

Submission by Unia (33.2) to the Committee on the Rights of Persons with Disabilities, March 2019

**Information for List of Issues Prior to Reporting - BELGIUM**

author.

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# About UNIA, Interfederal Center for Equal Opportunities

Unia is an independent public institution that combats discrimination and promotes equal opportunities. Our independence and engagement in favor of human rights is recognized by the Global Alliance of National Human Rights Institutions (B-status). We have interfederal competence, which means that in Belgium, we are active at the federal level as well as the level of the regions and communities.

Unia is responsible for assisting victims of discrimination based on the protected grounds (one of which is disability) of the anti-discrimination laws which implement European directives 2000/43 and 2000/78.

On 12 July 2011 Unia was designated by the Federal Government and the federated authorities as the independent mechanism to promote, protect and monitor the implementation of the United Nations Convention on the Rights of Persons with Disabilities, as provided for in article 33, paragraph 2.

A Steering Committee was set up in 2011 within Unia, to involve civil society in the implementation of the CRPD. Its 23 members include persons with disabilities and their representative organisations, social partners and academics.

# Executive summary

Unia appreciates the opportunity to submit this brief contribution to inform the Committee on the Rights of Persons with Disabilities (the Committee) of the implementation of the Convention in Belgium.

Our contribution is based on various sources of information: reports filed with Unia by persons with disabilities; results of Unia’s monitoring activities and recommendations; the work of our Steering Committee; participation in various working groups, committees and advisory boards; contact with and reports from the authorities and organisations concerned; the reports and recommendations from members of civil society. The sources are generally identified in the footnotes.

Since 2014, Unia has followed up on numerous cases regarding the implementation of the CRPD in Belgium. In 2014, the Belgian State received several recommendations from the Committee. Unia identified some improvements, but also a lack of progress overall and even regression in certain areas.

**Accessibility:** Unia has concluded that the main area where no progress was made is accessibility. No noteworthy legal framework was set up at either the regional or federal level. All the main sectors are still being neglected in this regard: private and public buildings, public transportation, schools, etc. The most telling incident was the inauguration in 2018 of a new tram line in Brussels that is not accessible for persons with disabilities.

**Deinstitutionalisation:** Belgium has not adopted a clear position on this matter. Flemish authorities are attempting to offer more individualised options, yet current legislation and policies facilitate institutional living rather than living independently. There continue to be long waiting lists for personal funding, while very substantial budgets are still being allocated to the institutions. In Wallonia, millions will be devoted to their renovation while there are very few alternative options and the allocated budgets are insufficient.

**Education:** an increasing number of families of children with disabilities want to enrol their child in a mainstream school. However, the support provided to students and teachers is insufficient, budgets remain blocked in the special education system and authorities have not adopted a clear position regarding the continued existence of the two parallel systems of education, which are essentially in competition with each other. Unfortunately, this situation (the lack of support, lack of training and lack of structural and budgetary changes) is undermining the implementation of the right to inclusive education.

**Employment:** in times of crisis, Belgian policy makers continue to favour sheltered employment for persons with disabilities. Sheltered workshop employment is encouraged, promoted and reinforced, while policies for employment in mainstream settings are non-existent. Quotas for employment in the public services are still not being met and generally stagnate at a rate of 1 or 2%. On the other hand, public employers are currently authorised to fulfil their quota by subcontracting with sheltered workshops. The policy for the reintegration of sick employees and employees with disabilities has been in place for two years, yet facilitates disintegration rather than integration: nearly 70% of attempts at reintegration result in the employee being fired.

**Income of persons with disabilities:** the benefits provided to persons with disabilities are below the poverty threshold in Belgium. A study revealed that they are generally insufficient to cover their needs. There has been no proposal to address this issue since 2014. Moreover, the Belgian government ‘forgot’ to adjust the income replacing benefits to the consumer index in 2016 and the update has not entirely compensated for the losses. Furthermore, the department in charge of overseeing the benefits (the Directorate-General for Persons with Disabilities of the Federal Public Service) has reached a state of extreme dysfunction: around 40,000 cases are backed up and in practice no one operates the telephone hotline.

**Consultation of persons with disabilities:** there is no advisory board currently in existence or in the process of being set up that can sufficiently guarantee independence, representativity and expanded competencies for all sectors. There is also no reflex among the authorities to consult the advisory boards.

These observations demonstrate **that segregation, or integration at best, remains the rule** and that there has been little progress in the perception of persons with disabilties in Belgium. Too often, persons with disabilities are perceived as objects of care, incapable of participation or making decisions. They are not regarded as human rights subjects. Reference is often made to persons with disabilities’ lack of capacity or a lack of security in attempting to justify the restriction of their freedom (placement in an institution, restraint, isolation) and their fundamental rights (right to make decisions, participation in elections, the right to a sexual and emotional life), particularly for persons with intellectual disabilities or mental disorders.

Finally, there has been no agreement reached concerning the establishment of a National Human Rights Institution in Belgium, despite this being included in the governmental agreement of 2014.

# Information on the progress in the implementation of the CRPD and proposed questions

### General principles and obligations (Art. 1-4)

#### Concluding Observations, paras. 6-10

During this legislature (2014-2019), Belgium has not organised any **interministerial conference** on persons with disabilities and has not been able to adopt and carry out any joint and coordinated plans on the implementation of the Convention. This is even more important as Belgium is a federal state. The Federal Handistreaming Action Plan[[1]](#footnote-2) presented to the Committee in 2014, consists only of a methodology, but there has been no information about concrete, coordinated joint actions released since then.

The **focal points** have made very little contact with Unia and civil society. Neither the coordination mechanism nor the disability referents are sufficiently supported or available (their tasks are combined with other functions) to carry out their responsibilities.

As a federal state, the **consultation of persons with disabilities** and their representative organisations should be organised at the level of the federal state, the three regions and the three communities. The Flemish Government recently launched a process for the creation of a Flemish advisory board. Due to certain institutional reforms, the Brussels and Walloon advisory boards are undergoing changes. Questions remain regarding their independence, as well as their limited competence. The German-speaking Community launched a process in 2017 to set up an advisory board, but without any results. The French-speaking Community has not taken any steps to this end.

Human rights and human rights treaties are increasingly being called into question and **human rights defenders are put under pressure** in Belgium. Unia is concerned about this. As regards disability, there are calls for withdrawal from the CRPD and Unia is often criticized for its plea for an inclusive education system or independent living.

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| Proposed Questions for List of Issues (Art. 1-4)  * Do the Belgian authorities intend to set up one or more interministerial conference(s) concerning persons with disabilities to implement the Convention? * What are the activities of the focal points and the coordination mechanism? What contacts do they have with the independent mechanism and civil society? What are the financial and human resources allocated to the coordination mechanism? * For each level of government, what are the guarantees of representativeness, independence and expanded competences for the advisory boards? Are they involved in the monitoring of all policies? When and how will the advisory boards be set up? |

### Equality and non-discrimination (Art. 5)

#### Concluding Observations, para. 12

The concerns raised in 2014 remain applicable. The **antidiscrimination legislation has not been amended** and it still does not include[[2]](#footnote-3) discrimination on perceived or assumed grounds, discrimination by association and discrimination based on past health status.

The **application in practice** of the antidiscrimination legislation **remains a challenge**, particularly regarding the protection of victims and their access to justice. Issues concern the standards of proof for discrimination, inaccessibility and costs of legal procedures, obstacles to (partially) free legal aid and the low amount of damages awarded.[[3]](#footnote-4)

Furthermore, Unia deplores **two setbacks regarding reasonable accommodation** (art. 5, § 3 CRPD).

First, the Brussels Capital Region has not included refusal of reasonable accommodation as a specific form of discrimination in its housing code.[[4]](#footnote-5)

Second, with regard to education, the French-speaking Community adopted measures that undermine the concept of reasonable accommodation:

* A decree makes the right to reasonable accommodation conditional on the fact that the student’s situation ‘does not make it essential for him/her to enrol in the special education system’.[[5]](#footnote-6)
* Various reference texts[[6]](#footnote-7) distinguish between ‘mandatory’ and ‘recommended’ reasonable accommodation, whereby the latter may be implemented gradually.

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| Proposed Questions for List of Issues (Art. 5)  * What measures have been taken by the authorities to ensure a coherent approach to the antidiscrimination legislation that includes all forms of discrimination, including discrimination on perceived or assumed grounds, discrimination by association and previous health status? * What measures have been taken by the authorities to ensure the effectiveness of the antidiscrimination legislation and the protection of victims of discrimination on the basis of disability? * Clarify the position of the French-speaking Community on the right to reasonable accommodation for students with disabilities and its immediate and compulsory nature. |

### Women with disabilities (Art.6)

#### Concluding Observations, para. 14

Sexual assault against women with disabilities is not to be underestimated. According to a study conducted in Flanders[[7]](#footnote-8), all 120 women willing to testify had experienced sexual abuse at least once. The abusers were members of their close environment (family, friends, staff, ex-companion, aides) and the abuse involved criminally punishable offences.

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| Proposed Questions for List of Issues (Art. 6)  * What measures have been taken by the authorities to establish a procedure within residential and care facilities to prevent and respond to complaints concerning sexual abuse? * What measures have been taken by the authorities to enable the relational, emotional and sexual life of persons with disabilities? |

### Children with disabilities (Art. 7)

#### Concluding Observations, para. 16

Many **children with disabilities are placed in institutions** and there remains an unacceptable **lack of support** to guarantee their inclusion and participation in society. It is particularly problematic that more resources are being invested in institutions rather than funds allocated directly to the child and his or her family.

The introduction in Flanders of personal funding (PVF **– ‘**persoonsvolgende financiering’) [[8]](#footnote-9) for minors has been postponed indefinitely.[[9]](#footnote-10) Meanwhile, the waiting period to obtain a personal assistance budget (PAB – ‘persoonlijke assistentiebudget’)[[10]](#footnote-11) is on average five years.[[11]](#footnote-12) In the Walloon Region and the Brussels Region, there are no personal budgets available altogether for children with disabilities and their families.

In addition, many children and adolescents with disabilities do not have **access to adapted services**. This includes children who require multisectoral support (youth services, disability and mental health services), children with a dual diagnosis (intellectual disability and mental health) and children whose disability causes serious behavioural problems who are often excluded from schools and institutions.

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| Proposed Questions for List of Issues (Art. 7)  * What measures have been taken by the authorities to ensure appropriate and adapted services for children who require multisectoral support and those with a dual diagnosis? * What resources are allocated by the authorities to support families of children with disabilities, to prevent them from being abandoned and having to be placed in an institution? * When will the authorities introduce personal funding for minors? What are the next concrete steps and what is the time frame? |

### Awareness-raising (Art. 8)

#### Concluding Observations, paras. 17-20 & 52

Although the regions have organised **awareness raising** **campaigns** - for example, on the employment of persons with disabilities or access to service dogs - there has been no information and awareness raising campaign about the human rights of persons with disabilities or about the Convention. These campaigns have been conducted by civil society and Unia.

The Convention and the general comments have not been translated into **accessible** **formats** and there has been no funding made available to that end.[[12]](#footnote-13)

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| Proposed Questions for List of Issues (Art. 8)  * What actions for information and awareness raising are (soon to be) conducted by the authorities concerning the rights of persons with disabilities? * What measures have or will be taken to ensure the translation and dissemination of the Convention and the General Comments into Dutch, German, sign language and easy-to-read formats? |

### Accessibility (Art. 9)

#### Concluding Observations, para. 22

Belgian authorities have not adopted a binding legal framework aimed at ensuring accessibility of the built environment, public transport and public services. The **widespread lack of accessibility** has a serious impact on persons with disabilities’ access to other rights.

**New constructions** (schools, railway stations, …) are still **inaccessible**.[[13]](#footnote-14) Compliance with accessibility standards is not adequately monitored by public authorities when issuing urban planning permits nor after construction. Architects and entrepreneurs, as well as officials responsible for the verification of urban planning permits lack training about accessibility.

There continue to be huge **gaps regarding accessibility of information and communication**. Websites and mobile applications are generally not sufficiently accessible to persons with disabilities.[[14]](#footnote-15) More specifically, deaf persons encounter great difficulties in access to public services (municipalities, hospitals, courts…), who only very rarely provide professional sign language interpreters.

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| Proposed Questions for List of Issues (Art. 9)  * What are the legislative measures adopted by the Belgian authorities to make the existing environment accessible to all within a reasonable timeframe? What deadlines have been set and what resources have been allocated to that end? * What legislative and other measures have been adopted to ensure inclusive and accessible public transportation for all? What is the timeframe to ensure all busses, trams, and metro carriages are accessible? * What measures have been adopted to guarantee that new or renovated buildings are fully accessible? * What measures have been adopted to train construction professionals and officials who deliver urban planning permits in universal design and accessibility? * What measures have been adopted to ensure accessibility of public services, including for deaf persons and persons with intellectual disabilities? |

### Equal recognition before the law (Art. 12)

#### Concluding Observations, para. 24

On 1 September 2014, the **Act on legal capacity** entered into force.[[15]](#footnote-16) The Act has not been revised to provide the right to supported decision-making, as was recommended by the Committee.

Certain **implementing decrees** provided for by the 2014 Act have **not yet been adopted**.[[16]](#footnote-17) Thus, certain administrators are still being assigned a very large number of cases and are no longer able to ensure that they are handled ‘with due diligence’. Many administrators are charging extremely large sums under the category of ‘exceptional costs’.

Furthermore, the **implementation of this legislation is disappointing**. Based on numerous testimonies and reports made to Unia and representative organisations, it appears that the reality does not correspond to the objectives and spirit of the law. The justices of the peace do not have adequate resources and time to properly carry out their responsibilities. They are highly likely to designate a professional administrator, and too frequently opt for complete protection of the person and a system of substituted decision-making.

The act was revised in 2018[[17]](#footnote-18) but the amendments did not provide **any additional guarantee** to ensure customised protection tailored to the person and the judge can always opt for a system of substituted decision-making.

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| Proposed Questions for List of Issues (Art. 12)  * Beyond the amendments to the 2014 Act on legal capacity provided for by the 2018 act, what additional resources have been - or will be - made available to justices of the peace to enable them to effectively carry out their responsibilities within the framework of the statutes on protection of the person (designation of the administrator, evaluation of the person's real capacities, monitoring of the administrators, …)? * What action is Belgium taking to ensure that the system of protection provided by a professional administrator will be financially accessible to the protected person? How does it protect the persons in question from abuse? * How and when do the Belgian authorities plan to amend current legislation to provide for supported decision-making? |

### Access to justice (Art. 13)

Unia has observed no progress whatsoever in access to justice for persons with disabilities. Great difficulties remain regarding **accessibility of buildings**. In 2015, a wheelchair user was not able to enter the courthouse in Vilvoorde. The police court then decided to refer the case to the Public Prosecutor's Office, in anticipation of a new accessible building.[[18]](#footnote-19)

Unia regularly receives reports about a **lack of sign language translation**. It is not easy for deaf people who come in contact with the justice system to request a sign language interpreter.

The **financial obstacles** to taking legal recourse are increasing. On 1 September 2016, the reform of the legal aid system entered into force which made persons with disabilities entitled to a replacement income, no longer automatically entitled to free legal aid, as was previously the case.[[19]](#footnote-20)

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| Proposed Questions for List of Issues (Art. 13)  * When will the authorities adopt an action plan to make judicial buildings accessible? * How do the authorities plan to improve access to justice for deaf people and provide the organisation and funding of sign language interpreters? * Will free legal aid once again be automatically provided to persons with an income replacement allocation? |

### Liberty and security of the person (Art. 14)

#### Concluding Observations, paras. 25 and 26

The **mental health act** of 1990[[20]](#footnote-21) has not been amended in any way to abolish the forced hospitalisation of persons with disabilities.

#### Concluding Observations, paras. 27-28

The act of 5 May 2014[[21]](#footnote-22) maintains **internment as a security measure** for persons with disabilities who have been declared not responsible for their actions.

Furthermore, the text of the law and its implementation raise several **problems**: the absence of a psychiatrist within the social protection chambers[[22]](#footnote-23), no options for release for undocumented migrants whose health condition has stabilised[[23]](#footnote-24), absence of any recourse regarding the decisions of the social protection chambers[[24]](#footnote-25), freedom of interpretation on the part of the judges regarding the scope of application of the measure and discrepancies in the application of the law[[25]](#footnote-26).

After Belgium was condemned on several occasions by the European Court of Human Rights[[26]](#footnote-27), the number of internees in prison decreased. However, on 30 May 2018, **530 internees were still detained in prison**.[[27]](#footnote-28)

Two **medico-legal psychiatric centres** were established in Flanders, each housing 250 persons.[[28]](#footnote-29) The operation of the centres shows shortcomings with regard to the quality of care and obtaining consent in medical treatments.[[29]](#footnote-30) Committed persons are only able to leave these centres with great difficulty. They have a hard time entering regular psychiatric establishments because of a shortage of places and reluctance to admit internees.[[30]](#footnote-31)

#### Concluding Observations, para. 29

Unia is regularly contacted by **persons with disabilities detained in prison**. In the absence of accessible prison infrastructure, persons with disabilities are deprived of access to a series of rights (use of the exercise yard at the same times as other inmates, paid work, …). For safety reasons, the prison management appears reluctant to provide the necessary reasonable accommodations.

The report of the Federal Centre for Expertise in Healthcare[[31]](#footnote-32) indicates that many detainees are in **poor health**, suffer from serious illness or psychological disorders and take a lot of medication, particularly for mental health problems. The suicide rate is high and the shortage of doctors does not make access to medical care in the prisons any easier. The report recommends transferring the competence of prisoner healthcare for detainees from the Ministry of Justice to the Ministry of Health.

The Pot-pourri IV law[[32]](#footnote-33) of 2016 introduced a **right to file a complaint** with the complaints committee within the prison supervisory board.[[33]](#footnote-34) However, these supervisory boards are composed of volunteers. Moreover, the responsibilities assigned to them - mediation, monitoring and handling complaints - are not necessarily compatible with each other.

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| Proposed Questions for List of Issues (Art. 14)  * What actions are the authorities taking to provide internees that are still committed in a prison setting with the services they require? What is the timing of these measures? * Since the act of 2014 came into force, has the number of commitment orders issued effectively decreased in comparison to the implementation of the former legislation? * What actions are the authorities taking to provide an exit route for undocumented migrants who have been committed and no longer represent a danger for society and whose health condition has stabilised? * What actions are the authorities taking to facilitate the the internees to leave the medico-legal psychiatric centres? * What are the deadlines and conditions according to which Belgium intends to transfer healthcare in prison to the FPS Public Health? |

### Freedom from Exploitation, violence and abuse (Art. 16)

#### Concluding Observations, paras. 30-31.

**Measures for restraint or isolation** are still taken within psychiatric establishments or institutions for persons with disabilities, as well as in special education - for purposes of punishment, due to understaffing or lack of appropriate services.

In the context of **human trafficking**, the authorities do not provide any specific protection whatsoever for the particularly vulnerable group of persons with disabilities. On the contrary, this group encounters administrative and procedural difficulties that deprive them of access to fundamental rights (housing, healthcare, …). Persons who have started a procedure to obtain a residence permitmust wait a minimum of three months to be able to register with a mutual health insurance provider and thus benefit from access to healthcare. Similarly, the recognition of disability, which gives access to a set of rights, requires the establishment of a diagnosis, which is made extremely difficult by obstacles related to language,[[34]](#footnote-35) isolation, trauma experienced, cultural differences, low levels of education and lack of reasonable accommodations in the disability recognition procedure. Finally, shelters for victims of human trafficking are not accessible to persons with reduced mobility and do not have staff who are authorised to perform medical acts or to care for the person.

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| Proposed Questions for List of Issues (Art. 16)  * Which actions have the authorities undertaken to prevent abusive restraint and isolation measures in psychiatric establishments, in institutions and special education? * What measures have been adopted by the authorities in the fight against trafficking in persons with disabilities? * What measures will the authorities adopt to meet the needs of undocumented migrants with disabilities? |

### Liberty of movement and nationality (Art. 18)

Despite the negative recommendations of the Council of State[[35]](#footnote-36), a new **condition on the duration of residence in Belgium** has been in force since 1 June 2018 for **the allocation of income replacement benefits** (IRB) issued to persons with disabilities.[[36]](#footnote-37) From now on, the applicant must have effectively stayed in Belgium for a minimum of ten years, including at least five years without interruption. [[37]](#footnote-38)  This could result in indirect discrimination of migrants with disabilities. Even though the new condition applies to both Belgians and non-Belgians, it will have an adverse effect on those that exercise their right to free movement.[[38]](#footnote-39)

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| Proposed Questions for List of Issues (Art. 18)  * Do the authorities plan to abolish the new condition on the duration of residence in Belgium for the allocation of income replacement benefits? |

### Living independently and being included in the community (Art. 19)

#### Concluding Observations, paras. 32-33

Belgium has not yet decided on a **plan of action, with clear deadlines, to promote deinstitutionalisation**. The scope of article 19 CRPD and General Comment n° 5 has been publicly called into question, including by politicians, public agencies and actors of the sector of persons with disabilities.

#### Flanders

In 2010, Flanders drew up a policy on the implementation of article 19 by providing persons with disabilities with ‘funding that follows the individual’. Despite the political will, there has been no significant progress in the implementation of this policy. Currently, the **waiting lists to obtain personal budgets** persist.[[39]](#footnote-40) Even for the most urgent cases, the waiting period can be as long as three years.[[40]](#footnote-41)

From January to June 2018, 14,725 persons with disabilities received a **personal care** **budget**.[[41]](#footnote-42) Studies have revealed that approximately 40% of them consider the amount (300 euros/month) **insufficient**, or even very insufficient.[[42]](#footnote-43)

The authorities still invest significantly more resources **in institutions,** than in resources to facilitate independent living.

#### Wallonia

The bulk of the **resources** are still **being invested in institutions**[[43]](#footnote-44) and the needs are mostly envisaged in terms of places to be provided. For example, in May 2017, the Walloon government allocated 50 million euros to renovate the existing residential structures.[[44]](#footnote-45)

The **budgets for personal assistance are insufficient** and do not meet the needs of persons with disabilities. The available services are not diversified. The mode of operation of residential or day-care facilities is still characterised by institutionalisation. Therefore, persons with disabilities, regardless of their level of dependence or place of residence, have no hope of a future independent life nor a prospect of social inclusion.

The Walloon government wants to initiate **autonomy insurance**, which is currently still in the planning stages. The current texts plans show that the number of hours of services provided is insufficient and services only cover help at home. This means that it would not enable an autonomous life and would not cover the needs of the persons.

#### Brussels

In the Brussels Capital Region (Cocof), despite the inclusion decree of 2014[[45]](#footnote-46), two thirds of the resources are allocated to institutions. The institutions are monitored by inspection services mainly on the basis of architectural standards and staffing and not on standards associated with respect for the rights of persons with disabilities. Services for supporting a social and professional life exist, but they are hardly reinforced. Consequently, the waiting list for situations involving high dependence is not reduced. An the contrary, even fewer solutions have been found since 2015. The relief services are overburdened.

Only 25 persons receive a **personal assistance budget.** These budgets have not been expanded.

An **autonomy insurance** has been planned for several years but has not yet resulted in a draft text for a law.[[46]](#footnote-47)

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| Proposed Questions for List of Issues (Art. 19)  * What efforts are made by the various authorities to shift the services and the resources from institutional settings towards possibilities for more inclusive and autonomous living? * What kind of support is provided for persons with disabilities and their families to avoid placement in institutions? * What measures have been taken in order to provide solutions for adults and children on waiting lists? * Q |

### Freedom of expression and opinion, and access to information (Art. 21)

**Deaf persons and persons with intellectual disabilities** have difficulty accessing information. Very little information from the authorities is translated into sign language and easy-to-read text. There is a great shortage of sign language interpreters. In Brussels and Wallonia, the funding for sign language interpretation services is problematic.

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| Proposed Questions for List of Issues (Art. 21)  * What measures will the authorities adopt to make their information accessible to users of sign language and those requiring easy-to-read text? * What action will the authorities undertake to resolve the problem of the shortage of sign language interpreters? How will Brussels and Wallonia more efficiently fund the interpreting services? |

### Education (Art. 24)

#### Concluding Observations, paras. 36-37

In the different Communities, a **long-term strategy** for inclusive education with a strategic plan and a plan of action to evolve from two separate education systems (mainstream and special education) to one inclusive education system is lacking. On the contrary, the government is holding on to the possibility to opt for special education. This view is sustained by **a medical vision of disability**, according to which a diagnosis leads to the creation of a report allowing access to special education.

Data show that it is mostly **children of well-educated parents belonging to the middle class** who have access to inclusive education. These parents invest a lot of time (and money) to create an inclusive education plan for their child. They have to insist on receiving reasonable accommodations at school and often provide their own additional support in the classroom. Children of parents who are not aware of the right to inclusive education do not have an equal chance of having their needs being met by the school.

Future teachers are not or insufficiently trained in inclusive education and ‘universal design of learning’[[47]](#footnote-48). Therefore, teachers often have a difficult time in making individual adaptations.

Finally, there is no plan to improve the **accessibility** in a broad sense. Schools are built or renovated without being accessible.

#### Flanders

In Flanders, the **right to enrol** children with a disability in the mainstream education system is conditional. If the school feels that the necessary adaptations are disproportionate, the enrolment is cancelled.[[48]](#footnote-49) The European Committee of Social Rights determined in 2017 that Flanders was refusing access to mainstream education for children with disabilities, particularly mental disabilities.[[49]](#footnote-50)

The **number of pupils** in special education remains far higher than the European average (1.54%). In the school year of 2016-2017, the percentage of pupils attending a special primary school was still 5.4% and 3.9% in special secondary education.[[50]](#footnote-51)

Flanders continues to **invest** **in extra** **infrastructure for special education**. Thus, in the past three years, 14 new sites for special education have been created and an education programme called ‘type 9’ for children with autism but without mental impairment was initiated on 145 campuses.[[51]](#footnote-52) In addition, schools in the mainstream education system desperately lack support.

The **funding of support** for pupils with disabilities in the regular school system remains linked to the reduction in the number of pupils in special education. Thus, the funding always comes with a delay in relation to the actual needs. Teachers and schools still do not receive the necessary support in a timely fashion. The same resources are not devoted to pupils in mainstream schools as to pupils in the special education system, which has an influence on the parents’ choice for one education system or the other. This vicious circle is difficult to break.

Each year, around 500 children are exempted from the obligation to attend school because it is ‘impossible for them to attend school’.[[52]](#footnote-53) In the majority of the cases, these are children who have multiple and severe disabilities, and sometimes children with serious emotional and behavioural problems.[[53]](#footnote-54)

#### French-speaking Community[[54]](#footnote-55)

The number of pupils with disabilities enrolled in **special education** and the share represented by special education has been steadily increasing over the past 10 years.[[55]](#footnote-56)

The percentage of **integration** in the mainstream education system is increasing but remains low: 2,121 pupils benefited from integration measures in 2014 and 3,685 in January 2017.

The reform of the education system proposed in the ‘Pact for educational excellence’ aims to decompartmentalise and refocus special education on pupils “who genuinely belong there”. The objective is, between now and 2030, to return the percentage of pupils receiving special education to the level of 2004. There is no engagement to proceed towards an inclusive education system.[[56]](#footnote-57)

Legislative measures have been taken to support the implementation of **reasonable accommodations** at all levels of the education system, but reasonable accommodations remain difficult to obtain because of prejudice in certain schools, the lack of **teacher** **training**, the lack of supplementary human and financial **resources** or the refusal of adapting the **curriculum**.

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| Proposed Questions for List of Issues (Art. 24)  * What concrete measures will the competent authorities adopt to make the transition from two parallel systems of education to a single system of inclusive education. How soon will this transition be made? * When will the authorities draw up and apply a coherent policy for inclusive education in the short and long-term, with guarantees of sufficient and ongoing support for pupils, teachers and schools? * What measures have been taken by the authorities to reinforce teacher training for inclusive education? * How will the authorities ensure the right to enrollment in mainstream education for pupils who follow an individually adapted curriculum and ensure that they get a valuable certification? * How will the authorities guarantee that pupils with a disability can count on the same support in mainstream education as in special education? * What measures will the authorities take to remove the possibility of exemption from compulsory education and guarantee the right to education for these children? |

### Health (Art. 25)

Access to **high-quality healthcare** is compromised for persons with disabilities because of the inaccessibility of the medical infrastructure and equipment. Healthcare staff has little training in considering the needs of persons with disabilities and the right to reasonable accommodation. In the absence of information in an accessible format and suitable tools, certain persons with disabilities[[57]](#footnote-58) are not able to give their free and informed consent.

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| Proposed Questions for List of Issues (Art. 25)  * What measures have been taken to improve the accessibility of healthcare facilities and services (including outpatient services) to persons with disabilities? * What measures have been taken to train healthcare professionals in taking into consideration the needs of persons with disabilities? |

### Right to work and employment (Art. 27)

#### Concluding Observations, paras. 38-39

The **rate of employment** of persons with disabilities remains very low and far below the European average. Only 23% of Belgians with disabilities aged between 15 and 64 have jobs and 74% of them are inactive. In the same age group, 63% of Belgians without disabilities have jobs. There is therefore a very large gap between the employment rate of Belgians with disabilities and without them.[[58]](#footnote-59) This mainly concerns persons with low levels of education and women with disabilities, who have the lowest employment rate.

The public administrations are still not managing to reach their own **quotas or numerical objectives** which are rather low (2 to 5%). They regularly fall short of their obligation to provide reasonable accommodations, particularly for the reintegration of workers after long-term work incapacity.[[59]](#footnote-60)

The policy on the **reintegration** of persons after a long-term work incapacity entered into force in 2017. 68% of the persons in this new procedure that aims to faciitate a return to work, were fired on the basis of medical force majeure.[[60]](#footnote-61) This legislation does not sufficiently make the link between long-term illness or chronical disease, disability and the right to reasonable accommodations and does not leave sufficient room for consultation with the worker concerned.

Not enough resources are directed towards job search and **employment support in a mainstream setting**. Most public funding is still directed towards employment in sheltered workshops. However, in 2018, Unia saw an upsurge in reports of persons with disabilities working in these companies, who complain in particular of refusal of reasonable accommodations, differences in the treatment of staff members with and without disabilities, as well as numerous problems with well-being in the workplace.[[61]](#footnote-62)

The standard **professional training** is not very accessible to persons with disabilities. Plans exist, but the implementation is very slow. The support and preparation of trainers is not guaranteed. In this regard, the situation of French-speaking deaf people is particularly concerning because they only very rarely benefit from training in professional sign language interpreting.

Persons with disabilities are still encountering too many obstacles to starting an **independent professional activity**, either full-time or part-time. [[62]](#footnote-63)

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| Proposed Questions for List of Issues (Art. 27)  * What are the coordinated measures at the interfederal level to increase the rate of employment of persons with disabilities for the public sector and the private sector? * What measures have been adopted by the authorities to ensure the respect for the rights to reasonable accommodations for workers experiencing long-term illnesses during the reintegration? * What are the budgetary credits allocated to the employment of persons with disabilities in the sector of sheltered workshops and those allocated to jobseeking and the support for employment in the mainstream sector? * What are the measures (including budgetary) taken to enable persons with disabilities to effectively have access to services for professional and continuing education that are available to the general public? * What measures have been adopted to facilitate persons with disabilities to start an independent professional activity? |

### Adequate standard of living and social protection (Art. 28)

The 2017 survey on the income and living conditions (SILC) reveals that 22% of the people who stated to be severely limited by a disability are at **risk of poverty**. One person in 10 suffers from severe material deprivation.

The risk of poverty for persons with disabilities is 12% higher than for persons without disabilities.

The **replacement income** issued to persons with disabilities is beneath the poverty threshold (75%).[[63]](#footnote-64) In 2016, the government ‘forgot’ to revise the replacement income according to the consumer index (+2%) in 2016. Despite compensating for this later, persons with disabilities lost 6 months of indexation.[[64]](#footnote-65)

The recent years have been characterised by the dysfunction of the Directorate General for Persons with disabilities, which issues allocations and other social benefits. Their poorly adapted, defective ICT systems (as well as a constant reduction of personnel) have led to **extreme backlogs** in processing requests.Currently, 28.000 requests are still pending (a lot of these requests have a delay of one or two years) and it remains difficult to get in touch with the administration. The Federal Ombudsman received 580 complaints about this in 2017 (an 150% increase). The National Superior Council of Persons with disabilities (Conseil Supérieur National des Personnes Handicapées) has been drawing attention to these problems for years.

In view of this situation and due to the lack of flexibility of the system of allocations for persons with disabilities, the barriers to **employment** are only increasing (the uncertainty of being able to quickly find means of income in case of employment issues).

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| Proposed Questions for List of Issues (Art. 28)  * Do the authorities have a plan for revising the benefits system to guarantee sufficient income for persons with disabilities and to use this to get rid of employment traps? * What extra actions are being taken to guarantee the rapid processing of requests for allocations? |

### Participation in political and public life (Art. 29)

In application of the new law on legal capacity, the justices of the peace still have the option of declaring a **person incapable of exercising their political rights**, thus depriving them of their right to vote.

During the last elections, several persons who, because of the reform, had recovered their right to vote, did not receive their voting documents and were unable to vote because of an **administrative error**.

Finally, according to a study currently being carried out by Unia, **persons with an intellectual and/or psychological disability** are particularly unlikely to be able to vote.[[65]](#footnote-66)

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| Proposed Questions for List of Issues (Art. 29)  * What does the Belgian State intend to do to eliminate the possibility of declaring a person incapable of voting? * What tools are the authorities providing to persons with disabilities to encourage them and prepare them to vote? |

### Statistics and data collection (Art. 31)

#### Concluding Observations, paras. 42-45

Recent, publicly available figures concerning the number and situation of persons with disabilities in Belgium are sorely lacking. Data on persons with disabilities are only available in a fragmented form, making it difficult to track trends and intervene in a targeted way in the policies that are being applied.

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| Proposed Questions for List of Issues (Art. 31)  * What work is being done to improve the collection and dissemination of data on the participation of persons with disabilities? |

### National Implementation and Monitoring (Art. 33)

#### Concluding observations, para. 49

Unia became an **interfederal organization** in 2013, but a separate entity from Myria (Federal Centre for Migration). Following a new application for accreditation from GANRHI, Unia obtained a B-status, not for reasons related to a lack of independence, but due to a limited mandate (priority mandate focused on discrimination and the rights of persons with disabilities).[[66]](#footnote-67) The Paris principles are part of the cooperation agreement between the federal state and the federated entities, founding Unia.

Since 1999, several governments have drafted agreements to create **a National Human Rights Institution** (NHRI). This was also the case for the most recent government, but in the end, nothing came into effect.[[67]](#footnote-68)

Furthermore, during this legislature, Unia has had to deal with **constant attacks** (particularly in 2017) from several ministers aimed at publicly disparaging its institution.

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| Proposed Questions for List of Issues (Art. 33)  * Why has the Belgian state failed to uphold its commitment to set up a National Human Rights Institution? What are the intentions of the authorities to remedy this situation? |

# Contact for this submission

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1. <https://socialsecurity.belgium.be/fr/handistreaming> [↑](#footnote-ref-2)
2. With the exception of the Flemish decree of 10 July 2008 on the framework for the Flemish policy on equal opportunity and treatment [↑](#footnote-ref-3)
3. See Unia’s report on the evaluation of the law of 10 May 2007, February 2017, p. 59, point 1.4 (« Application, protection et accès à la justice: conclusion générale »), available on [www.unia.be](http://www.unia.be), section *Publications*. [↑](#footnote-ref-4)
4. Ordinance of the Brussels Capital Region on the Brussels housing code of 17 July 2003, article 194. Reasonable accommodations are only included as justification ground for indirect discrimination (article 197). [↑](#footnote-ref-5)
5. Decree of the French-speaking Community of 7 December 2017 on the reception, support and retention in the mainstream school system for primary and secondary education, for students with specific needs. [↑](#footnote-ref-6)
6. Pacte pour un enseignement d’excellence, aimed at reforming French-speaking education; information sheets for teachers, <http://enseignement.be/download.php?do_id=14744> [↑](#footnote-ref-7)
7. Dr. Tina Goethals et al, Seksueel georiënteerd geweld bij vrouwen met een beperking in Vlaanderen, Universiteit Gent, 2018: <http://www.gelijkekansen.be/Portals/GelijkeKansen/Documents/Rapportseksueelgeweldvrouwenhandicap.pdf> [↑](#footnote-ref-8)
8. The personal funding system consists of a personalised budget that allows persons with disabilities to pay for care and assistance within their own network, from volunteer organisations, individual companions, professional caregivers and care providers certified by the Flemish Agency for Persons with Disabilities (Vlaams Agentschap voor Personen met een Handicap - VAPH). [↑](#footnote-ref-9)
9. See the Flemish Parliament, Commission for Well-being (Commissie Welzijn), 10 July 2018. [↑](#footnote-ref-10)
10. A Personal Assistance Budget (PAB) is a budget issued to parents by the Flemish Agency for Persons with Disabilities (VAPH) to enable them to organise and fund assistance for their child, at home or at school. Parents are responsible for hiring their own assistance, to be paid for with the personal assistance budget. [↑](#footnote-ref-11)
11. In total, 1,533 minors with disabilities are waiting for a personal assistance budget. For more information, see ‘Jaarverslag Jeugdhulp 2017’ (Youth Services Annual Report 2017); Flemish Parliament, Commission for Well-being, 8 May 2018. [↑](#footnote-ref-12)
12. With the exception of the translation of most of the articles of the Convention into Flemish sign language by the Flemish Community. [↑](#footnote-ref-13)
13. See, for example: <https://cawab.be/Nouvelle-ligne-de-tram-8-A-t-on-oublie-l-accessibilite.html> ; <http://www.abpasbl.be/Une-passerelle-inaccessible-aux> ; <https://www.sudinfo.be/id78047/article/2018-10-03/bomal-un-tunnel-sous-la-voie-sans-acces-pour-les-pmr> [↑](#footnote-ref-14)
14. According to monitoring carried out by Anysurfer in 2018, only 24% of internet websites can be considered accessible. See <http://moniteurdelaccessibilite.be/2018.html>. The municipal public authorities do not provide better results. Based on a sampling of 60 municipality websites, results shoed that only 25% of them were accessible. For more information, see <https://www.unia.be/files/Documenten/Artikels/Rapport_Anysurfer_Unia.pdf> . [↑](#footnote-ref-15)
15. Act of 17 March 2013, reforming the arrangements with regard to incapacitation and introducing a new protection status in line with human dignity, Belgian Official Gazette, 14 June 2013, p. 38132. [↑](#footnote-ref-16)
16. This particularly concerns the decree that subjects the function of administrator to certain conditions, including responsibility for a maximum number of cases and the decree on the remuneration of the administrator. [↑](#footnote-ref-17)
17. Act of 21 December 2018 laying down various provisions in the field of justice, *Belgian Official Gazette of 31 December 2018,* p. 106560. [↑](#footnote-ref-18)
18. Police Court Vilvoorde, 6 January 2015, available on [www.unia.be](http://www.unia.be), section *Jurisprudences & Alternatives.* [↑](#footnote-ref-19)
19. Prior to the reform, indigent status was presumed solely based on the fact that the person received income replacement benefits. From now on, the beneficiary of income support may only receive legal aid that is partially or completely free if he is presumed to have insufficient means on which to live. It is up to the person himself to prove his indigence.   [↑](#footnote-ref-20)
20. Act of 26 June 1990 on the protection of the personal safety of the mentally ill, *MB,* 27, July 1990, p.14806 [↑](#footnote-ref-21)
21. Act of 5 May 2014 on commitment, M.B., 9, July 2014, p. 52159, amended by the Pot Pourri III law of 4 May 2016 having entered into force [↑](#footnote-ref-22)
22. De facto, these chambers, which will rule on the execution of the commitment order, lack detailed knowledge of a whole range of ideas, medications and medical concepts [↑](#footnote-ref-23)
23. 10% of the population of interned persons are undocumented migrants. Yet, for this group, the possibilities for release are legally and institutionally virtually inexistent. The result is that they remain confined, while they no longer represent a danger to society and their health has stabilised. The only alternative is release with a view to deportation from the territory. However, the procedure is extensive and is only rarely completed. These individuals come from war-torn countries, countries that do not wish them to return or countries in which the internal situation has led to their psychological problems. It is feared that this figure of 10% will double in the coming years. On this subject, see Alix Dehain, « Les internés sans papiers : un « no man’s land » juridique », *alter écho n° 467, 2018*, p. 38-39 [↑](#footnote-ref-24)
24. Previously, the decisions of the social protection commissions were subject to appeal. [↑](#footnote-ref-25)
25. The text of the law restricts the scope of application of the commitment order. From now on, the only crimes and offences that can be the object of a commitment order are those that have harmed or threatened the physical or psychological integrity of third parties. However, the text of the law does not define these concepts and judges have freedom to interpret them. [↑](#footnote-ref-26)
26. These sentences had to do with the fate of internees in the psychiatric annexes of prisons. Among these sentences, we would especially cite the judgement of 6 September 2016, referred to as the ‘pilot judgement’, in which the Court pinpoints the structural dysfunction inherent to the Belgian system and urges Belgium to organise its internment system in a way that respects the dignity of the prisoners. [↑](#footnote-ref-27)
27. Parliamentary question n° 2794 of 28 June 2018 by Gilles Vanden Burre to the Minister of Justice on the situation of internees in prison and the answer of the Minister of Justice of 3 August 2018, available on http://www.lachambre.be/kvvcr/showpage.cfm?section=qrva&language=fr&cfm=qrvaXml.cfm?legislat=54&dossierID=54-B165-866-2794-2017201824031.xml [↑](#footnote-ref-28)
28. The reforms of the internment system, provide, in the future, the construction of additional medico-legal psychiatric centres in Flanders, **in Wallonia**, and in Brussels.

    We should also point out that the Masterplan Internement (Commitment Masterplan) provides for the creation of a centralised long-term unit with 120 beds in Aalst for internees with profiles that present an increased safety risk who cannot be housed in the medico-legal psychiatric centres. These ‘long stay’ sections effectively represent a permanent detention, which is very worrisome in a constitutional state. On this subject, see Observatoire International des prisons, « Pour le droit à la dignité des personnes détenues », *Notice 2016,* 17, January 2017, p. 211 available on <http://oipbelgique.be/fr/wp-content/uploads/2017/01/Notice-2016.pdf> and see parliamentary question by Sonja Becq to the Minister of Social Affairs and Public Health of 2 June 2017, available on http://www.lachambre.be/kvvcr/showpage.cfm?section=qrva&language=fr&cfm=qrvaxml.cfm?legislat=54&dossierID=54-B125-867-1654-2016201716681.xml [↑](#footnote-ref-29)
29. On this subject, see the report of the Flemish Care Inspectorate Division: standardised questioning forensic psychiatric centre Ghent and follow-up audit, 20 January 2017. The Flemish newspaper ‘De Morgen’ of 21 September 2016 (p . 10) published a number of disturbing testimonials about the consequences of the understaffing in the medico-legal psychiatric centres. [↑](#footnote-ref-30)
30. On the date of 13 December 2017, only 34 patients had left the Ghent medico-legal psychiatric centre since its opening. 118 patients had requested to be admitted to various external care facilities. 83 patients were denied the request, 35 others were still waiting for a response. On this subject, see the parliamentary question of 13 December 2017 by Ms. Goedele Uyttersprot to the Minister of Justice on "the outbound flows of committed persons" (n° 22506), available on <http://www.lachambre.be/doc/CCRI/pdf/54/ic780.pdf#search=%2222507%22>, p.34 [↑](#footnote-ref-31)
31. Mistiaen P et al, KCE Report 293 Bs*,,* “Soins de santé dans les prisons belges: situations actuelles et scénarios pour le futur”, 2017 [↑](#footnote-ref-32)
32. Act of 25 December 2016 amending the legal status of prisoners and the supervision of prisons and laying down various provisions in the field of justice, *M.B*., 30 December 2016, p.91963 [↑](#footnote-ref-33)
33. In order to ensure their independence, the members of the central supervisory board will be appointed by the Parliament. [↑](#footnote-ref-34)
34. No funding is provided for the use of interpreters. [↑](#footnote-ref-35)
35. The Council of State judged that this provision should be considered as “a measure representing a significant step backwards in terms of protection”. Council of State, Legislation Section, opinion 62.368/1/2/3/4 of 1 December 2017 on a pre-draft law on reinforcing economic growth and social cohesion, 58. [↑](#footnote-ref-36)
36. The income replacement benefits (IRB) are issued to persons with disabilities who, due to their physical or mental situation, are only able to earn at most 1/3 of what could be earned by an able-bodied person on the employment market. See <https://www.socialsecurity.be/citizen/fr/handicap-invalidite/interventions-et-allocations/allocation-de-remplacement-de-revenus> The aim of the new contition was, *inter alia*, to prevent fraud after a significant increase in requests for IRB made by Bulgarians and Romanians since 2012. However, the number of requests for IRB do not prove any fraud by Romanians and Bulgarians. The increase in applications is likely due to the accession of these countries to the EU. See National Superior Council of Persons with disabilities (Conseil Supérieur National des Personnes Handicapées), Advice N° 2017/17, <http://ph.belgium.be/fr/avis/avis-2017-17.html> [↑](#footnote-ref-37)
37. Article 23 of the act of 26 March 2018 on reinforcement of economic growth and social cohesion, *M.B,* 30, March 2018, 31620. [↑](#footnote-ref-38)
38. National Superior Council of Persons with disabilities (Conseil Supérieur National des Personnes Handicapées), Advice N° 2017/17. [↑](#footnote-ref-39)
39. Currently, 14,524 minors are still on the waiting list for a personal assistance budget (PAB). For more information, see Flemish Parliament, Well-Being Committee, 23 October 2018. [↑](#footnote-ref-40)
40. Flemish Parliament, Well-Being Committee, 23 October 2018. [↑](#footnote-ref-41)
41. Flemish Parliament, Well-Being Committee, 23 October 2018. [↑](#footnote-ref-42)
42. L. Op De Beeck et al., Evaluation study on the implementation of the basic support budget, Steunpunt Welzijn, Volksgezondheid en Gezin, June 2018, available on <https://www.vaph.be/sites/default/files/documents/evaluatieonderzoek-naar-de-implementatie-van-het-basisondersteuningsbudget/2018_07_rapport_11_ef12_vaph_bob.pdf> [↑](#footnote-ref-43)
43. Specialised services in the sector of care and housing represent 71% of expenditures in the disability sector disbursed by AVIQ, or 475,790,252.47 euros. Furthermore, out of the 349 certified and subsidised services in the sector of the care and housing persons with disabilities (youth and adults), 251 services provided residential services for 6,558 persons, see the activities report of 2017 of AVIQ, p. 135, available on https://www.aviq.be/handicap/pdf/documentation/publications/revues\_rapports/rapport\_annuel/rapport\_annuel\_AVIQ\_2017.pdf [↑](#footnote-ref-44)
44. Le Plan Erich (Ensemble Rénovons les Institutions pour Citoyens handicapés) supported 40 structures in their project for renovation and construction (Parliamentary question of 21 November 2018 by Marie-Françoise Nicaise to Minister Alda Gréoli, available on https://www.parlement-wallonie.be/pwpages?p=interp-questions-voir&type=all&id\_doc=89691) [↑](#footnote-ref-45)
45. Decree on the inclusion of persons with disabilities of 17 January 2014, which partially entered into force on 1 July 2015. [↑](#footnote-ref-46)
46. Several studies were commissioned to define the needs to be covered by autonomy insurance, to provide packages of services and to identify the possibilities for funding. Currently, these studies have not yet made it possible to define the outlines of the future model for autonomy insurance in Brussels. [↑](#footnote-ref-47)
47. “Universal Design for Learning” [↑](#footnote-ref-48)
48. Art. 37, Undecies, para. 2 Decree on primary education; Art. 110/11, para. 2 Codex secondary education. [↑](#footnote-ref-49)
49. European committee on Social Rights, Decision on the admissibility and merits, *Mental Disability Advocacy Center (MDAC) c. Belgium*, Complaint n°209/2014, 16 October 2017. [↑](#footnote-ref-50)
50. During the 2016-2017 school year, 24,645 students were enrolled in specialised primary education and 20,130 were enrolled in specialised secondary education, AGODI annual reports 2017. [↑](#footnote-ref-51)
51. AGODI annual report 2017. [↑](#footnote-ref-52)
52. Report of the Committee on the Criteria for Exemption from the School Attendance Obligation, October 2015, available on

    http://www.ond.vlaanderen.be/obpwo/rapporten/RapportCommissieCriteriaVrijstellingLeerplicht\_151028.pdf [↑](#footnote-ref-53)
53. The Flemish Education Board called in 2006 for the removal of the school attendance obligation and for the right to education for all children with multiple serious disabilities (Flemish Education Board, 22 June 2006), vision text, ‘Onderwijs en opvang voor kinderen en jongeren met ernstig meervoudige beperkingen’, available on: [www.vlor.be/sites/www.vlor.be/files/tekst\_visietekst.pdf](http://www.vlor.be/sites/www.vlor.be/files/tekst_visietekst.pdf).) The Committee on the Criteria for Exemption from the School Attendance Obligation reiterated this necessity in its 2015 report. The Flemish Minister of Education requested an opinion from Unia within this framework (Recommendation 151 of 18 October 2016, Getting rid of the system for exemption from the school attendance obligation (available on: <https://www.unia.be/files/Documenten/Aanbevelingen-advies/20160909_AAR_151_vrijstelling_van_leerplicht.pdf>) and promised to integrate this issue into their policy, but the possibility for exemption continues to exist. [↑](#footnote-ref-54)
54. On the respect of article 24 of the CRPD by the French-speaking Community, see the Observations of Unia addressed to the European Committee on Social Rights in the context of collective complaint n°141/2017, FIDH and Inclusion Europe c. Belgium, 15 November 2017, available on <https://www.unia.be/files/Documenten/Aanbevelingen-advies/R%C3%A9clamation_collective_141_2017-_Observations_Unia_-15_11_2017.pdf> [↑](#footnote-ref-55)
55. The 2017 education indicators, 12th edition, July 2018, <http://www.enseignement.be/index.php?page=0&navi=2264>. Between 2006 and 2016, the number of students in special education increased by 28% in preschool, by 13% in primary school and 20% in secondary school. The share represented by special education increased from 4.9% and 5.2% at the primary level, from 4% to 4.7% at the secondary level and from 0.6% to 0.7% at the preschool level. [↑](#footnote-ref-56)
56. Pacte pour un enseignement d’excellence (Pact for educational excellence), Recommendation n° 3 of the Central Group, of 7 March 2017, p. 240 and 250. [↑](#footnote-ref-57)
57. We would cite, among others, persons with intellectual deficiencies and the hearing impaired or deaf. [↑](#footnote-ref-58)
58. Survey on the labour force 2017. More information on <https://statbel.fgov.be/fr/nouvelles/23-des-personnes-avec-un-handicap-ont-un-emploi> [↑](#footnote-ref-59)
59. Unia refers to its recommendations concerning the negative effects of certain cost-cutting measures on the hiring and employment of persons with disabilities in the Flemish regional administration (<https://www.unia.be/files/Documenten/Aanbevelingen-advies/AANBEVELING_PERSONEN_MET_EEN_HANDICAP_BUITEN_DE_BESPARINGSMAATREGELEN_HOUDEN_BIJ_DE_VLAAMSE_OVERHEID.pdf>) and concerning the right to reasonable accommodations for civil servants with disabilities (<https://www.unia.be/files/Documenten/Aanbevelingen-advies/Recommandation_réintégration_des_fonctionnaires_nommés-FR_def.pdf>). [↑](#footnote-ref-60)
60. [http://www.cnt-nar.be/AVIS/avis-2099.pdf](http://www.cnt-nar.be/AVIS/avis-2099.pdf%20%20) (p. 11) [↑](#footnote-ref-61)
61. The well-being in the workplace for employees with disabilities is worse than that of employees without disabilities. Scarcely two Flemish workers in ten with a severe working disability have appropriate jobs. This is revealed by the [Rapport Arbeidshandicap en werkbaar werk](http://www.serv.be/sites/default/files/documenten/StIA_ARB_20180901_WBM_Arbeidshandicap_RAP.pdf) of the Stichting Innovatie en Arbeid (Innovation and Labour Foundation). [↑](#footnote-ref-62)
62. The greatest obstacles are the financial capital and social security, followed by the lack of entrepreneurial skills, the support for professionals and security and stability, as revealed by the report [Ondernemen met een arbeidshandicap in Vlaanderen](http://www.serv.be/sites/default/files/documenten/StIA_2018_OndernemenMetEenArbeidshandciap_RAP.pdf) of the Stichting Innovatie en Arbeid (Innovation and Labour Foundation). [↑](#footnote-ref-63)
63. The Handilab study carried out by the University KUL/Lucas in 2012 showed that the amount of the benefits did not protect persons with disabilities from poverty. A reform of the system of benefits was planned by the previous government, but never materialised. [↑](#footnote-ref-64)
64. The social benefits are automatically increased by 2% each time the health index exceeds a certain level (“the pivot index”). This automatic link between the social benefits and the evolution of the index of consumer prices is intended to prevent excessive erosion of purchasing power as a result of inflation. But in 2017, the income replacement benefits did not increase along with other social benefits. It took the insistence of associations of persons with disabilities for this error to be rectified (https://www.socialsecurity.be/citizen/fr/archive/actualite/personnes-handicapees-augmentation-de-l-allocation-de-remplacement-de-revenus-de-2-9). [↑](#footnote-ref-65)
65. Among the obstacles identified are the complexity of the political system, the lack of information on the election issues, the lack of tools in the run-up to the elections, the absence of programmes in accessible formats and a lack of staff available on election day. The professionals have also observed the abuse of medical certificates. [↑](#footnote-ref-66)
66. <https://www.unia.be/fr/articles/unia-reconnu-internationalement-comme-institution-nationale-des-droits-de-lhomme> [↑](#footnote-ref-67)
67. Recently, in his general policy memorandum, (October 2017, p.26) the Secretary of State 2014-2019 reiterated his intention to take ‘the necessary initiatives to complete, during this legislature, what has not yet been achieved to date’. A framework memorandum issued jointly with the Minister of Justice would be presented to the Council of Ministers ‘still this year’. [↑](#footnote-ref-68)