a paternalistic approach does not lead to the sacrifice of equality beyond what is strictly necessary. The challenge is to strike a balance between the obligations of protection, particularly under French law (Civil Code), and the international principles enshrined in instruments such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD). This subject is part of an interdisciplinary field, involving law (public and private), the sociology of disability and the ethics of vulnerability.

Questions and issues addressed

This project aims answer a number of scientific questions:

1. What are the national and international legal frameworks governing the fundamental rights of protected adults?

- Analysis of key legal provisions and case law.
- Identification of tensions between national law and international commitments (e.g. CRPD).
- 2. How are legal protection measures applied in practice, and what impact do they have on the rights of the people concerned?
 - Study of social, judicial and administrative practices.
 - Assessing the perceptions and experiences of protected adults.

3. What alternative models can be considered to strengthen the autonomy of protected adults?

• Comparative analysis with other legal systems (particularly countries that have adopted decision support models).

Scientific challenges :

- Legal complexity: Reconciling the need for protection with the principles autonomy. Determining the weight to be given to the wishes (past or present) of the protected person. Reflection on the interests of the protected person and the appropriate procedures for defining them. Seeking out and recognising manifestations of residual autonomy.
- Lack of empirical data: Insufficient qualitative research into the practical impact of protection measures.
- Ethical dimension: Tensions between the desire to protect and respect human dignity.

Programme and timetable

The thesis will be structured around three main stages, spread over three years:

- Year 1: legal research and theoretical analysis
- Year 2: finalisation of legal research and start of final drafting

• Year 3: continuation and completion of final drafting

Outlook for the laboratory

This thesis will strengthen the laboratory's research areas, in particular those relating to human rights, vulnerability and changes in contemporary legal frameworks. Expected outcomes include:

- Scientific output: Articles published in specialist journals (law, sociology of disability).
- **Practical impact**: Proposals for improving French systems, useful for public decision-makers and those working in the field.
- **Interdisciplinary enhancement**: Enrichment of interdisciplinary approaches, particularly in ethics and sociology, within the laboratory.

Actions planned as part of the dissemination Scientific, Technical and Industrial Culture (STIC) in addition to the Fêtes de la Science actions (1 page maximum) :

- Involvement with organisations, particularly associations, that take charge of protected adults, in order to offer training or assistance in developing tools such as ethical charters.
- Participation in the Masters forum: the aim will be to present the work of research in general, and theses in particular, to undergraduate students.
- Participation in meetings organised between current and former Master's students discuss embarking on a doctorate and the approach to adopt (construction of the subject, etc.).
- Ma thèse en 180 secondes (My thesis in 180 seconds): taking part in this competition will be opportunity carry out an educational exercise and explain the issues involved in legal research on a social issue to a diverse audience.

PROJECT ENVIRONMENT

Thesis supervisor

Full name: Ms Amélie DIONISI-PEYRUSSE

Affiliated Institution / Organisation: University of Rouen / CUREJ

A reasoned opinion from the thesis supervisor on the proposed research, with regard to the scientific and technological objectives pursued and their place in the research orientations of the host laboratory:

The aim of the research is to measure the difficulties involved in reconciling the protection of people whose faculties are impaired with respect for their fundamental rights. As well as assessing extent of the difficulties, the research will also aim to propose solutions to achieve a balance. The aim is to succeed in supporting vulnerable people without diminishing them in any way. These issues are linked to questions of paternalism, autonomy and equality. They permeate, with varying degrees of acuity, all areas in which certain vulnerabilities need to be taken into account. It is at the crossroads of personal and family law and fundamental rights, while also including important aspects of medical law. It therefore fits in perfectly with CUREJ's research guidelines, which focus on these areas and on the balance at issue here in relation to vulnerability, particularly in the 'person(s)' theme.

Date: 16 January 2025 Surname, First name: Dionisi-Peyrusse Amélie Signature



The laboratory director will indicate how the project fits in with the host laboratory's strategy.

The DFonMaP project fits in perfectly with CUREJ's research orientations.

It is at the heart of the 'Person(s)' theme and is a continuation of the 'Vulnerabilities' project launched a few years ago in collaboration with other research units in Normandy, notably ICREJ in Caen. It follows on from the conference held last February on the autonomy of very vulnerable people.

This project will undoubtedly help to strengthen this relatively unexplored area.

The laboratory director must provide (separately from the application) **a ranking (with justification) of the laboratory's applications** (including institutional and 100% regional allocations) *validated by its Unit Council. Please do not indicate a ranking in this submission document.*

The ranking of CUREJ applications will be announced at a later date.

Date: 19 January 2025 First name: Cécile Legros

Signature

Cécile LEGROS, Directrice CUREI UR4703



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SPECIFIC SECTION REGIONAL ALLOWANCES (do not complete if the application is for an establishment allowance <u>only</u>)

RÉGION NORMANDIE	Normandy Research Doctoral students 100% support" application form	
	Theme: Research and innovation	
	Strategic Objective	For a dynamic, attractive and innovative economy in Normandy
	Mission	Supporting research and innovation as a lever economic development
	Territory	Normandy Grant
	Type of aid	

The Normandie Recherche - Soutien Doctorants 100% scheme is designed to meet ambition 2 of the SRESRI by helping to support the ambitions of Normandy's students, teacher-researchers, researchers and ESRI institutions to help them succeed.

Before submitting your application, please consult the regulations for the scheme concerned, available at the following link: <u>Normandie Recherche | Région Normandie</u>

Eligible actions :

The Region's support focuses on setting up and carrying out research projects.

The regional aid paid enables doctoral students to be hosted in academic laboratories for a maximum of 36 months.

The Region supports young researchers preparing a thesis and wishing to obtain a university doctorate. This is 100% thesis funding.

Doctoral students funded by the Region must be employed by a Normandy university and participate in CSTI activities.

Application and award :

1 - The Region determines the number grants allocated to each of Normandy's three universities,

2 - As part of their Strategic Partnership Agreement, the Normandy Region and each beneficiary university define the themes and methods of expertise in accordance with the eligibility criteria defined below,

3 - Universities submit their applications on the regional platform, together with the two expert reports, before the date communicated annually by the Region.

4 - The Region will be responsible examining and submitting proposals to the Standing Committee.

Eligibility criteria :

The thesis project must meet the following criteria:

- scientific quality of the project, which will be verified by the submission of two expert reports from outside the organisation (outside Normandy),
- expected spin-offs and prospects for the region in terms of territorial development, promotion of the project, attractiveness and influence of the Normandy teams,
- developing or strengthening regional, inter-regional and international partnerships,
- registration in one of the areas of the S3 or in the themes specified in the Region-University partnership agreement.

The candidate must:

- o be hosted in a laboratory located in Normandy,
- o be enrolled in a Normandy Doctoral School,
- submit a thesis project in line with the host laboratory's research areas and the institution's strategy,
- take part each year in scientific, technical and industrial culture initiatives coordinated by the Normandy Region or one of its partners.

This application will be used as a basis a regional appraisal.

The project is in line with the intelligent specialisation strategy (S3) of the 2021-2027 ERDF-SSE/IEJ Normandy Regional Operational Programme, and in particular with the following area(s) of specialisation:

Main area S3 :

Preserve and sustainably transform agricultural, marine and forestry resources and production systems

Developing a zero-carbon energy mix

ot Transforming processes for an efficient, sustainable and digital industry

ot Developing new, safe and efficient low-carbon mobility solutions

Accelerating synergies and innovation for 5P human and animal medicine Making

Normandy a resilient region through risk management

Secondary S3 area (if applicable) :

Preserve and sustainably transform agricultural, marine and forestry resources and production systems

Developing a zero-carbon energy mix

Transforming processes for an efficient, sustainable and digital industry

Developing new, safe and efficient low-carbon mobility solutions

Accelerating synergies and innovation for 5P human and animal medicine Making

Normandy a resilient region through risk management

You can consult the Normandy Region's Intelligent Specialisation Strategy (S3) by clicking here.

If the subject of the thesis does not correspond to any area of the S3, please refer to the elements of the Strategic Partnership Agreement signed between the Region and the lead institution, justifying this application.

For each project, you must specify its impact on Normandy: