



Alternative report

to the combined 2nd and 3rd periodic reports
submitted by Belgium

BDF 2024

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Introduction

On submitters of the report:

The Belgian Disability Forum (**BDF**) is a non-profit organisation (**NPO**) created in 2001. It currently has **20 member associations** and represents approximately 250,000 PwDs and their families at national and supranational level. The BDF is a full member of the European Disability Forum (**EDF**).¹

The BDF's mission is to monitor international developments that have an impact on the lives of Belgian PwDs. In this respect, the BDF advocates for the effective implementation of European regulations, international instruments ratified by Belgium and recommendations issued by international bodies.

The contribution was drafted on the basis of a **participatory process** that took place during the years 2019-2024 at the rate of one plenary meeting per month.

In drafting this report, the BDF made use the expertise of the EDF and the International Disability Alliance (**IDA**).

Alternative report is co-signed by 5 advisory bodies:

- **NHRPH-CSNPH**: the official advisory body to the federal authorities. It consists of 20 persons appointed on the basis of their expertise in the field of disability.²
- **Conseil Consultatif Wallon des Personnes en Situation de Handicap (CCWPSH)**: the official advisory body to the Walloon authorities. It is composed of 15 members, mainly representatives of different DPOs.³
- **Conseil Consultatif Bruxellois Francophone de l'Aide aux Personnes et de la Santé – section « personnes handicapées »** : it is an advisory body to the French Community Commission of the Brussels Region.⁴
- **Conseil des Personnes Handicapées de la Région Bruxelles-Capitale / Raad voor Personen met een Handicap van het Brussels-Hoofdstedelijk Gewest**: It is an advisory body to the authorities of the Brussels-Capital Region.
- **Beirats für Menschen mit Beeinträchtigung**: It is the official advisory council of the German speaking community. It is composed of 33 members.⁵

¹ <https://bdf.belgium.be/en/about-us/members.html>.

² <http://ph.belgium.be/fr/csnph.html>.

³

https://wallex.wallonie.be/files/pdfs/18/67606_D%C3%A9cret_relatif_au_Conseil_consultatif_wallon_des_personnes_en_situation_de_handicap_28-05-2022-.pdf.

⁴ <http://phare.irisnet.be/service-phare/a-propos-de-nous/conseil-consultatif/>.

⁵ <https://dq-inklusion.be/>.

List of abbreviations

- **AVIQ:** Agence wallonne pour une vie de qualité (Walloon Agency for Quality of Life)
- **BDF :** Belgian Disability Forum npo
- **CAWaB:** Collectif Accessibilité Wallonie-Bruxelles (Collective of organisations working on accessibility in Wallonia and Brussels)
- **CEDAW Committee:** UN Committee for the Elimination of Discrimination against Women
- **De Lijn:** Vlaamse Vervoermaatschappij De Lijn (Flemish public company in charge of public transport by bus and tram in Flanders)
- **DG HAN:** the Directorate General for Persons with Disabilities, part of the Belgian Social Security administration.
- **DPO's:** organisations of persons with disabilities
- **DVZ-OE:** Dienst Vreemdelingenzaken-Office des Étrangers (Immigration Office)
- **ECHR:** European Court of Human Rights
- **Fedasil:** Federaal agentschap voor de opvang van asielzoekers (Federal agency for the reception of asylum seekers)
- **FIRM-IFDH:** Federaal Instituut voor de Rechten van de Mens - Institut Fédéral des Droits Humains (Federal Institution for the protection and promotion of Human Rights)
- **FPS:** Federal Public Service
- **IMC Disability:** Interministerial Conference on Welfare, Sports, and Families and Disability
- **Inter:** Flemish Expertise Centre for Accessibility
- **IT-AI:** Integratietegemoetkoming - Allocation d'intégration (integration allowance)
- **IVT-ARR:** Inkomensvervangende tegemoetkoming - Allocation de remplacement de revenus (Income replacement allowance)
- **Myria:** Federaal Migratiecentrum (Federal Migration Centre)
- **NHRPH-CSNPH:** Nationale Hoge Raad voor Personen met een Handicap- Conseil Supérieur National des Personnes Handicapées (National High Council for Persons with a Disability)
- **NPO:** non-profit organisation (VZW / ASBL)
- **OCMW-CPAS:** Openbaar centrum voor maatschappelijk welzijn - Centre public d'action sociale (public social welfare centre → every municipality has one for people that do not have sufficient means of subsistence and/or a permanent place of residence).
- **Phare:** Personne Handicapée Autonomie Recherchée (Brussels Agency for the persons with disabilities)

- **PPS:** Federal public planning service
- **PwD:** person with a disability
- **RIZIV-INAMI:** Rijksinstituut voor Ziekte- en Invaliditeitsverzekering - Institut national d'assurance maladie-invalidité (National Institute of Insurance for illness and invalidity)
- **TEC:** Walloon public company in charge of public transport by metro, bus and tram in Wallonia
- **UNCRPD:** United Nations Convention on the Rights of Persons with Disabilities
- **UNIA:** Unia Interfederaal Gelijkekansencentrum (Interfederal Equal Opportunities Centre)
- **VAPH:** Vlaams Agentschap voor Personen met een Handicap (Flemish Agency for Persons with Disabilities)
- **VDAB:** Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding (Flemish Service for Employment and Vocational Training)
- **VMRI:** Vlaams Mensenrechteninstituut (Flemish Human Rights Institute)
- **VRT:** Vlaamse Radio- en Televisieomroeporganisatie (Flemish Radio and Television Broadcasting Association)

Executive summary

- Handstreaming is still too poorly integrated into the work of legislators. As one result, DPOs are not consulted structurally and often late.
- Regarding reimbursement of various aids, many people who acquire a disability after the age of 65 face discrimination.
- There is legislation around accessibility for new buildings or renovations, but the enforcement is weak. There are also no plans to address the accessibility of existing buildings.
- Accessibility of communication is completely forgotten in all action plans.
- Persons with disabilities cannot use the vast majority of public transport spontaneously and autonomously.
- There has been no progress in adapting emergency plans to the needs of persons with disabilities (**PwD**).
- There are still far too few alternatives to collective housing and facilities.
- There is a lack of support for the development of inclusive education.
- Belgium has one of the highest disability employment gaps in the EU.
- Public financial support is insufficient to cover the minimal extra costs associated with disability.
- The legislation on allowances is not flexible enough and many PwD live below the poverty line.

Implementation UNCRPD

Purpose and general obligations (art. 1-4)

Anonymous testimony on the Walloon Accessibility Plan 2022-2024:⁶

*“Legally, it has never been distributed or published, as this is not obligatory; it is a plan and not a decree. Even by asking parliamentary questions (...) it has **not been possible to officially acquire the plan** through any official channels.”*

⁶ AVIQ, *La Wallonie adopte son Plan accessibilité 2022-2024 au bénéfice des personnes en situation de handicap*, 25/1/2023. <https://www.aviq.be/fr/actualites/la-wallonie-adopte-son-plan-accessibilite-2022-2024-au-benefice-des-personnes-en> .

1. Please indicate concrete measures taken by the State party since the review of its initial report to:

(a) Bring its domestic legislation into line with all its obligations under the Convention at the federal, regional and community levels, ensuring close cooperation among those levels;

Since 2021, **Article 22ter of the Constitution** guarantees the right to full inclusion in society, including the right to reasonable accommodations. However, there has been little screening of legislation for compatibility with the UNCRPD and the Constitution.

As regards cooperation between regions, the Interministerial Conference on Welfare, Sports, and Families and Disability (**IMC Disability**) convenes again since 20/12/2021.

However, the **focal points** within the various administrations and the coordination mechanism must have a more binding mandate allowing them to do more than just look for information. More personnel is also needed to perform their mainstreaming and coordinating role.

Recommendations:

1. The mainstreaming (*handistreaming*) of the rights of persons with disabilities (**PwD**) needs to be supported by some standard operating procedures for legislators and administrators within each domain of policy. Crucial steps are: obliged impact assessments, guidelines and meaningful consultations with PwD and organisations representing PwD (**DPOs**). **It is important that sufficient budget is set aside for this when the government is formed this year.**⁷

(b) Ensure that the regulatory framework concerning persons with disabilities and its implementation are in line with the human rights model of disability enshrined in the Convention;

Legislators generally have limited awareness of the scope of the UNCRPD. Besides not searching for what is non-compliant with the UNCRPD, 'violations' of the UNCRPD are also not addressed (directly). See examples under several subsequent articles.

The assessment of disabilities is still highly medicalised, while studies on disability benefits⁸ highlight the need to assess the diverse needs of the PwD.

⁷ ESENCA, *Le handistreaming: une solution miracle pour des politiques inclusives ?*, Bruxelles, 2022, pp. 28-30. <https://www.esenca.be/wp-content/uploads/2022/10/Etude-2022-Handistreaming.pdf>.

⁸ DUMONT D., MAIRIAUX P., SCHENKELAARS J.P., 'La définition et l'évaluation du handicap en matière d'allocation de remplacement de revenus - phase 1 : analyse de la situation existante', June 2023, p. 15-16 ; KUYPENS S., et al, 'Développement d'un instrument pour l'évaluation des

Moreover, the federal multidisciplinary assessment⁹ (currently being rolled out) does not adequately consider the person's environment or the person's own needs assessment. The new assessment of Integration Benefit referred to in the **state report** did not materialise.¹⁰ BelRAI, which is cited as an example for assessing support needs, is not adapted for that.¹¹

(c) Ensure that concepts of disability at the federal, regional and community levels are consistent and do not give rise to unequal access to rights and services across the State party.

There are currently various disability recognition regimes; an unclear overall framework and a lot of non-take-up. The IMC Disability would examine harmonising the concept of disability and standardising assessments of disability.¹² **No concrete, substantial steps have been taken.**

For BDF, a uniform assessment is impossible because an assessment must always take into account the purpose of the benefit for which a person is being assessed.

Recommendations:

2. The definition of disability must correspond to art. 1 UNCRPD. Origin or length of time of a disability are irrelevant.
3. The **assessment of disability** should always take into account **the purpose of the benefit**: achieving labour market integration, ensuring minimum income, covering additional costs associated with the disability.
4. Each screening tool should have a database **linked** to it. Linking databases is important to allow the **automatic identification of beneficiaries** and to help tackle non-take-up.¹³

besoins de soutien dans les situations de handicap. Résumé Premier volet, 2016, p. 3-4.
<https://hiva.kuleuven.be/nl/nieuws/docs/developpement-instrument-assessment-besoins-de-soutien-dans-situations-de-handicap-volet1-resume>.

⁹ In the context of the Act of 27 February 1987 on allowances for persons with disabilities.
https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1987022731&table_name=wet.

¹⁰ A Part-1 of a study was made, but they never proceeded to a Part-2. The BDF is not aware of the reasons.

¹¹ See [Opinion 2023/03](#) Platform of Advisory Councils. The tool measures the care burden, not loss of self-reliance or the need for support. E.g., BelRAI does not take into account the difficulty with which a person performs a task; nor does it take into account the obstacles a person encounters in different (sometimes inaccessible) environments...

¹² [Interfederal Disability Strategy 2022-2030](#), p. 7.

¹³ See [Opinion 2023/03](#) NHRPH-CSNPH.

2. Please provide information on national plans or strategies that focus specifically on the rights of persons with disabilities and on those in which disability has been mainstreamed.

	Plan	Report	Term	Remarks
Federal	Yes ¹⁴	Yes	2021-2024	<ul style="list-style-type: none"> Not ambitious enough to meet UCNRPD standards.¹⁵
Interfederal	Yes ¹⁶	No	2021-2030	<ul style="list-style-type: none"> Purely policy alignment (existing regional measures) - no new 'coherent' standards expected.
Flanders	No			<ul style="list-style-type: none"> There is an Equal Opportunity Decree,¹⁷ in which disability has a small part.
French Community	No			
Walloon Region	Yes / No ¹⁸	No	2022-2024	<ul style="list-style-type: none"> Accessibility plan, but this was not published; uncertain content for the public; no follow-up possible.
COCOF	Handistreaming ¹⁹	Yes		<ul style="list-style-type: none"> Strategic goals that each legislature sets for itself; BUT more of a list of actions within each individual jurisdiction - no cross-cutting plan.
COCOM	Handistreaming ²⁰			<ul style="list-style-type: none"> Idem.

¹⁴ Federal Disability Action Plan 2021-2024.

<https://socialsecurity.belgium.be/nl/publicaties/federaal-actieplan-handicap-2021-2024>.

¹⁵ Opinion 2022/29 NHRPH-CSNPH.

¹⁶ Interfederal Disability Strategy 2022-2030.

<https://socialsecurity.belgium.be/nl/publicaties/interfederale-strategie-handicap-2022-2030>.

¹⁷ Decree laying down a framework for Flemish equal opportunities and equal treatment policy of 10 July 2008. This decree imposes an equal opportunity action plan to be drawn up each legislature. The [2020-2024 action plan](#) is currently ongoing, with **goals 8 and 9** focusing on the inclusion of PwD, and making Flanders integrally accessible. A **new version** of the Decree is on the way.

¹⁸ [La Wallonie adopte son Plan accessibilité 2022-2024 au bénéfice des personnes en situation de handicap - Christie MORREALE](#).

¹⁹ Decree of 15 December 2016 on the integration of the disability dimension into the policies of the French Community Commission.

https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2016121520&table_name=loi.

²⁰ Ordinance of 23 December 2016 integrating the disability dimension into the policies of the Common Community Commission. https://etaamb.openjustice.be/nl/beschikking-van-23-december-2016_n2016031908.

Brussels Region	Handistreaming ²¹	Yes	2022-2025 ²²	<ul style="list-style-type: none"> • Idem.
German-speaking Community	DG Inklusiv ²³	No	2015-2025	<ul style="list-style-type: none"> • Barely implemented • New Action Plan 2040 only refers to inclusion on p. 89; New Advisory Council was not involved in the drafting.

Recommendations:

5. A follow-up mechanism must be set up for the Interfederal Disability Strategy: this spans several legislatures and involves different policy levels.
6. There must be adequate resources for all plans.

3. *Please provide information on measures taken to ensure the full and effective participation of persons with disabilities, through their representative organizations, at all stages of all disability-related legislation and policies, including in the design, implementation and review, and in other policy and decision-making processes, at the federal, regional and community levels.*

4. *Please provide information on concrete measures taken to establish, and allocate adequate resources for, advisory councils at the federal, regional and community levels (CRPD/C/BEL/CO/1, para. 10).*

The existing commissions on sign languages are not consulted enough.

Since 2023, advisory bodies exist at all policy levels constitutive of Federal Belgium. There are 8 official advisory councils.²⁴ Not all advisory councils meet the Committee's definition of a representative organisation of persons with

²¹ Ordinance of 8 December 2016 integrating the disability dimension into the policies of the Brussels-Capital Region. https://etaamb.openjustice.be/nl/beschikking-van-08-december-2016_n2016031847.

²² Gouvernement de la région de Bruxelles-Capitale, *Plan Bruxellois d'intégration du handistreaming 2022-2025*. <https://equal.brussels/wp-content/uploads/2022/12/Plan-handistreaming-FR.pdf>.

²³ DG Inklusiv 2025, *Aktionsplan der Deutschsprachigen Gemeinschaft zur Umsetzung der UN-Konvention über die Rechte von Menschen mit Behinderung*. https://www.gemeinsam-einfach-machen.de/SharedDocs/Downloads/DE/AS/Aktionsplaene/AP_DG_Inklusiv.pdf?blob=publicationFile&v=5.

²⁴ **Federal** – NHRPH-CSNPH: only mandatory opinion on [disability allowance](#); **Flanders** - [Noozo](#); [French Community](#) - members appointed since March 2024; **Wallonia** - in operation since February 2023; **COCOF**: opinion mandatory on certain issues; **COCOM**; **Brussels Region**: opinion on strategic objectives around *Handistreaming* mandatory; [German-speaking Community](#) - in operation since May 2023.

disabilities²⁵ and the NHRPH-CSNPH's position paper on representativeness and participation of persons with disabilities in decision-making processes.²⁶

The participation of DPOs in advisory councils poses a major challenge. Their knowledge of the field is not financially recognised. Furthermore, their secretariats are understaffed and overworked.

In addition, ministers are not required to seek advice on measures that may impact PwD.²⁷ Only in Flanders is there an obligation to 'provide feedback' to the rendered advice by Noozo (the Flemish advisory council for PwD).²⁸

Consultation is getting better, but does not yet meet the standard of Art. 4 (3) UNCRPD. It still happens irregularly and often very late in the decision-making process: *pro forma* consultation.

Given Belgium's institutional structure, there is a need for consultation between the various advisory bodies. Currently there is only **voluntary coordination**²⁹ where the joint secretariat of the NHRPH-CSNPH and of BDF handles the organisation and follow-up of meetings.

The opinion of the platform of advisory councils was officially sought for the first time on the Interfederal Strategy.³⁰

Recommendations:

7. **Consultation with the advisory bodies should be mandatory in matters that have an impact on PwD.** Consultation should happen as early as possible in the decision-making process. **Justification should be given** as to why an opinion was not followed.
8. The secretariat of the advisory councils should be **adequately staffed** and entirely at the service of the advisory council.
9. DPOs should be structurally **funded for the political role they play.**

²⁵ General Comment N. 7; CRPD/C/11/2, annex II, para. 3. E.g. [Brussels-Capital Region](#), [COCOM](#) and [COCOF](#) where ratio of representatives of workers from sectors, governing body and experts does not outweigh the target group of PwD.

²⁶ <https://ph.belgium.be/resource/static/files/Notes%20de%20position/2022-10-positienota-participatie-personen-met-een-handicap-aan-besluitvormingsprocessen.pdf>.

²⁷ YES: [Flanders](#); [French Community](#);

NO: [Walloon Region](#); [Brussels Region](#); [German-speaking Community](#); [Federal](#) (Art. 20).

²⁸ Art. 2 §3 Decree of the Flemish Government on the recognition conditions, the recognition procedure and the supervision of the Flemish advisory and policy participation council of persons with disabilities, 17 december 2021: "The council receives feedback on whether or not members of the Flemish Government have used, applied or processed their advice."

²⁹ Platform of advisory councils

³⁰ [Interfederal Disability Strategy](#) 2022-2030.

Equality and non-discrimination (art. 5)

Excerpt, Antwerp labour court judgment of 29/9/2020:³¹

Reactions from a product manager when a pregnant deaf woman applies for a job:

*"(...) **Deafness is an issue**, but I want to see if it's a small issue or a big issue. I will also check internally (...).*

[...]

*I had hoped that [with a temporary assignment] there would be regular contact so that **they could 'get used to things'** here a bit. But your deafness and how to deal with it is difficult to assess.(...).*

[...]

*We are looking for someone [for **simple desk work**] in the short term. He first thought of a student, but this might be something you could definitely do **during your pregnancy** from home (...)."*

Court ruling on multiple discrimination based on disability and gender.

³¹ Labour Court Antwerpen, 29 september 2020.
https://www.unia.be/files/Documenten/Rechtspraak/2020_09_29_Arbrb_Antwerpen.pdf.

Please provide information on measures taken to:

(a) Strengthen the anti-discrimination legislative framework and improve its implementation to combat all forms of disability-based discrimination, including intersecting and multiple discrimination, discrimination by association and discrimination on the ground of previous health status;

Multiple discrimination has been recognised since 2023.³² Positive measures can now be imposed.

The implementation of regulations is however complex: a victim of discrimination faces various federal and regional institutions, each with partial authority.³³ For example, discrimination against PwD in the workplace is a federal law matter and falls under the competence of Unia; but support grants for reasonable accommodation is a regional competence which falls under the jurisdiction of the Flemish Human Rights Institute (**VMRI**). **This complexity may discourage individuals from filing a complaint.**

Recommendation:

10. Conclude collaborative agreements between all organisations competent to combat discrimination and form a single point-of-entry for victims. Inform the PwD better.³⁴

(b) Review the remedies provided for in the anti-discrimination act (CRPD/C/BEL/CO/1, para. 12) and to ensure remedies and compensation for victims of discrimination on the grounds of disability, including intersecting and multiple discrimination.

Compensation for discrimination outside the workplace has risen from 1.300€ to 3.900€.³⁵ In cases of multiple discrimination, the court *may* add the fixed damages together.³⁶

³² [Act of 7 April 2023](#) amending the three anti-discrimination laws.

³³ For example, Unia, an inter-federal institution, is competent to tackle discrimination, but [since 15/3/2023](#) it cannot do so for Flemish powers as since then, Flanders has had its own [Flemish Human Rights Institute](#). Moreover, in [2019](#) the decision was taken to set up a [Federal Institution for the protection and promotion of Human Rights](#) (FIRM-IFDH). This Institute started operations in February 2021. The FIRM/IFDH has a residual mandate under which it is competent for human rights issues that do not fall under the competence of other bodies such as Unia, the Flemish Human Rights Institute, [Data Protection Authority \(DPA\)](#), [Myria](#), [Resource Centre for the fight against Poverty](#), [Institute for the Equality of Women and Men](#), etc.

³⁴ ESENCA, *Femmes en situation de handicap : une double discrimination violente*, 2020. <https://www.esenca.be/etude-2020-femmes-en-situation-de-handicap/>.

³⁵ Automatic annual indexing is envisaged.

³⁶ *If it sees fit.*

Attention point beside the List of Issues: reasonable accommodation:

Denial of reasonable accommodation has been recognised as a form of discrimination.³⁷ The concept of reasonable accommodation, however, needs to be framed and clarified.

Recommendations:

11. Establish **a reference list of decisions** relating to reasonable accommodation (what has previously been deemed proportionate in similar situations, etc.).
12. Make **an awareness campaign** regarding the right to reasonable accommodation (making it clear that it is not about 'preferential treatment'), in particular regarding reasonable accommodation **in regular education and at work.**³⁸

³⁷ [Art. 14 of the Anti-Discrimination Law](#).

³⁸ This is necessary because many employers are not familiar with the concept. When an employee requests reasonable adjustments on their own, they often hear "**but isn't this preferential treatment**". It is also not clear to many parents how far the right to reasonable accommodation extends in the school context.

Women with disabilities (art. 6)

CEDAW comment to Belgium:³⁹

*“The Committee notes with concern that women with disabilities in the State party often face **exclusion from the labour market**, high levels of **institutionalisation** and high rates of gender-based **violence.**”*

³⁹ Committee for the Elimination of Discrimination against Women (CEDAW), *Final Conclusions on Belgium's 8th Periodic Report*, 2022, §55.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FBEL%2FCO%2F8&Lang=en.

6. *Please provide information on measures taken to:*

(a) *Prevent intersecting and multiple forms of discrimination against women and girls with disabilities and to mainstream a gender equality perspective in disability-related legislation and policies and a disability perspective in legislation and policies concerning women;*

Beside amendments to the 3 anti-discrimination laws, BDF did not identify any significant change in legislation.

The Regulatory Impact Analysis (**RIA**) to which the **state report** refers⁴⁰ is often conducted at an advanced stage of the drafting and negotiation process for regulations, so it does not affect the decision-making process. The [Impact Analysis Committee](#), whose task is to draw-up annual reports only did it in 2014 and 2015.⁴¹

(b) *Empower women and girls with disabilities at the federal, regional and community levels, including by ensuring their access to education and employment.*

The issue of access to education and labour was identified not only by the UNCRPD Committee,⁴² but also by the CEDAW Committee.⁴³ The High Council for Employment in Belgium also sees work as a source of emancipation and independence for women.⁴⁴

Nonetheless, BDF could not find concrete actions for women with disabilities in education and employment. Funding is however provided for self-defence courses.⁴⁵

Recommendations:

13. All policy measures and action plans should work on both gender- and handstreaming.

14. The National Action Plan combating gender-based violence should systematically include the needs of women with disabilities and envisage specific measures.

⁴⁰ Art. 5 [Law containing various provisions on administrative simplification of 15 December 2013](#).

⁴¹ Article 7 de l'arrêté royal du 21 décembre 2013 portant exécution du titre 2, chapitre 2 de la loi du 15 décembre 2013 portant des dispositions diverses concernant la simplification administrative [Meilleure réglementation et analyse d'impact | BOSA \(belgium.be\)](#)

⁴² UNCRPD Committee, *List of Issues*, 30 April 2019, point 6(b).

⁴³ CEDAW Committee, *Final Conclusions on the 8th periodic report of Belgium*, 2022, point 56(b).

⁴⁴ High Council for the Employment, *The Labour market participation of women*, 2023, p. 9. https://hrw.belgie.be/sites/default/files/content/download/files/hrw_arbeidsmarktparticipatie_van_vrouwen_20230123.pdf.

⁴⁵ Measure 40, National Action Plan in the fight against gender-based violence 2021-2025. <https://sarahschlitz.be/wp-content/uploads/sites/300/2021/11/20211125-NAP-2021-2025-clean-NL.pdf>.

Children with disabilities (art. 7)

Newspaper article [De Standaard]:⁴⁶

“Adolescent with disability in cell due to lack of accommodation (in Flemish youth institutions).”

⁴⁶ DEBEUCKELAERE H., ‘Jongere met beperking in de cel bij gebrek aan opvang’, De Standaard, 13/4/2022, https://www.standaard.be/cnt/dmf20220412_97445056.

7. *Please provide information on:*

(a) Measures taken to ensure respect for the right of children with disabilities to family life, including measures providing support for children with disabilities in foster families and access to early intervention and other inclusive services;

Competence for this matter lies with the Communities and is divided between different agencies. According to circumstances, young people with disabilities depend either from youth support or from support services for people with disabilities. **Coordination** between the two is insufficient.

There is a clear **shortage** of support services that should facilitate the inclusion of children with disabilities: living in their own families, going to regular school, participating in leisure activities of their own choosing,... The child care offering is far too limited in all regions, let alone inclusive care or specialised care.

Furthermore, there is also a glaring **shortage** of childcare spaces in community living settlements.⁴⁷

Information to parents of young deaf children is inadequate about sign languages compared to medical component of deafness.⁴⁸

Recommendations:

15. Create collaborative agreements between the relevant services for youth and disability support. Data sharing is also crucial for rapid and effective support.
16. Make more budget available for the development of support services for children with disabilities and their families. These services should teach the children to be independent and make their own choices. The main goal is always for the child to grow up in their own family.

(b) The number of children with disabilities not living with their families, including those placed in institutions, and the financial and other resources invested to ensure their deinstitutionalization and transition to life in the community.

There is no publicly available data on how many children are in institutions. **BDF is unsure whether statistics are being monitored.**

⁴⁷ For example, a 16-year-old with a disability [had to spend a night in a cell](#), because the judge ruled that he had to be placed in a community institution, but there was no room there (2022). A year later, the same thing happened to an individual in his 20s who spent [2 nights in a cell](#) due to a lack of accommodation (2023).

⁴⁸ Vlaanderen, Departement Cultuur, Jeugd & Media, *Meertalig Opvoeden met Vlaamse gebarentaal bij dove en slechthorende kinderen*, 23/09/2022, <https://www.vlaanderen.be/cjm/nl/meertalig-opvoeden-met-vlaamse-gebarentaal-bij-dove-en-slechthorende-kinderen>.

Awareness-raising (art. 8)

Alzheimer Liga Vlaanderen npo, Testimony by Elena De Ru in 'Media manifesto', 2023:



Mediamanifest: Elena De Ru - YouTube

GAMP, different testimonies in 'Dossier #5 Inclusion', 2019:



https://youtu.be/WhmXCvQluqE?list=PLm-Q2v29BkR9K6k1cJaaXG1EWD8_1KsJ

8. *Please provide information on:*

(a) *The adoption and implementation of action plans and strategies at the federal, regional and community levels to raise awareness of the rights of persons with disabilities and the Convention;*

(c) *How organizations of persons with disabilities have been involved in the development and implementation of awareness-raising plans and strategies, and on the results of those plans and strategies.*

Most awareness-raising efforts are made by DPOs or Unia. Consequently, these are **not always as widespread as one would expect from actions by the government.**

There is a lot of non-take-up because PwD are not well aware of their rights.⁴⁹

The Federal Disability Action Plan envisaged that the UNCRPD and related documents would be translated into sign language and easy-to-read formats. The easy-to-read version will be available by the end of the legislature. There will not be any sign language version. The General Comments, reports, list of issues and concluding remarks are not available in easy-to-read or sign languages versions.

Recommendations:

17. There is a need for a **coordinated awareness campaign** throughout Belgium which focuses on the **rights of PwD** and not on 'help' that they need.
18. **Curricula** and continuous training of professionals (disability sector, (para)medics, teachers, media, police, architects, AI developers...) should **include modules on disability** and inclusion

⁴⁹ BELSPO, *Reducing poverty through improving take up of social policies*, 2022, p. 54-73.
https://www.belspo.be/belspo/brain-be/projects/FinalReports/TAKE_FinRep.pdf.

(b) Specific measures taken to promote a positive image of persons with disabilities and to eradicate misconceptions and stereotypes regarding such persons, particularly in the media;

The Flemish Public Broadcasting Company (**VRT**) has committed to ensuring screen time for PwD.⁵⁰ The French- and German-speaking televisions have not made such a commitment.⁵¹

There are no legal provisions or action plans aimed at equivalent representation of PwD in the media. Disability is often still only portrayed on account of the visible disability and not the person behind it. An even more difficult challenge issue is getting on screen persons with invisible disabilities, or facing intersectional discrimination.

Furthermore, there is very little sign language interpretation in the media :often limited to a few hours a day. The available content often seems unsuited to the needs of the persons.⁵²

Recommendation:

19. All media outlets, especially public broadcasting, should draw up **diversity action plans** with **obligations to achieve results** rather than commitments and offer sign language news and programmes instead of sign language interpretation.

⁵⁰ VRT, *Management Agreement 2021-2025 between the Flemish Community & the Flemish Public Broadcasting Company*, point 2.2., <https://www.vrt.be/nl/over-de-vrt/beheersovereenkomst/>.

⁵¹ Conseil Supérieur de l'Audiovisuel, *Baromètre Diversité et Egalité 2021 - 10 ans de Baromètres*, 2023, p. 100-105. <https://www.csa.be/document/barometre-diversite-et-egalite-2021-10-ans-de-barometres/>.

⁵² RIJCKAERT J., *'Het Journaal met of in VGT: evaluatieonderzoek naar het aanbod Vlaamse Gebarentaal op de VRT'*, University of Antwerp Thesis, March 2020, conclusions in point 2.3. <https://publicaties.vlaanderen.be/view-file/50769>.

Accessibility (art. 9)

Dito npo, testimony by Reinaert De Paepen “*Make the public transport accessible!*” in ‘*Onze Grote Boodschap*’, 2022:



<https://youtu.be/uCsmcLdSVEI>

9. Please provide information about measures taken to:

(a) Ensure the accessibility of all facilities and services open or provided to the public at all levels, especially educational, health-care and social services;

In 2014 (point [22](#)), the Committee recommended putting in place a legal framework with specific, binding benchmarks for accessibility of buildings, roads and transport, services and digital services. Furthermore, monitoring had to be organised, and penalties provided for.

There is no legal benchmark of accessibility for **existing infrastructure**, only for new construction and renovation projects.⁵³ And then often only as regards physical disability. **Visual, hearing, intellectual or psychosocial disabilities are barely taken into account.** A resolution was voted by the Brussels-Capital Region Parliament to make public buildings accessible to PwD by 2033. It has no binding legal force. No action has been taken since then.⁵⁴

There are no long-term plans with **deadlines, binding assessment indicators or budget estimates** in any of the regions, nor at the federal level.⁵⁵ These urgently need to be drafted. In addition, it is crucial that the legal benchmarks of accessibility be **aligned between regions** and that specialised organisations in accessibility (CAWaB and Inter) be consulted.

BDF views accessibility as important a criterion as sustainability. See also the European Commission's [recommendation](#) to tackle accessibility barriers together with energy efficiency improvements.⁵⁶

As regards **public services**, accessibility to information and communication is often overlooked.⁵⁷ For example, persons using sign language still too often have to be accompanied by an interpreter at their own expense.⁵⁸ **Barely any easy-to-read information** is available. In addition, services are increasingly digital, meaning that the wide range of disabilities is not adequately taken into account. Given the significant digital divide, this often leads to non-take-up of rights, among other things.⁵⁹ Support from people is increasingly being limited. For

⁵³ **Flanders:** [Accessibility Ordinance of 5 June 2009](#); **Wallonia:** [CODT - GRU art 414 et 415](#) ; **Brussels:** [Réglement Régional Urbanisme - Titre IV...](#)

⁵⁴ Brussels Parliament, *RESOLUTION on accessibility for persons with disabilities to public buildings in the Brussels-Capital Region*, 9 November 2022. <https://weblex.irisnet.be/data/crb/doc/2022-23/146169/images.pdf>.

⁵⁵ At the level of federal buildings, an inventory is however being developed. A limited budget of €1.5 million has been set aside to this end. <https://www.regiedesbatiments.be/nl/content/diversiteit-toegankelijkheid>.

⁵⁶ European Commission, *Union of Equality : Strategy for the Rights of Persons with Disabilities 2021-2030*, COM(2021) 101 final, Brussels, 3/3/2021.

⁵⁷ For example, the [Interfederal Disability Strategy](#) only refers to (freely translated), "[promoting] awareness about the importance of accessibility, both for the built environment and for services, products and digital content."

⁵⁸ That is because the public service/administration did not think to look for a sign language interpreter. Or because the quota of hours reimbursed has been exceeded. Or because it wasn't possible to find an interpreter...

⁵⁹ Explanations on the digital divide in the Belgian Chamber of Representatives on 30 November 2023. <https://www.dekamer.be/FLWB/PDF/55/3727/55K3727001.pdf>.

example, the digitisation of the financial sector means that some PwD have to rely on their relatives and/or caregivers to keep their financial affairs in order.⁶⁰

As regards products, the European Accessibility Act (**EAA**) is expected to improve things, but given the envisaged exceptions, there are still many question marks about what EAA covers.⁶¹

Recommendations:

20. Impose a **legal accessibility standard** on **all** infrastructures, as well as **communications and digital content**, including free of charge sign language. In addition, an **accessibility plan** should be set up with deadlines, binding assessment indicators and budgetary resources. Heritage preservation shouldn't be an excuse not to meet the accessibility standards.
21. Make accessibility a **condition for obtaining subsidies** (renovation/construction). Enforcement is important: mandatory accessibility report for permit and inspection upon completion.
22. It must be made **compulsory to consult** the existing centres of expertise for any renovation project, and these centres should also be represented at the level of standardisation (**NBN**) and in public utility services.
23. Human support should always be available. This need has been recognised by the [European Parliament](#) (2023).

See, e.g. Lire et Écrire, p. 25 (freely translated): "*The digitisation of different services excludes these people from the digital world. This has various consequences:- increasing non-take-up of rights and services, with consequences in terms of health, status, etc. (...)*".

Or e.g. King Baudouin Foundation (KBS), p. 6 (freely translated): "*First, regarding service provision, it is crucial to continue to invest in services that are accessible to all so that access to basic rights is guaranteed. Telephone services and physical appointments should continue to exist alongside digital channels.*"

The Federal Ombudsman also advocates maintaining different channels of service, see [Annual Report 2023](#), pp. 38-39.

⁶⁰ CAWaB, *Les terminaux de paiement à écran tactile ne sont pas accessibles !*, <https://cawab.be/Les-terminaux-de-paiement-a-ecran-tactile-ne-sont-pas-accessibles.html>.

⁶¹ NHRPH-CSNPH, [Opinion 2022/25](#) - transport services; [Opinion 2022/20](#); [Opinion 2022/18](#) - banking and e-commerce services.

(b) Make all public transport systems and urban and rural infrastructure accessible to all persons with disabilities, and indicate specific actions with a clear time frame, measurable baselines and indicators;

Most train stations are not autonomously accessible.⁶² Assistance is available in less than 30% of stations.⁶³ Assistance is only available within 3 hours in 7.4% of stations, otherwise it must be booked at least 24 hours in advance.⁶⁴

As such, many persons with disabilities cannot take the train independently, and definitely not spontaneously.

As regards buses and trams they are not autonomously accessible either. No assistance is available. Infrastructure is not accessible, staff is not trained enough, there are **no systematically audible, visual or sign-language announcements** or automatic wheelchair ramps.

In December 2023, the [Antwerp Court of First Instance](#) convicted De Lijn of failing to change its discriminatory treatment of people with disabilities since 2019⁶⁵.

There are various problems relating to **(inter)regional school transport:** offering⁶⁶, transport time⁶⁷,... Transportation problems have an impact on key elements of PwD lives : school, work, culture, sport...

There is no guarantee of assistance when **switching transport modes** (from train to bus/tram, taxi or adapted transport, etc.).

There is a focus on sustainable transport, but funding for accessible transport is either overlooked or inadequate.

⁶² CAWaB, *Le train est-il réellement accessible à tous en Belgique ? [Mise à jour - cartes 2024]* : "Ces chiffres révèlent que seules 28 gares sur les 555 (soit 5%) que compte le réseau sont "intégralement accessibles"; ET proposent l'assistance pour les usagers à mobilité réduite. https://cawab.be/cartes_SNCB_2024 .

⁶³ For persons who do not use wheelchairs, assistance is provided in 159/555 stations (2022). A further 78 stations will provide assistance by 2032. For persons who do use wheelchairs, assistance is available in 132/555 stations. A further 20 stations will provide assistance by 2033. See [Annex 17 of the SNCB Management Contract 2023-2032](#).

⁶⁴ 41/555 stations. See: <https://www.belgiantrain.be/en/travel-info/prepare-for-your-journey/assistance-reduced-mobility> .!

⁶⁵ UNIA, *De Lijn veroordeeld voor discriminatie van rolstoelgebruikers*, 6/12/2023. <https://www.unia.be/nl/artikels/de-lijn-veroordeeld-voor-discriminatie-rolstoelgebruikers>

⁶⁶ RTBF, "Transport scolaire : 30 jours sans école pour Elliott, malvoyant, victime d'une navette peu fiable entre Rixensart et Uccle," 7 December 2023. <https://www.rtbef.be/article/transport-scolaire-30-jours-sans-ecole-pour-eliott-malvoyant-victime-d-une-navette-peu-fiable-entre-rixensart-et-uccle-11297492> .

⁶⁷ VRT, "Lange ritten, te laat op school en weinig comfort: Katholiek Onderwijs trekt opnieuw aan alarmbel over busvervoer buitengewoon onderwijs," 1 Oktober 2023. <https://www.vrt.be/vrtnws/nl/2023/09/29/busvervoer-buitengewoon-onderwijs-bevraging-kov/>.

Recommendations:

24. Ensure **assistance for intermodal travel** and travel between the federated states. Especially when it comes to interregional school transport.
25. Transport is crucial (for work, medical appointments, school, etc.). This urgently needs to be recognised through ambitious and **enforceable accessibility legislations**.

(c) Adequately monitor the allocation of funds aimed at removing barriers to accessibility and providing continuous training for relevant monitoring staff;

The checks on compliance with the existing accessibility standards are **insufficient and inadequate**. Subsidies for the renovation or construction of infrastructure are limited and are rarely linked to accessibility improvements.⁶⁸

(d) Impose sanctions, including financial sanctions, for non-compliance with accessibility standards since the publication of the previous concluding observations;

Enforcement of the existing accessibility standards is inadequate. There are too few controls and sanctions are not applied.

(e) Include continuous training on accessibility through universal design as part of mandatory curricula for professionals such as architects, designers, engineers and programmers.

Accessibility and universal design are not part of **mandatory curricula** anywhere.

Recommendation:

26. Make accessibility and universal design a mandatory module in curricula and lifelong learning.

⁶⁸ For example, €1.5 million was made available to make federal public buildings accessible. This resulted in 26 concrete projects in 2023 -- 26 out of hundreds of federal buildings. See: <https://www.regiedergebouwen.be/nl/downloads/15-miljoen-om-openbare-gebouwen-toegankelijk-te-maken-voor-personen-met-een-handicap> .

Situations of risk and humanitarian emergencies (art. 11)

GAMP campaign:⁶⁹



⁶⁹ GAMP ASBL, *Campaign Je craque ! Nous craquons*, 25/05/2020, <https://gamp.be/2020/05/25/je-craque/> .

10. Please provide information on measures taken to:

(a) Ensure the speedy identification of asylum seekers and refugees with disabilities in order to provide them with accessible accommodation and individualized support services;

There is a formal identification of vulnerability, including disability, when individuals apply for international protection with the Immigration Office (**DVZ-
OE**).⁷⁰ BDF is unaware of how the needs of refugees with disabilities are met once their application is introduced.⁷¹

Recommendation:

27. Adapted individual care should be ensured by the law to PwD claiming for asylum.

(b) Make disaster risk management fully accessible and disability-inclusive, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030;

Emergency plans and crisis communication should be adapted to the needs of PwD.⁷² This has still not materialised, and the disability sector has not been consulted despite repeated requests.

The COVID crisis and the floods in 2021 showed that Belgium is ill-prepared for crisis situations.

A lot went wrong during COVID-19:

- Limited involvement of the disability sector in the decision-making process;
- Access to health care and reasonable accommodation were abruptly put on hold;⁷³
- PwD, especially children, found themselves seriously isolated. In its [2019-2020 annual report](#), the Flemish Office of the Children's Rights Commissioner

⁷⁰ FEDASIL, 'Vulnerable people with specific reception needs. Definition, identification, care', 6 December 2018, p. 25. <https://www.fedasil.be/nl/nieuws/opvang-asielzoekers/studie-over-de-noden-van-kwetsbare-personen>.

⁷¹ As regards the recent arrival of refugees from Ukraine, very few measures were taken for e.g. deaf and hard of hearing persons. There were insufficient sign language interpreters when information was provided, <https://www.hln.be/gent/gent-vangt-29-dove-vluchtelingen-uit-oukraine-op~a1b5b1ec/>.

⁷² [Federal Disability Action Plan](#) (first 2 measures) stated that emergency plans and crisis communication needed to be adapted to the needs of PwD. In addition, Measure 106 of the [National Action Plan in the fight against gender-based violence 2021-2025](#) stipulates that the accessibility of emergency numbers for PwD, especially women, must be improved.

⁷³ UNIA, 'COVID and human rights: Impact on persons with disabilities and their loved ones - results of the survey' [of 865 people], 8 July 2020, p. 16-17. https://www.unia.be/files/Documenten/Publicaties_docs/Resultaten_van_bevraging_impact_COVID_personen_met_handicap_en_naasten.pdf.

highlighted the **psychological harm among children in institutions** who had no contact with their parents;⁷⁴

- No option for inclusive distance learning for children with disabilities (especially deaf children who use sign language);⁷⁵
- Lack of sanitary provisions in residential services and in nursing homes;
- Poor communication (press conferences without sign language and not in German, contact tracing only by phone⁷⁶ etc.)
- ...

The 2021 floods made it clear that emergency numbers and 'apps' were not accessible to deaf persons. There were no specific evacuation plans adapted to the (needs of) persons with disabilities. For example, it was impossible for some people to get to the first floor of their house to avoid the water while waiting for emergency services.⁷⁷

Furthermore, local authorities and emergency services were and remain unaware of the presence of persons with disabilities nor of their needs.

Recommendations:

28. Adapt the emergency and evacuation plans, crisis communication and information to the needs of PwD. **PwD and their needs should be identified in advance**, at least by local authorities, emergency services and civil protection, **with due guarantees for the respect of privacy**.

29. **It must be mandatory to guarantee essential care at all times (including at home)**. Collective living spaces must be rethought to ensure maximum freedom of movement and mental health throughout the crisis situation. The approach to PwD in and out of crisis situations should be re-examined in due consultation with DPOs.

(c) Ensure meaningful consultation with and the involvement of organizations of persons with disabilities in the design and implementation of disaster risk reduction strategies and humanitarian relief programmes.

There is *still* no involvement of DPOs in this regard.

⁷⁴ FLEMISH OFFICE OF THE CHILDREN'S RIGHTS COMMISSIONER, *Annual Report 2019-2020*, p. 5, 76-79. https://kinderrechten.be/sites/default/files/jaarverslag_kinderrechtencommissariaat_2019-2020_interactief_def.pdf.

⁷⁵ 'Digitaal onderwijs ook uitdaging voor dove en slechthorende kinderen', 24 October 2020. https://www.nieuwsblad.be/cnt/dmf20201023_97983823?

⁷⁶ 'Doof Vlaanderen: "Doven en slechthorenden compleet vergeten bij contacttracing"', 31 July 2020. https://www.nieuwsblad.be/cnt/dmf20200731_95547785.

⁷⁷ ESENCA, "Situations d'urgence, catastrophes... et les personnes en situation de handicap dans tout ça?", 2021, p. 6. <https://www.esenca.be/wp-content/uploads/2021/10/Analyse-Gestion-crise-et-handicap.pdf>.

Equal recognition before the law (art. 12)

Testimonies from a news magazine [Knack]:⁷⁸

A family member:

*“In her will, my mother had assigned guardianship over Kristof to me. Shortly after her death, a justice of the peace decided otherwise, just like that. He made it **look like we were taking advantage of the situation** and planning to take away my brother's savings - money that didn't even exist. Kristof has the intellectual abilities of a one and a half year-old-child, and I have always considered him my third child. It was as if the judge took that child from me. All of a sudden I was relegated to a kind of assistant role.”*

Honorary justice of peace Jan Nolf:

*“Sometimes **families even have to litigate against lawyer-guardians** (...). Because lawyers also sometimes keep 3 percent of all the family's incoming capital for themselves (...) [the system] turns them into brokers as a side profession.”*

⁷⁸ ‘Bewindvoering voor mensen met een handicap: een falend systeem’, Knack, 24/9/2019, <https://www.knack.be/nieuws/bewindvoering-voor-mensen-met-een-handicap-een-falend-systeem/>.

11. *Please provide information on:*

(b) Concrete measures taken to provide persons with disabilities with support in decision-making, in line with the Committee's general comment No. 1 (2014) on equal recognition before the law, including the provision of financial and human resources for justices of the peace;

There is also **no substantial focus on supported decision-making**.⁷⁹ No steps are being taken in that direction.

(a) Measures taken to ensure that the State party's legislation and its implementation, including the recently revised Act of 17 March 2013, ensure the realization of the right to equal recognition before the law and the right to supported decision-making;

According to the law, assistance must take precedence over representation.⁸⁰ Yet there are **no official statistics available in this regard**.⁸¹ Nevertheless, BDF notes that the number of persons under guardianship is continually rising.⁸²

The law foresees that the judge should give priority to family members in cases of guardianship. However, BDF notes that digitisation of case management and mandatory reporting deter many non-professional guardians. Professional guardians are often preferred simply because it requires less support from the registrar.⁸³

The justice of the peace rules on the capability of the individual and explicitly on the actions listed in the law.⁸⁴ Therefore, the judge *may* make all appropriate inquiries.⁸⁵ BDF notes that not all useful information is obtained, since the reasons for a request for guardianship only needs to be briefly explained, e.g.: the **PwD is not asked to describe his/her specific difficulties**.

⁷⁹ For instance, '**assistance' by a professional guardian is to be considered as an 'extraordinary' act of the guardian and will thus be charged more expensively**. This is mentioned in the [Report to the King](#) on the 'Arrête Royal' determining the income that can be taken into account for calculating the remuneration of administrators as well as the costs that can be considered exceptional and the official duties that can be considered extraordinary also stipulates that the assistance function instead of a representation function is an extraordinary act of a professional administrator and will therefore be charged more expensively (18/5/24).

⁸⁰ Art. 492/2 of the Civil Code.

⁸¹ The Belgian statistics agency Statbel has no competence in this matter, [according to the Minister of the Economy and Work](#) (p. 104).

⁸² Support Centre for guardianships, *Annual Report 2022*, p. 3.

<https://steunpuntbewindvoering.be/sites/default/files/Jaarverslag2022.pdf>.

⁸³ High Council of Justice, *Audit: the supervision of guardianships by the peace courts*, p. 20.

<https://hrj.be/admin/storage/hrj/rapport-audit-bewindvoering.pdf>.

⁸⁴ Art. 492/1 of the Civil Code.

⁸⁵ Art. 488bis of the Civil Code.

Due to judicial overload, it appears that the justice of the peace tends to tick all the boxes so. As a consequence the guardianship is not really tailored to the person.⁸⁶

A 'Steunpunt Bewindvoering' (**Support Centre for guardianships**) has been set up in 3 provinces of Flanders through voluntary cooperation between the relevant bar associations. The NHRPH-CSNPH asked the Minister of Justice to nationally extend the system, but received no response.

Recommendations:

30. Belgium's system of guardianship must be brought in line with the requirements of Art 12 UNCRPD. **Supported decision-making must be rolled out.**
31. An individual's problems, and what he/she is able to do, should be taken into account to tailor a protective measure. Justices of the peace should have **guidelines** based on the UNCRPD. **The justice of peace should have a social service department to document its decisions and to give it a proper follow-up**
32. **Ensure that there are statistics:** % under guardianship, % assistance and % representation. This is necessary to ensure that support is truly given priority.
33. The judges of peace should **be required by law to hear** family members to ensure the priority of family guardianship. The management and reporting procedure clearly needs to be relaxed.
34. **More awareness-raising** is needed about the possibility of making your preferences known as regards a (future) guardian, person of trust, etc.
35. **Guardians should undergo training.** Furthermore, they should be required to **sit with the protected person several times a year.** There should be an audit committee and sanctions should be foreseen if the assessment shows that the guardian is not performing his/her duties effectively. The number of files of each professional guardian in such a way that each file can be followed up with equal rigour.
36. There should be a Support Centre for Guardianships in all province.

⁸⁶ High Council of Justice, 'Audit: the supervision of guardianships by the peace courts'. <https://hrj.be/admin/storage/hrj/rapport-audit-bewindvoering.pdf>.

(c) Training provided to all actors at the federal, regional and community levels, including civil servants, judges and social workers, on the obligations of the State party under the Convention, especially under article 12.

The Federal Public Services Justice is working on training for guardians.⁸⁷ BDF is not aware of the other actors.

Recommendation:

37. Align the training of guardians with the UNCRPD. Focus more on the rights of PwD under guardianship. Stop the primary focus on the medical conditions.

⁸⁷ Act of 8 November 2023 on the status of a guardian over a protected person, https://etaamb.openjustice.be/nl/wet-van-08-november-2023_n2023047028. The justice of the peace may require the family guardian to undergo training. Professional guardians must undergo training on, among other things, legally relevant aspects, daily guardianship management, medical disorders, communication with persons under guardianship and ethical rules.

Access to justice (art. 13)

News article [VRT NWS]:⁸⁸

Court condemns Belgian state for discrimination against deaf prisoner in Andenne:

*“The deaf inmate had complained that the lack of a **sign language interpreter** negatively affected the requests to adapt his prison sentence because the reports were based on **incorrect information**. A permit to leave the prison was also cancelled as there was no interpreter during the interview prior to this prison leave. He did not have any prison leave, although he has been eligible for it since 1 April 2020.”*

⁸⁸ `Rechtbank veroordeelt Belgische staat voor discriminatie van dove gevangene in Andenne', **VRT NWS**, 20/10/2022. https://www.vrt.be/vrtnws/nl/2022/10/20/andenne-gevangenis/#:~:text=www.newspix.be-,_Rechtbank%20veroordeelt%20Belgische%20staat%20voor%20discriminatie%20van%20dove%20gevangene%20in,in%20de%20gevangenis%20van%20Andenne.

12. Please provide information on measures taken at the federal, regional and community levels to:

(a) Regularly provide training on the rights of persons with disabilities and the human rights model of disability to personnel working in the judicial sector, including lawyers, prosecutors, judges and court employees;

No “disability rights” training is provided.

Recommendation:

38. All personnel in the judicial sector should be given regular training on the rights of PwD.

(b) Assess individual requirements and provide individualized support for persons with disabilities who are detained, and to ensure that the relevant information is accessible to them so that they may participate in judicial proceedings;

Most prisons are old and not adapted to modern standards of hygiene, sanitary facilities and accessibility.⁸⁹ Overcrowding⁹⁰ implies that old prisons are reopened.⁹¹

Because of serious shortage of staff it is often impossible to meet individual needs of prisoners who are PwD.

There are also language problems. In 2019, Belgium was condemned by the European Court of Human Rights (**ECHR**) because a German-speaking man was in a French-speaking prison and did not have access to needed healthcare in German.⁹²

⁸⁹ Belgium has 38 prisons. Only a small portion of these are new/well renovated. Four more prisons are planned in the coming years.

⁹⁰ WAUTERS (L.), *Surpopulation en prison : l'application des petites peines fait craindre le pire*, 29 August 2023. <https://www.lesoir.be/533882/article/2023-08-29/surpopulation-en-prison-lapplication-des-petites-peines-fait-craindre-le-pire#:~:text=Selon%20les%20derniers%20chiffres%20du,carc%C3%A9rale%20de%2011%2C1%20%25.>

For example, in June 2023, there were 11,649 people in prisons versus a capacity of 10,653 places. DECREÉ (H.), *Overbevolking in gevangenis blijft groot probleem: België op plaats vier in Europa*, 27 June 2023. <https://www.vrt.be/vrtnws/nl/2023/06/27/overbevolking-gevangenis-belgie/#:~:text=11.649%20mensen%20in%20de%20gevangenis%20in%20ons%20land%2C%20tegenover%20een%20capaciteit%20van%2010.653%20plaatsen>

⁹¹ https://www.standaard.be/cnt/dmf20231123_97472371.

⁹² [https://hudoc.echr.coe.int/fre#{%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\]}](https://hudoc.echr.coe.int/fre#{%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22]}).

(c) Provide procedural accommodations for persons with disabilities in judicial proceedings. Please include information on the number of available sign language interpreters, the physical accessibility of court buildings and the availability of official information in accessible formats, including Braille and Easy Read.

There is a serious shortage of available certified sign language interpreters in the judicial sector due to low rates offered by the federal government.⁹³

BDF is not aware of any procedural provisions stating that the cost of a sign language interpreter is borne by the police or the court, outside of criminal proceedings ([EU Directive](#)). BDF was also unable to find any information on the availability of easy-to-read legal documents while state report does mention free braille translations.

Recommendations:

39. Procedural accommodation in the judicial sector should be more comprehensive, transparent and efficient. Sign language interpreters should be available in prisons and in **all** courts at the state's expense
40. All courts and prisons should be accessible.

⁹³ 'Tolken luiden alarmbel: Gewoon een taal spreken is voor Justitie blijkbaar voldoende', Het Nieuwsblad, 22 December 2022. https://www.nieuwsblad.be/cnt/dmf20221222_92903782.

Liberty and security of the person (art. 14)

Unia – negotiated solution for a deaf man in a closed psychiatric institution:⁹⁴

*“Therapy is through both **writing and lip-reading**. But the person has difficulty understanding what the psychologist is saying and cannot express himself properly in this way.*

*Patients can be on the phone for up to half an hour a day. But the institution **does not provide an equivalent alternative** for persons who use alternative forms of communication due to their disabilities”*

⁹⁴ Unia, *Solution de médiation pour un homme sourd dans une institution psychiatrique fermée*, 9 novembre 2016, <https://www.unia.be/nl/rechtspraak-alternatieven/onderhandelde-oplossingen/dove-man-in-gesloten-instelling-heeft-recht-op-tolkondersteuning-tijdens-verblijf>.

13. *Please provide information on measures taken to revise legislative provisions allowing for deprivation of liberty on the basis of disability, including the Act of 5 May 2014 and the Mental Health Act of 1990, and to ensure that the provision of health-care services, including all mental health-care services, is based on the free and informed consent of the persons concerned.*

The [Act of 5 May 2014](#) and the [Act of 26 June 1990](#) ⁹⁵ have not been revised.⁹⁶

The number of internees in prisons without appropriate care has doubled in the past 5 years.⁹⁷ This was also condemned by the [Committee of Ministers of the Council of Europe](#) and recently upheld in a [report by Unia](#) (2023).

Recommendations:

41. The Federal State and the Regions need to coordinate the provision of inclusive mental care and support to internees.
42. Internees do not belong in prison. They should receive proper medical care and support, using appropriate communication means.
43. Being a lifelong internee must be made impossible.

14. *Please provide information on the position of the State party in discussions concerning the adoption of the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, entitled “The protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment”, given that the draft additional protocol infringes on several provisions of the Convention.*

Belgium supports neither the Oviedo Convention nor the draft protocol.⁹⁸

⁹⁵ A preliminary draft on amending the Act of 1990 was approved at the Council of Ministers meeting of 2 June 2023. <https://news.belgium.be/nl/bescherming-van-personen-met-een-psychiatrische-aandoening>.

⁹⁶ Conference of presidents of the peace court and police court and the Royal Association of peace and police courts, *Artikelsgewijze opmerkingen en adviezen op het Voorontwerp van wet tot wijziging van de wet van 26 juni 1990 betreffende de bescherming van de persoon van de geesteszieke*, 2023. <https://kvvp.be/assets/media//kvvp/230313-advies-geestesziekte-avis-mm-20230315.pdf>.

⁹⁷ HUYGHEBAERT P., ‘Aantal geïnterneerden in de gevangenis verdubbeld in 5 jaar tijd: Onbehandelbare groep houdt plaatsen bezet’, VRT, 22 September 2023. <https://www.vrt.be/vrtnws/nl/2023/09/22/geinterneerden-gevangenis-fpc/>.

⁹⁸ State Report, point 124.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Testimony on website of 'NADA' - Network Alternatives to Coercion and Isolation in Belgian Mental Health Care:⁹⁹

*“Before I fully realised I was tied down, the nurses appeared to have disappeared from the room. The toilet was a few metres away from me but I **couldn't reach it even though I urgently needed to pee.** So I started yelling 'Hey! I have to go to the bathroom! Can someone untie me?' I had no idea what time it was, but I did know that I urgently needed to pee. The pressure in my bladder became increasingly painful. However, the revulsion of the humiliation I would feel peeing in bed was stronger than the physical pain I had. **I kept shouting until my voice was hoarse. All night long.** I didn't understand such cruelty. Even at dawn the next morning, I was still tied down. **It wasn't until about 10 a.m. that a nurse came in.** He said 'Are you still tied down?'”*

⁹⁹ **Nadia**, 'Je doet dat niet: mensen vast binden en alleen laten', NADA, 28/02/2021, [https://nadanetwerk.org/2021/02/28/nadia-je-doet-dat-niet-mensen-vastbinden-en-alleen-laten/#:~:text=Dat%20je%20dat%20niet%20doet,\)pati%C3%ABnten%2C%20naasten%20en%20hulpverleners.](https://nadanetwerk.org/2021/02/28/nadia-je-doet-dat-niet-mensen-vastbinden-en-alleen-laten/#:~:text=Dat%20je%20dat%20niet%20doet,)pati%C3%ABnten%2C%20naasten%20en%20hulpverleners.)

15. Please provide information on measures taken to abolish the use of restraints, both physical and chemical, and of isolation and other non-consensual practices on persons with intellectual or psychosocial disabilities, particularly those who remain placed in psychiatric hospitals and other institutions.

Given the overcrowding in prisons and psychiatric institutions, coercive measures and isolation are still often used.¹⁰⁰

The [latest observations of the UN Committee Against Torture](#) (2021) highlight **dissatisfaction with the progress of monitoring and investigating police violence**.¹⁰¹ Furthermore, the Committee states that the **level of health care in prisons is still insufficient**.¹⁰²

¹⁰⁰ AVIQ, *Contention & Isolation: Repères et bonnes pratiques*, 2022.

https://www.aviq.be/sites/default/files/documents_pro/2022-06/Brochure-contention.pdf.

¹⁰¹ UN Committee Against Torture, *Concluding Observations on the Fourth Periodic Report of Belgium*, 25 August 2021, CAT/C/BEL/CO/4, §7.

¹⁰² *Ibid*, §§19-20.

Freedom from exploitation, violence and abuse (art. 16)

Paper by Esenca, an association of PwD:¹⁰³

“When we say ‘women’ or ‘victims’ we don't necessarily mean ‘women with disabilities’ or ‘victims with disabilities’. They are overlooked in these issues and the violence they suffer is all too often invisible. This situation is made worse by the fact that some women with disabilities are equated with ‘crazy’, ‘not to be believed’, ‘hysterical’ and various other stereotypes created by the ableist society in which we live.”

¹⁰³ ESENCА, ‘Prise en charge des violences faites aux femmes en situation de handicap: de multiples difficultés - Analyse Esenca’, 2023, p. 14-15, <https://www.esenca.be/wp-content/uploads/2023/07/Analyse-2023-Accessibilite-et-violences.pdf>.

16. *Please provide information on:*

(a) Measures taken to ensure the protection of persons with disabilities, particularly women, children and older persons with disabilities, from exploitation, violence and abuse, including all forms of domestic and institutional violence;

Care centres have been set up to offer support following sexual violence. However, their **websites are not accessible** to PwD (no easy-to-read, no sign language,¹⁰⁴ etc.). The buildings of the care centres are **not fully accessible**.¹⁰⁵ This is concerning, given the higher risk of abuse among women with disabilities.

Institutional and domestic violence are still **not studied enough**. Federal authorities have multiple times asked BDF and other DPOs if they can provide data, instead of focusing on gathering data themselves.

(b) The establishment of protocols for the early detection of violence, in particular in institutional settings, for the provision of procedural accommodations for gathering testimony from victims, for the prosecution of those responsible for violent offences, and for the type of redress that persons with disabilities who are victims of violence receive.

There are some regulatory mechanisms, but there **is a lack of awareness of the existing redress mechanism** and **insufficient transparency in the follow-up of complaints**.

Consequently, there is a need for a system that **avoids personal 'countermeasures' such as being expelled from the institution**.

Recommendations:

44. There should be an independent complaints institute with a hotline following up on cases, recording them. It should be competent to control institutions.¹⁰⁶
45. Make care centres for victims of sexual violence accessible to persons with disabilities.

¹⁰⁴ ESENCA, 'Prise en charge des violences faites aux femmes en situation de handicap : de multiples difficultés', 2023, p. 6: (freely translated) '(...) Shahin Mohammad [inclusion and diversity consultant] pointed out, at the conference organised by Garance on the issue of accessibility in the fight against violence against women with disabilities, that the Prevention Centres for Sexual Violences (CPVS) were not yet fully accessible. What do you do if a deaf woman shows up in the evening? It's not obvious to find an interpreter who is available immediately. (...)'. <https://www.esenca.be/wp-content/uploads/2023/07/Analyse-2023-Accessibilite-et-violences.pdf>.

¹⁰⁵ *Ibid.*

¹⁰⁶ See also [Opinion 2023/03](#) of the Platform of Advisory Councils.

46. Access to the helpline for questions about violence, abuse and ill-treatment of children (1712) should be made easier, including provision of distance sign language interpreting.
47. There should be subsidised training for PwD on setting/defending boundaries, and it should also encourage them to speak up. There must be more awareness of abuse among everyone, but especially among the individuals involved themselves.
48. Provide training for healthcare personnel, lawyers, police, magistrates on the realities of PwD. Professionals must acquire communication skills to discuss sensitive issues.

Protecting the integrity of the person (art. 17)

Testimony of a project leader from a study:¹⁰⁷

“These are things we hear, and concrete requests in the individual applications we receive: ‘Do my parents have the right to force me to be sterilised?’ and things like that.”

¹⁰⁷ EL KONNADI (S.), JACQUET (M.) et ROLLIN (L.), *Violences gynécologiques et obstétricales vécues par les femmes avec une déficience intellectuelle rivant en institution. Etude exploratoire sur la situation en Belgique francophone*, Saint-Gilles, 2023, p.22 et 23.
https://assets.ctfassets.net/10gk3lslb1u3/2vcIuHLvLz8ft5GYjhsrt/96a054afc2e4de6e2ceee73c485d1e3d/rapport_VGO-web.pdf .

17. Please indicate measures taken to prohibit and prevent non-consensual treatment, including forced sterilization, for persons with disabilities, and to protect intersex persons from undergoing unnecessary conversion surgery.

Many facilities require, informally because this is prohibited by law, that a prospective resident be either **sterilised in advance** or that **contraception** be taken.¹⁰⁸ Although there is no physical coercion, **patient consent is often obtained without the patient being properly informed**. In the case *of G.M. and others v. The Republic of Moldova of 22 November 2022*, the ECHR ruled (§133) that validly expressed consent in cases of intellectual vulnerability means that there must be a legal procedure that supports the person in expressing consent.

However, **no figures are available**: these sensitive issues are often **reported anonymously** to associations. This is confirmed in a [study](#) by the University of Gent¹⁰⁹ and a [study](#) by the French-speaking part of Belgium.¹¹⁰

Recommendation:

49. Consent to sterilisation or contraceptives should be obtained in a manner in which the woman is well informed (accessibility of information) and well supported in expressing her consent (legally regulated procedure). It is up to the woman, regardless of her disability, to make decisions about her body.

¹⁰⁸ See also findings of the Committee for the Elimination of Discrimination against Women, *Concluding Observations on the Eighth Periodic Report of Belgium*, 31 October 2022, CEDAW/C/BEL/CO/8, § 23.

¹⁰⁹ GOETHALS T., VAN HOVE G., VANDER LAENEN F., 'Seksueel georiënteerd geweld bij vrouwen met een beperking in Vlaanderen 2018', Gent, 2018, p. 15.
https://assets.vlaanderen.be/image/upload/v1647528012/Rapportseksueelgeweldvrouwenhandicap_pkavtu.pdf.

¹¹⁰ EL KONNADI S., JACQUET M., ROLLIN L., 'Violences gynécologiques et obstétricales vécues par les femmes avec une déficience intellectuelle vivant en institution. Etude exploratoire sur la situation en Belgique francophone', Saint-Gilles, 2023, p. 20 et seq.
https://assets.ctfassets.net/10gk3lslb1u3/2vcIuHLvLz8ft5GYjhsrt/96a054afc2e4de6e2ceee73c485d1e3d/rapport_VGO-web.pdf.

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

Campaign by Inclusion npo:¹¹¹



¹¹¹ Inclusion vzw, Campagne d'affichage – "Ma vie, quels choix ?", 2022. <https://www.facebook.com/media/set/?set=a.1793294094338808&type=3>.

18. Please provide information on:

(a) Steps taken to implement disability action plans at the federal, regional and community levels to ensure that persons with disabilities enjoy the right to independent living and to be included in the community, and to implement plans to eliminate waiting lists for access to personal assistance budgets and other services and support;

(c) Measures taken to enable all persons with disabilities to enjoy their right to freely choose their residence on an equal basis with others, and to access a full range of in-home and other community services for day-to-day living, including personal assistance;

In a number of collective living facilities, individuals have very little say in their daily schedule and leisure activities, etc. Moreover, there is a serious shortage of places in collective living facilities, whereby persons in need end up in residential care centres. The collective living facilities are most publicly funded in Brussels¹¹² and Wallonia.¹¹³

There is a lack of alternatives for facilities. While alternatives should be rolled out, the BDF is not calling for the closure of facilities, but for their UNCRPD-compliant transformation.¹¹⁴

Existing support services include: personal assistance, home help, home nursing, skilled helper status that will allow volunteers (such as home help or assistants) to perform certain nursing tasks. **By themselves, these are insufficient to provide an individual with full freedom of choice of residence.**¹¹⁵

¹¹² **107 million € for facilities; 66% budget Phare <-> 8 million € for 'services d'accompagnement'; 5% budget Phare.** See: <https://www.inclusion-asbl.be/wp-content/uploads/2023/12/FINAL-Recommandations-jeudi-hemicycle-07-12.pdf>. More or less the same figures can be found in the latest available annual report by Phare for 2019. <https://phare.irisnet.be/app/download/8050018362/RA+PHARE+2019+-+D%C3%A9finitif.pdf?t=1655304520>, p. 14.

¹¹³ The 2022 annual report of AVIQ lists a budget for almost all services, except under "Les établissements d'hébergement pour personnes handicapées." https://www.aviq.be/sites/default/files/documents_pro/2023-11/Rapport_activites_AVIQ_2022.pdf, p. 25.

¹¹⁴ BDF, 'Position of the BDF and the NHRPH-CSNPH: Persons with disabilities should be able to choose to live in shared or individual living environments', 2024. <https://bdf.belgium.be/nl/nieuws/01-07-2024-standpunt-van-het-bdf-en-de-nhrph-personen-met-een-handicap-moeten-kunnen-kiezen-om-in-gemeenschappelijke-of-individuele-leefomg.html>.

¹¹⁵ Association Paritaire pour l'Emploi et la Formation (APEF) asbl, 'Le secteur d'aide au domicile, Un acteur incontournable de prévention de la santé et de préservation du lien social et du bien-être de la population - Une vision paritaire de l'avenir du secteur', 2023, p. 16 : "(...) **Over the last two decades, the supply of services has changed only moderately and at a slower pace than the ageing of the population.** [...]

In this context, with a constant policy, (...) the overall supply of care will remain insufficient to cover changing needs by 2030." <https://www.apefasbl.org/les-fonds-fin-de-carriere/aides-familiales-et-aides-seniors/avenir-du-secteur-safas-2023>.

The measures on inclusive housing and personal budget measures vary by region.

Personal assistance budget

In Flanders, there are person-following budgets for adults in which the person with a disability can create their own job description for the assistant. The **waiting list** exceeds 17,000 people.¹¹⁶ In addition, the amounts originally allocated have been reduced. These savings have been condemned several times by Belgian courts¹¹⁷ and also by the Council of State on 8 January 2024.¹¹⁸

In Wallonia, a personal assistance budget is available for adults with substantial needs.¹¹⁹ Only 525 people make use of this. PwD are not the direct employer of their assistants, the service providers are (via AVIQ). This may limit choice. In addition, such an assistant cannot be relied on for everything: e.g., not for medical examinations, help in education, job search, etc.¹²⁰

¹¹⁶ Flemish Human Rights Institute, *Advies persoonsvolgend budget*, 22 December 2023. <https://www.vlaamsmensenrechteninstituut.be/advies-persoonsvolgend-budget/#:~:text=The%C2%A0waiting%20lists%20for%20the%20person%20following%20budget%20must%20be%20eliminated%20by%20making%20sufficient%20budget%20available%20to%20make%20the%20budget%3A%2017.172%20personen%20staan%20op%20de%20wachttijst%20voor%20een%20persoonsvolgend%20budget%20en%20zijn%20afhankelijk%20van%20de%20middelen%20die%20Vlaanderen%20ter%20beschikking%20stelt.>

¹¹⁷ For example, on 3.12.21 the Labour Court of Ghent already ruled that a phased 37% decrease is not justified. Several similar rulings have followed (e.g. Labour Court of Antwerp on 18.9.23).

¹¹⁸ <http://www.raadvst-consetat.be/Arresten/258000/300/258354.pdf#xml=http://www.raadvst-consetat.be/apps/dtsearch/getpdf.asp?DocId=45749&Index=c%3a%5csoftware%5cdtsearch%5cindex%5carrrets%5fnl%5c&HitCount=129&hits=299+2d7+300+351+35e+429+45c+71a+72e+78d+83c+8a0+9db+9ef+b7d+b92+ba2+bd+bf1+c04+c59+c90+d0b+d8b+dba+dd1+ddd+e13+1016+102a+10b2+10ec+1165+1199+11e7+11fb+1317+1398+141a+1776+1796+179b+17ae+17cd+17f3+1803+181d+1844+1854+189d+18f8+1919+195d+1a3d+1a51+1a7a+1a93+1aab+1abd+1b04+1b98+1d3c+1de7+1ef3+2024+204c+2056+2066+207a+20b9+20e3+2136+2167+2190+2272+2285+2478+2498+249d+24b0+2509+2533+2551+257a+260f+2617+2680+26ac+2726+27b6+2942+2949+2af6+2b49+2b59+2b5e+2be1+2c1d+2c28+2c61+2c90+2c9f+2cab+2f1c+2f45+2fd8+2fe8+300b+3025+302e+308e+30d5+3108+317d+3188+31a3+31ae+31ea+3284+32a4+32a9+32bc+32db+32f5+32f8+333e+34b0+34dd+376b+&02273520241310>

¹¹⁹ They must have IT category 4 or 5 (15-18 points). [https://www.aviq.be/fr/vie-quotidienne/aides-la-vie-quotidienne/budget-dassistance-personnelle-bap#:~:text=allocation%20d%E2%80%99int%C3%A9gration%20pour%20personne%20handicap%C3%A9e%20de%20cat%C3%A9gorie%204%20\(15%20ou%2016%20points\)%20ou%205%20\(17%20ou%2018%20points\)%2C%20ou%20prouver%20qu%E2%80%99elle%20r%C3%A9pond%20aux%20crit%C3%A8res%20m%C3%A9dicaux%20pour%20en%20b%C3%A9n%C3%A9ficier.](https://www.aviq.be/fr/vie-quotidienne/aides-la-vie-quotidienne/budget-dassistance-personnelle-bap#:~:text=allocation%20d%E2%80%99int%C3%A9gration%20pour%20personne%20handicap%C3%A9e%20de%20cat%C3%A9gorie%204%20(15%20ou%2016%20points)%20ou%205%20(17%20ou%2018%20points)%2C%20ou%20prouver%20qu%E2%80%99elle%20r%C3%A9pond%20aux%20crit%C3%A8res%20m%C3%A9dicaux%20pour%20en%20b%C3%A9n%C3%A9ficier.)

¹²⁰ [https://www.aviq.be/fr/vie-quotidienne/aides-la-vie-quotidienne/budget-dassistance-personnelle-bap#:~:text=Est%2Dce%20que,lors%20des%20%C3%A9tudes%2C%20%E2%80%A6 ; ESENCA, 'Élections 2024 : demain, quelles politiques d'assistance personnelle ?', 2024, p. 10-11 : "\(...\) Déjà en 2014, différents constats étaient pointés lors de l'évaluation du BAP \(...\)](https://www.aviq.be/fr/vie-quotidienne/aides-la-vie-quotidienne/budget-dassistance-personnelle-bap#:~:text=Est%2Dce%20que,lors%20des%20%C3%A9tudes%2C%20%E2%80%A6 ; ESENCA, 'Élections 2024 : demain, quelles politiques d'assistance personnelle ?', 2024, p. 10-11 :)

- **Sur la question des domaines d'assistance couverts, les bénéficiaires pointent le manque de flexibilité dans l'utilisation du budget, le manque de clarté dans les différentes catégories du BAP (par exemple entre les actes dits de la vie journalière et l'accompagnement personnel), et l'insuffisance de la couverture des activités sociales et de loisirs.**
- **Le BAP n'a de sens qu'à partir du moment où le bénéficiaire peut trouver des prestataires répondant à ses besoins ; les problèmes les plus souvent évoqués sont le manque de disponibilité et de flexibilité notamment pour les heures dites inconfortables, la rigidité dans les actes à poser, la coordination entre les différents prestataires.(...)"**

<https://www.esenca.be/wp-content/uploads/2024/02/Analyse-2024-assistance-personnelle.pdf> .

A pilot project with an assistance budget has been running in Brussels since 2014.¹²¹ As of 15/2/2024, 48 people were using it and 175 were on the waiting list. The domains are more extensive than in Wallonia, but the amount is far too small to provide appropriate support. **At the moment it is definitely not an alternative to leaving an institution.**

Adjusting the home

Adjustments and installation aids are reimbursed via reference amounts and therefore **not the actual cost** of these works.¹²² **The individual contribution can therefore still be costly.** If one acquires a disability after the age of 65, and/or cannot prove its existence before that age, the adjustments are being reimbursed to a lesser extent, or not at all.¹²³ In this context, see also about the discriminatory access to assistive technology under art. 26 UNCRPD.

Alternative forms of housing

There is a small number of small-scale housing initiatives.¹²⁴ **However, the regulatory and administrative constraints are too complex** to set up inclusive *ad hoc* initiatives.¹²⁵

(b) Steps taken to implement an effective deinstitutionalization strategy, with a clear time frame, for all persons living in institutions. Please include the number of persons with disabilities who have been deinstitutionalized so far, and provide details of their current situation;

BDF is not aware of any action plans drawn up by regions to align collective forms of housing with the UNCRPD.

Initial exploratory steps (reflection, inspiration, state of play, etc.) have taken place in Flanders¹²⁶ and Wallonia,¹²⁷ but this has **not resulted in concrete action plans with deadlines and budget.**

¹²¹ <https://www.iriscare.brussels/nl/professionals/info-voor-de-professionals/subsidies/persoonlijke-assistentiebudget/#:~:text=Wat%20is%20het%3F,te%20organiseren%20en%20te%20betalen.>

¹²² **VAPH:** <https://www.hulpmiddeleninfo.be/refertelijst/RefLijst.jsp?DATUM=2024-03-21&DG=&VIEW=1&LEVEL=2&DOMEIN=Wonen&PROBACT=Verplaatsingen%20in,%20om%20en%20rond%20de%20woning.> **AVIQ:** [https://etaamb.openjustice.be/fr/arrete-du-gouvernement-wallon-du-13-mars-2014_n2014027122.html#:~:text=3.%20AMENAGEMENTS%20ET%20ADAPTATIONS%20DE%20MAISONS%20ET%20AUTRES%20LIEUX%20\(ISO%2018\).](https://etaamb.openjustice.be/fr/arrete-du-gouvernement-wallon-du-13-mars-2014_n2014027122.html#:~:text=3.%20AMENAGEMENTS%20ET%20ADAPTATIONS%20DE%20MAISONS%20ET%20AUTRES%20LIEUX%20(ISO%2018).)

¹²³ **Flanders:** Premium of 50% of the invoices; depending on income. See: <https://www.vlaanderen.be/vlaamse-aanpassingspremie-om-de-woning-aan-te-passen-aan-een-oudere-bewoner/voor-wie-is-de-vlaamse-aanpassingspremie.> **The same applies to the other regions.**

¹²⁴ *Villa Vip* with resident care couple; *De Ark* - assisted living and possible job; *Les Pilotis* - assisted living, etc.

¹²⁵ This arose from a project on [experimental forms of housing outside the residential context.](#)

¹²⁶ With the Academic Workplace De-Institutionalisation: <https://stadsacademie.be/onderzoek/academische-werkplaats-de-institutionalisering/>

¹²⁷ With the Strategy for integrated life pathways: <https://www.aviq.be/fr/sensibilisation-et-promotion/promotion-de-la-sante/parcours-de-vie-integres-des-personnes-en-perte-dautonomie.>

(d) The use of European Structural and Investment Funds and national funds for personal assistance and independent living. Please include precise data, in absolute and relative numbers, on the funds provided.

Belgium is one of the EU member states that have made the least use of European Social Fund grants for projects related to de-institutionalisation.¹²⁸ ([FRA, 2017, p. 24](#)).

Recommendations:

50. Clearly state the objective of **guaranteeing life choices** in regional planning. An individual must be free to decide where and how to live. Draw up action plans with deadlines, budget estimates, **follow-up indicators and statistics**. The disability sector should be consulted in a meaningful way, keeping in mind the population of persons with disabilities already living in institutions.
51. More transparent use should be made of EU funds for the development of autonomous and small-scale living arrangements.
52. Families and individuals should have a diverse range of support available, including in the area of mental health and for individuals with severe care needs. For this, exploring and framing new occupations related to help and support is needed. Expanding the operating framework: ensuring independence not only at home, but also beyond. This requires adequate funding and consultation as regards needs.
53. Existing facilities have to individualise living areas and daily schedules. The life choices of the individuals living there should take precedence over everything else. **There is a need for independent monitoring and a hotline.**
54. In the Brussels-Capital Region, the assistance budget should be legally enshrined. In Wallonia and in the Brussels-Capital region, the personal assistance budget must be expanded so that the needs of persons with disabilities are covered in all areas. Sufficient budget must be provided for in all regions.

¹²⁸ FRA, *From institutions to community living – Part II: funding and budgeting*, 2017, p.24.

Personal mobility (art. 20)

Brailleliga npo, 'Mobility week Video spot', 2023:



https://www.youtube.com/watch?v=7B_MlgG5cVM

19. Please provide information on measures taken to:

(a) Facilitate the personal mobility of all persons with disabilities in all spheres of life, including through individualized support and modification of environments;

Mobility Policy

Climate measures and city plans do not take PwD adequately into account. Pedestrian and low-emission zones (LEZ) introduced in major Belgian cities often present too exclusive conditions to obtain exemptions¹²⁹ : some DPOs no longer have access to the city. Moreover, the rules vary from city to city.

'**Scancars**' often unfairly fine PwD because they cannot scan the European Parking Card behind the windshield. The planned solution links the right to free parking to the registered licence plate and not to the PwD. Using the app will *de facto* make mobility more difficult for PwD.¹³⁰

Parking places for PwD are too spare and not always free of charge. The rules vary from city to city. Penalties for non PwD using these places are too seldom.

Obstacles on the public road

Although the Highway Code prohibits endangering PwD¹³¹ and impeding traffic,¹³² enforcement of these rules by municipalities is too negligent. Also, adapting the rules to new realities is too slow: charging cables across sidewalks for electric vehicles are not ruled yet even if they create many obstacles for PwD.

Equal rights as other passengers

Mobility scooters are not allowed on De Lijn¹³³ and TEC¹³⁴. Other mobility aids must not exceed certain dimensions. Moreover, mobility scooters are often confused with electric wheelchairs. These are also often unjustly refused entry.

Guide dogs are still often refused on vehicles, even though refusal is punished by law in all regions.¹³⁵

¹²⁹ E.g. In [Antwerp](#): possible exceptions: 1) adapted vehicle AND parking pass (go through recognition); 2) parking pass AND increased healthcare allowance (low income). The car of the person transporting someone with a disability is only eligible if the driver and the person with the disability are domiciled at the same address or are registered in the residential register. The same goes for [Brussels](#).

¹³⁰ See NHRPH-CSNPH [Opinion 2024/03](#).

¹³¹ [Art. 7\(1\), paragraph 2 Highway Code](#).

¹³² [Art. 7 \(3\) Highway Code](#).

¹³³ *De Lijn* is the Local public transport service in Flanders. About access to *De Lijn* vehicles with scooters, see: <https://help.delijn.be/hc/nl/articles/360039271892-Welke-hulpmiddelen-voor-minder-mobiele-personen-zijn-toegelaten-op-onze-voertuigen>.

¹³⁴ *TEC* is the Local public transport service in Wallonia. About access to *De Lijn* vehicles with scooters, see: <https://cawab.be/Le-CAWaB-s-oppose-a-l-interdiction-arbitraire-des-scooters-electriques-dans-les>.

¹³⁵ Belgian Assistance Dog Federation, '*Recht op toegang*', <https://www.badf.be/recht-op-toegang/uitleg-bij-wetteksten/>.

Recommendation:

55. The cross-cutting aspect of accessibility and mobility issues requires a coherent approach by all regions in different domains. **It is crucial that the various IMCs work together on this issue.**

(b) Ensure that persons with disabilities and their families have access to the personal mobility aids, devices and other assistive technologies they require.

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

Testimony in a study by the King Baudouin Foundation (a public utility foundation):¹³⁶

Renée, 72 years old, with visual impairment:

*“My boiler recently broke down. I called 6 heating engineers. They all told me to send an email with my request for a repair. **When I said I was visually impaired and couldn't use a computer, they replied, "ah, that's the only way, Madam".**”*

¹³⁶ King Baudouin Foundation, *Barometer digitale inclusie 2020*, p. 46, <https://media.kbs-frb.be/fr/media/8995/Barom%C3%A8tre%20Inclusion%20Num%C3%A9rique%202020> .

20. Please provide information on:

(a) Whether the authorities at the federal, regional and community levels provide official information in all accessible formats;

Despite the [EU Web Accessibility Directive](#), many websites and apps are not accessible. There is a situation of a digital divide.¹³⁷ DPOs are often seen as first line helpers for inaccessibility of digital public services.¹³⁸

There is no easy-to-read or sign language offering.

Many counters within public service providers are closing, reducing their hours of operation and/or shifting services to the private sector. Consumers have reduced access to information.¹³⁹ This is despite the fact that all studies into non-take-up of rights and increased poverty show that increasing digitisation is one of the root causes.¹⁴⁰

It is also crucial that information and communication in emergency situations (e.g., press conferences, 112 number/mobile app¹⁴¹) is accessible to all. For example, ready-to-use text message should be developed which can be sent in an emergency.

(b) Training programmes for sign language interpreters and measures taken to ensure that persons with disabilities are able to access public information and the mass media in all accessible and usable formats, including Braille, Easy Read and plain language, and through deafblind interpretation, sign language, audio description and captioning.

Not many steps were made to improve accessible public information and mass media. At a minimum, this should become mandatory for health information and private public utility companies. Standards exist for media,¹⁴² but they are not ambitious enough and not adequately followed up.

¹³⁷ BELGIAN ASSOCIATION OF CONSUMER ORGANISATION RESEARCH AND EXPERTISE (BV-OECO), *Réduire la fracture numérique pour l'ensemble des consommateurs dans la société*, Étude 2022. <https://economie.fgov.be/nl/publicaties/de-digitale-kloof-overbruggen>.

¹³⁸ ESENCA, "Numérique par défaut : Bruxelles sous le feu des Projecteurs," 2023, p. 10.

<https://www.esenca.be/wp-content/uploads/2023/07/Analyse-2023-Ordonnance-Bruxelloise.pdf>.

¹³⁹ E.g. SNCB-NMBS : 59 of 91 stations have reduced the operating hours of the counters RENETTE E., 'Horaires des guichets réduits à partir du 1er mars : 57erifies votre gare', Le Soir, 01/03/2024. <https://www.lesoir.be/571769/article/2024-03-01/horaires-des-guichets-reduits-partir-du-1er-mars-verifiez-votre-gare-infographie>.

¹⁴⁰ See Explanations on the digital divide in the Belgian Chamber of Representatives on 30

November 2023. <https://www.dekamer.be/FLWB/PDF/55/3727/55K3727001.pdf>.

ESENCA, 'Numérique par défaut : Bruxelles sous le feu des Projecteurs', 2023.

<https://www.esenca.be/wp-content/uploads/2023/07/Analyse-2023-Ordonnance-Bruxelloise.pdf>.
'Carte blanche : Le projet "Bruxelles numérique" du gouvernement Vervoort mettra en difficulté un Bruxellois sur deux', La Libre, 14/11/2022. <https://www.lalibre.be/debats/opinions/2022/11/14/le-projet-bruxelles-numerique-du-gouvernement-vervoort-mettra-en-difficulte-un-bruxellois-sur-deux-OT4IE4WCWZG2NCA3DIMLO55TGA/>.

¹⁴¹ The **112 app is still not accessible in sign language**, and the remote interpreting services of the helplines have limited opening hours and long waiting times.

¹⁴² Flanders, Art. 151 Media Decree of 27 March 2009,

https://www.vlaamseregulatormedia.be/sites/default/files/mediadecreet_27_maart_2009_18b.pdf.

With the current reforms, there is one Master's program in Flanders for interpreters Flemish Sign Language that can ensure high quality interpretation.¹⁴³ Its status is not yet sufficiently valorised by the government.¹⁴⁴ **This is already leading to a serious shortage of interpreters.**¹⁴⁵

Recommendations:

56. Legally require all parties providing **services of public utility** to offer **accessible information**, including easy-to-read and sign language on request, but not at the expense of the PwD. There should also be a requirement that a human point of contact remains in place, so that not all communication is online.
57. The **private sector** must be required to provide **information in accessible ways. Foresee sanctions** if this is not the case. PwD's right to inclusion in the community is as important as other fundamental rights that affect everyone, such as privacy and data protection rights. If the latter rights can serve as a basis for regulatory action for private parties, then so should accessibility.
58. The government should invest in the **salaries and employment status of professional sign language interpreters** and should expand the remote interpreting service offering to 24 hours a day/7 days a week.

¹⁴³ <https://www.doof.vlaanderen/nieuws/reactie-van-doof-vlaanderen-op-onrust-over-stopzetting-opleidingen-mechelen-en-gent>

¹⁴⁴ https://www.standaard.be/cnt/dmf20240211_93338603

¹⁴⁵ https://www.nieuwsblad.be/cnt/dmf20240211_92348810

Respect for home and the family (art. 23)

Photo exhibition – Dito npo ‘*Liefdevolle lijven*’, Hasselt, 15/10/2023:



<https://www.ditovzw.be/nieuwsbericht/liefdevolle-lijven-te-bezichtigen-in-hasselt/>

Campaign by the Flemish Institute for the Primary Care - VIVEL:
#Dahadikeffenodig. Draag mee zorg voor onze mantelzorgers, 2024:



<https://www.youtube.com/watch?v=8Tdkz8kMVSc>

21. Please provide information on concrete measures to:

(a) Provide support for parents of children with disabilities, particularly mothers, who often leave their jobs to care for their children;

It is important to have consideration for **mothers** of children with a disability. In 67% of cases, it is the mother who puts her professional life on hold to care for her child.¹⁴⁶ 27% of unemployed women who wanting to work state that they **cannot for family reasons**.¹⁴⁷

The current system for leave is inadequate. Being care-dependent is not time-limited unlike leave arrangements.¹⁴⁸ Moreover, it is not financially sustainable.

Many caregivers are obliged to take on various roles: caregiver, relative, expert...¹⁴⁹ given the lack of alternative.¹⁵⁰ **Without suitable recognition, they receive sub-standard support.** The offering of respite care is limited¹⁵¹ and temporary residential centres are not well distributed geographically and not adapted to diverse target groups.¹⁵² Psychosocial counselling for families is limited to few hours. Many persons with (serious) care needs do not find a place in residential centres. The COVID crisis brought the needs into focus.¹⁵³ Home care is also a source of employment which is beneficial for society.¹⁵⁴

¹⁴⁶ This is shown by [the figures of the Institute for the equality of women and men](#) (2008-2017), p. 21.

¹⁴⁷ High Council for Employment, 'Labour market participation of women', 2023, p. 58. https://hrw.belgie.be/sites/default/files/content/download/files/hrw_arbeidsmarktparticipatie_van_vrouwen_20230123.pdf.

¹⁴⁸ There are 51 months of 'time credit' for an individual caring for a child with a disability. <https://www.rva.be/burgers/loopbaanonderbreking-tijdskrediet-en-thematische-verloven/tijdskrediet-privesector/tijdskrediet-met-motief>

There is informal care leave for individuals caring for people with serious care needs. This is limited to 3 months (6 over the entire professional career).

<https://www.rva.be/burgers/loopbaanonderbreking-tijdskrediet-en-thematische-verloven/thematische-verloven-alle-sectoren/verlof-voor-mantelzorg>.

¹⁴⁹ <https://www.mantelzorgers.be/nl/voor-professionals-die-samenwerken-met-mantelzorgers#:~:text=samenwerking%20met%20mantelzorgers,-De%20rol%20van%20de%20mantelzorger,-Een%20mantelzorger%20kan> .

¹⁵⁰ Waiting lists for assistance budgets; insufficient financial support for the person with disabilities themselves.

¹⁵¹ A temporary takeover of caregiving tasks by a professional caregiver or volunteer.

¹⁵² King Baudouin Foundation, *Respijtoplossingen voor ouders van kinderen met een beperking in Vlaanderen en Brussel: overzicht van de noden en het huidige aanbod*, 2021, p. 11-12. <https://kbs-frb.be/nl/respijtoplossingen-voor-ouders-van-kinderen-met-een-beperking-vlaanderen-en-brussel>.

¹⁵³ ESENCA, *Crise du Covid-19 : le drame des aidants proches*, 2020. <https://www.esenca.be/wp-content/uploads/2020/09/Analyse-ASPH-2020-Crise-du-Covid-19-drame-des-aidants-proches.pdf>.

UNIA, Corona crisis dramatically impacted persons with disabilities, 8/7/2020.

<https://www.unia.be/nl/artikels/coronacrisis-heeft-dramatische-impact-gehad-op-personen-met-handicap>.

¹⁵⁴ High Council for Employment, High Council for Employment, 'Labour market participation of women', 2023, p. 16-17.

https://hrw.belgie.be/sites/default/files/content/download/files/hrw_arbeidsmarktparticipatie_van_vrouwen_20230123.pdf.

Recommendations:

59. Provide much more **financial support and guidance** for caregiving families and family caregivers. They also need to be sufficiently aware of the available support.
60. **Expand informal care leave** - not just for persons with serious care needs. This is clearly needed, given the less-than-ideal assistance budgets.
61. Foresee more and affordable **respite, support and home support services**. The status of an 'informal caregiver' should come with more (financial) entitlements.
62. The **concept of reasonable accommodation by association**¹⁵⁵ should be better legally framed and enshrined in Belgian anti-discrimination law.
63. The Act of recognition of informal caregivers of 17/05/2019 should be reviewed. It was scheduled for 2021, but never materialised.¹⁵⁶

(b) Ensure that persons with disabilities can exercise their rights and fulfil their responsibilities regarding parenthood and adoption of children or similar institutions on an equal basis with others;

A person may be considered legally incapacitated to exercise parental authority.¹⁵⁷ Furthermore, contraception or sterilisation is a residency condition in various facilities.¹⁵⁸

Information sessions are available. In Flanders PwD and relatives can find support in Fara npo, to discuss parenthood and possibly borrow a 'real care baby'.¹⁵⁹

Recommendation:

64. Set up intensive guidance/mentoring programmes to support PwD to fully take up parenting responsibilities.

¹⁵⁵ UNIA, Opinion No. 351, 31/1/24.

https://www.unia.be/files/Advies_n%C2%B0351_redelijke_aanpassingen_door_associatie.pdf.

¹⁵⁶ Art. 5 Act of 17 May 2019.

¹⁵⁷ Art. 492/1, 9° of the Civil Code.

¹⁵⁸ Femmes & Santé ASBL, Handicap & Santé ASBL, Handicaps & Sexualités centre de ressources, *Violences gynécologiques et obstétricales vécues par les femmes avec une déficience intellectuelle vivant en institution: étude exploratoire sur la situation en Belgique francophone*, 2023, p. 48-49. https://assets.ctfassets.net/10qk3lslb1u3/2vcIuHLvLz8ft5GYjhsrt/96a054afc2e4de6e2ceee73c485d1e3d/rapport_VGO-web.pdf.

¹⁵⁹ <https://www.fara.be/kinderwens/bij-mensen-met-een-beperking/doet-fara-langdurige-begeleiding-bij-personen-met-een>.

(c) *Ensure that persons with disabilities have access to age-appropriate information and education on sexual and reproductive health and rights, including family planning.*

Programmes and subsidized non-profit associations exist,¹⁶⁰ but **supply is too limited** in view of demand.

It is important that sexual and relationship education also remain/become a regular topic in regular/extracurricular education and in facilities for PwD. The research referenced in the State Report shows that women with disabilities who are victims of sexual violence have **barely any knowledge about relationships, emotions or sex**.¹⁶¹ A French-language study also shows that relational, affective and sexual education are rarely addressed in facilities.¹⁶²

Recommendation:

65. Set aside more budget for, and raise awareness about, **relational, affective and sexual education** among women and girls with disabilities, including in the care sector, facilities and education.

¹⁶⁰ Flanders, [https://aditivzw.be/nl/over-ons/wie-zijn-we#:~:text=Aditi%20vzw%20werkt%20intersectoraal%20\(handicap,seksualiteit%20zelf%20in%20te%20vullen.](https://aditivzw.be/nl/over-ons/wie-zijn-we#:~:text=Aditi%20vzw%20werkt%20intersectoraal%20(handicap,seksualiteit%20zelf%20in%20te%20vullen.;); French Community, <https://www.inclusion-asbl.be/au-long-de-la-vie/apres-lecole/evras/...>

¹⁶¹ GOETHALS T., VAN HOVE G., VANDER LAENEN F., 'Seksueel georiënteerd geweld bij vrouwen met een beperking in Vlaanderen 2018', Gent, 2018, p. 15. https://assets.vlaanderen.be/image/upload/v1647528012/Rapportseksueelgeweldvrouwenhandicap_pkavtu.pdf.

¹⁶² Femmes & Santé ASBL, Handicap & Santé ASBL, Handicaps & Sexualités centre de ressources, *Violences gynécologiques et obstétricales vécues par les femmes avec une déficience intellectuelle vivant en institution: étude exploratoire sur la situation en Belgique francophone*, 2023, p. 48-49. https://assets.ctfassets.net/10gk3lslb1u3/2vcIuHLvLz8ft5GYjhsrt/96a054afc2e4de6e2ceee73c485d1e3d/rapport_VGO-web.pdf.

Education (art. 24)

Constitutional Court judgment:¹⁶³

*“Although the legislator may establish a profound reform in consecutive stages (...) and thus gradually work towards the inclusion of pupils with disabilities, in doing so **it may not unjustifiably differentiate** between the category of pupils with sensory-motor disabilities and the category of pupils with intellectual disabilities.”*

¹⁶³ Constitutional Court, Judgment No. 85/2023 of 1 June 2023, B.33.3, <https://www.const-court.be/public/n/2023/2023-085n.pdf> .

22. Please provide information on:

(a) Steps taken to adopt and implement a coherent and inclusive education strategy, in all communities of the State party, to transform the parallel-track education system, which includes special education, into a quality, inclusive system that provides support in the mainstream system for all children with disabilities, including children with intellectual disabilities. Please include information on the benchmarks, baselines and indicators used for the strategy, and on the resources allocated to its implementation;

(b) The financial, material and human resources available to provide individualized support for students with disabilities, and on the applicable accessibility standards within the framework of inclusive education;

At 6%, Belgium has the most students in special education compared to other EU countries.¹⁶⁴ The **European Committee of Social Rights condemned Flanders (2017) and the French community (2020) for not achieving inclusive education.**¹⁶⁵

Nonetheless, in early 2024 **Flanders** decided to fund an additional €6 million a year for special education.¹⁶⁶ Around 30% of Flemish pupils in special education have autism spectrum disorders, without intellectual disability.¹⁶⁷ The 'Délégué général aux droits de l'enfant' also reported that, in the French Community, children without disabilities attend special education because their needs would be overlooked in regular education.¹⁶⁸ According to BDF, with better support, these children could just as easily receive a regular education, but **no investment is made in this area.**

Within the **French Community**, cases of discrimination against children with intellectual disabilities were established by the Constitutional Court: they are treated less favourably in terms of funding and support in inclusive education, compared to children with sensory motor disabilities.¹⁶⁹

¹⁶⁴ SANTENS T., 'België heeft meeste leerlingen in buitengewoon onderwijs van heel Europa: hoe komt dat?', VRT NWS, 05/10/2022. <https://www.vrt.be/vrtnws/nl/2022/10/04/buitengewoon-onderwijs-cijfers/> .

¹⁶⁵ European Committee of Social Rights, 16 October 2017, *MDAC v Belgium*; and 9 September 2020, *FIDH and Inclusion Europe v Belgium*.

¹⁶⁶ LAMOTE S., 'Gemeenschapsonderwijs wil stop op groei buitengewoon onderwijs', De Tijd, 2024. <https://www.tijd.be/politiek-economie/belgie/vlaanderen/gemeenschapsonderwijs-wil-stop-op-groei-buitengewoon-onderwijs/10529311.html>.

¹⁶⁷ *Ibid.*

¹⁶⁸ DEVOS B., 'Le Délégué général aux Droits de l'enfant dénonce le retard de la Belgique dans l'enseignement inclusif', RTBF La Première, 22/9/21. <https://www.facebook.com/LaPremiereRTBF/videos/bernard-devos-d%C3%A9l%C3%A9gu%C3%A9-aux-droits-de-lenfant/430002695209308/>.

¹⁶⁹ Constitutional Court, Judgment No. 85/2023 of 1 June 2023 : <https://www.const-court.be/public/n/2023/2023-085n.pdf>.

There is **no fully-developed plan** in any region with progress indicators and budget estimates as regards the transition to inclusive education. **Special education receives the most funding, but even here it is difficult to get proper support.**¹⁷⁰

Not all **regional assistance budgets** envisage assistance in education.

Support in regular education is often insufficient or non-existent, e.g.: speech therapy, rehabilitation, day-to-day support.... It is difficult to obtain disability-specific support, resulting in discrimination based on disability. Available support is sometimes not rolled out broadly enough and/or there is not enough collaboration with external organisations that can provide appropriate support.

In addition, any regular school may **refuse enrolment if the necessary 'reasonable accommodation' is too much of a burden.**¹⁷¹ Therefore, children with serious care needs or multiple diagnoses are often excluded from regular education.

Many parents are not aware of the **right to reasonable accommodation**, nor what this right entails.

Far too little consideration is given to **the quality of special education**. Some diplomas do not in any way prepare students for adult life and the job market.

Access to **educational support** for children who live in one region but attend school in another is not foreseen.

Furthermore, there are no mandatory accessibility standards in education.

Adapted school transport is reserved for special education students. Children with disabilities attending regular schools have no right to use it.

In all federated entities, deaf children using sign language still do not have access to inclusive education in bilingual classrooms by teachers who are sufficiently proficient in sign language and who work full-time. So, these students are obliged to travel a long way to a suitable school.

¹⁷⁰ 'Ouders slaken noodkreet omdat 700 kinderen geen plek vinden in buitengewoon onderwijs in Antwerpen: "Wij zijn onzichtbaar"', VRT NWS, 29/04/2024. <https://www.vrt.be/vrtnws/nl/2024/04/28/ouders-slaken-noodkreet-nadat-bijna-700-kinderen-geen-plek-hebбе/>.

¹⁷¹ **Flanders:** "if school deems accommodation unreasonable". Article 253/6 *Vlaamse Codex Secundair Onderwijs*, **as modified by** article 156, 3° [Decreet over leersteun \(5/5/2023\)](#); **French community:** "if no special education support is needed". Article 102/1, §1 du décret du 24 juillet 1997 définissant les missions prioritaires de l'enseignement fondamental et de l'enseignement secondaire et organisant les structures propres à les atteindre, **as modified by** article 4 [Décret relatif à l'accueil, à l'accompagnement et au maintien dans l'enseignement ordinaire fondamental et secondaire des élèves présentant des besoins spécifiques](#).

(c) Measures taken to promote and encourage the training and hiring of teachers with disabilities.

No concrete actions have been taken.

Recommendations:

66. Urgent efforts need to be made to **provide more (varied) support in regular schools**. Possibly with help of partnerships with external parties and special education.
67. Make a transformation plan, with the necessary budgetary resources and assessment indicators.
68. The student's domicile or type of education they attend should not impact their access to appropriate services, educational support or assistance in school. The point is that a child with a disability is entitled to reasonable accommodation.
69. **Information** about the right to reasonable accommodation and what this entails should be disseminated in accessible formats to parents and educational staff.
70. Educational programmes (especially those in special education) should lead to relevant qualifications in the open labour market. Quality controls are necessary in this regard.

Health (art. 25)

Study by PPS Social Integration and FPS Social Security:¹⁷²

*“IVT-ARR (Income replacement allowance)/IT-AI (integration allowance) beneficiaries have €251 in monthly **health care expenses** on average, equivalent to **17% of disposable income**.*

25% of them could not pay health expense bills (on time) at least once in the past 12 months.

34% of households with a person with IVT-ARR/IT-AI delay medical treatment due to financial reasons.”

¹⁷² PPS Social Integration and FPS Social Security, 'Poverty and Disability in Belgium', 2019, p. 99, <https://www.mi-is.be/nl/studies-publicaties-statistieken/armoede-en-handicap-belgie-2019>.

23. Please provide information on measures taken to:

(a) Ensure that health-care facilities and services, including specialist services, are accessible and affordable to all persons with disabilities;

Apart from some local initiatives, there is **no broad focus on accessibility of information and communication**, nor on the appropriate guidance for PwD during their care pathway.

In comparison to the number inaccessible care facilities, there are **nowhere near enough mobile care initiatives** close to the individual's living environment.¹⁷³

Too little focus is set on facilitating constructive **dialogue and information exchange** between PwD and medics:

- Consultations are often limited in time
- Healthcare sector does not undergo specific training on disability
- General health information is not available in accessible formats especially easy-to-read and sign language.¹⁷⁴

It is important to highlight the **digital exclusion** of PwD.¹⁷⁵ This prevents proper access to care.¹⁷⁶

Health care is not equally accessible. **PwD are more likely to have to delay care for financial reasons.**¹⁷⁷

Reports also show that mental health care is increasingly being deferred. However, studies show that PwD are more likely to be lonely and/or dissatisfied with their social contacts.¹⁷⁸

¹⁷³ Belgian Health Care Knowledge Centre (KCE) Recommendation, *REPORT 361As: How to improve access to health care for people with intellectual disabilities?*, 2022, p. 161.

https://kce.fgov.be/sites/default/files/2022-12/KCE_361_Health_Care_Intellectual_Disability_Report_V1.pdf.

¹⁷⁴ As evidenced throughout Report 361As of the KCE.

¹⁷⁵ 41% of Belgians aged 16-74 claim to have low to no digital skills, Statbel 2023.

[https://statbel.fgov.be/nl/themas/huishoudens/ict-gebruik-huishoudens/digitale-vaardigheden#:~:text=De%20digitale%20vaardigheden%20van%20de%20Belgen%20zijn%20de%20voorbije%20jaren%20fors%20gestegen&text=Het%20percentage%20Belgen%20\(in%20de,2021%20naar%2059%20%25%20in%202023](https://statbel.fgov.be/nl/themas/huishoudens/ict-gebruik-huishoudens/digitale-vaardigheden#:~:text=De%20digitale%20vaardigheden%20van%20de%20Belgen%20zijn%20de%20voorbije%20jaren%20fors%20gestegen&text=Het%20percentage%20Belgen%20(in%20de,2021%20naar%2059%20%25%20in%202023). Disability is not currently a parameter.

¹⁷⁶ Belgian Health Care Knowledge Centre (KCE) Recommendation, *REPORT 361As: How to improve access to health care for people with intellectual disabilities?*, 2022, p. 170.

https://kce.fgov.be/sites/default/files/2022-12/KCE_361_Health_Care_Intellectual_Disability_Report_V1.pdf.

¹⁷⁷ AVIQ, *Réflexions de cadrage de constats de l'accès à la santé et aux soins de santé*, 2023, p. 61-66. <https://www.aviq.be/fr/actualites/reflexions-de-cadrage-de-constats-de-lacces-la-sante-et-aux-soins-de-sante>; Statistics Flanders, *Report 2022/1: Maatschappelijke positie en participatie van personen met een handicap*, 2022, p. 84-85. <https://publicaties.vlaanderen.be/view-file/47710>; Institut Solidaris, *Le report des soins de santé - Edition 2022 : "personnes en incapacité de travail qui reste particulièrement problématique : elles sont deux tiers à avoir dû reporter au moins un soin en 2022"*. <https://www.institut-solidaris.be/index.php/report-soins-2022/>.

¹⁷⁸ Statistics Flanders, *Report 2022/1: Maatschappelijke positie en participatie van personen met een handicap*, 2022, p. 81-85. <https://publicaties.vlaanderen.be/view-file/47710>; Sciensano, *6de COVID-19-gezondheidsenquête | Bijna 1 op de 3 personen voelt zich erg eenzaam*, 2021.

(b) Train health professionals and support personnel on the human rights model of disability and on measures taken to end discriminatory and negative attitudes towards and the stereotyping of persons with disabilities, particularly persons with psychosocial or intellectual disabilities.

There is no general requirement for such training or no such module envisaged in the curricula.

Recommendations:

71. **PwD's medical needs need to be covered.** Treatments and medication represent the biggest costs for PwD, even though they need them more, and more often, than persons without disabilities.
72. Ensure specific follow-up and provision of mental health services for PwD.
73. Create **specific nomenclature** for longer consultations.
74. Provide a wider range of **mobile care** initiatives.
75. Patient records and general health information must be available in **easy-to-read format and in sign language.**
76. Train care professionals and **reception staff** in hospitals on the various disabilities and needs.

Habilitation and rehabilitation (art. 26)

Article in ‘Geron – the Journal on ageing & society’:¹⁷⁹

*“[There is] **discrimination (...) between disabled people over 65 and under 65**. The amounts granted on a fixed basis to disabled persons through the integration allowance and the allowance for elderly persons differ, despite the fact their disability is the same. For an elderly person with serious care needs this is €6,922 per year, for a younger disabled person €11,022 per year, and whereby **the need for care is measured with the same medico-medical scale... .”***

¹⁷⁹ LEUS I., ‘Discriminatie tussen personen met een beperking onaanvaardbaar’, Geron - Tijdschrift over ouder worden & samenleving, 14/07/2019, <https://gerontijdschrift.nl/artikelen/discriminatie-tussen-personen-met-een-beperking-onaanvaardbaar/>.

24. Please provide information on measures taken to ensure that habilitation and rehabilitation services are:

(a) Designed and implemented to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability and full inclusion and participation in all aspects of life;

First, as regards **unequal access to integration aids**. Integration aids are key element to achieve inclusion. The regions provide these to persons whose disability is diagnosed before they reach the age of 65.¹⁸⁰ **For BDF, this amounts to age discrimination**. Moreover, age as a criterion does not take the need into account.

Rehabilitation services are **not ideally distributed geographically** and there are very long waiting lists. PwD are sometimes obliged to travel long distances and/or wait, sometimes for years¹⁸¹ for the needed service.

Exclusions from reimbursement by the National Institute of Insurance for illness & invalidity (**RIZIV-INAMI**) are envisaged if a person is already receiving help from a rehabilitation centre, even if this is inadequate or if the centre is not accessible...¹⁸² **This is inconsistent with the intent of Article 26 UNCRPD**.

There are insufficient **intensive visual rehabilitation centres** with accommodation options and multidisciplinary care. However, this is necessary to enable persons suddenly losing their sight to quickly regain their autonomy.

Some PwD in residential settlement are required to use physiotherapy service providers associated with the institution. **It infringes the principle of free choice of health carer**.

¹⁸⁰ See [Constitutional Court Judgment](#); See [Walloon Region](#): "(...) the expenses [must] result directly from the disability recognised by the AWIPH before the age of sixty-five years " (art. 787) ; [Brussels Region](#): " (...) people who became disabled before the age of 65 " ; [German-speaking Community](#): " (...) the enquiries after the age of 65 relate to existing, known disabilities or are related to the illness recognised before the age of 65 " ; [Flanders](#): "It may possibly also be a disability that was not previously notified to the VAPH. The person with a disability can prove it by presenting attestations from a previous dossier, or an official certificate or ruling from a government agency, insurance institution, health insurance fund or judicial authority, showing that the disability was officially diagnosed before the applicant turned 65."

¹⁸¹ For example, BDF notes from testimony that the waiting list at [l'Epée](#) is so long that some deaf people have to wait more than 7 years for regular support. Priority is given to people in the most serious situations.

¹⁸² This is the case for:

- [physiotherapy](#);
- for persons with an IQ lower than 86, access is also denied to monodisciplinary [speech therapy](#) in certain cases.

(b) Accessible and affordable, and to ensure that they are provided to persons with disabilities on a non-discriminatory basis and in compliance with the human rights model of disability.

There is a shortage of services in many domains and waiting lists are long. A rising number of specialised physicians that do not longer work under a convention with the RIZIV-INAMI (and thus can set their own prices).

BDF notes that the individual's share for assistive technologies is often too high, or accumulates if he/she requires multiple interventions. E.g. it was reported in 2023 that many Belgians with hearing impairments travel to France to buy hearing aids.¹⁸³

Recommendations:

77. Ensure that aids designed to include PwD are accessible to every PwD, **regardless of origin of disability and age of person**. Financial accessibility must be guaranteed. It must be possible to respond quickly to unforeseen circumstances if the situation worsens.
78. Build more rehabilitation centres, especially in Wallonia.
79. Services outside the rehabilitation centres and special education must also be covered by RIZIV-INAMI.

¹⁸³ 'De plus en plus de Belges achètent leurs aides auditives en France', RTBF, 15/09/2023. <https://www.rtbef.be/article/de-plus-en-plus-de-belges-achetent-leurs-aides-auditives-en-france-11208453>.

Work and employment (art. 27)

Findings after field tests conducted by University of Ghent:¹⁸⁴

*“Deaf candidates received **42% fewer invitations** than hearing candidates. (...) What is striking is that deaf candidates are often **rejected for bogus reasons** (unsuitable diploma or experience).”*

¹⁸⁴ 'Ook in Gent wordt gediscrimineerd op de arbeidsmarkt', City of Gent Internet, 30/06/2021, <https://stad.gent/nl/over-gent-stadsbestuur/nieuws-evenementen/ook-gent-wordt-gediscrimineerd-op-de-arbeidsmarkt>.

25. *Please provide information on measures taken to:*

(a) *Enhance programmes to increase the employment rate of persons with disabilities, particularly women with disabilities, in both the private and the public sectors;*

According to the EDF, the full time employment rate for women with disabilities and persons with severe disabilities in Belgium is 20%.¹⁸⁵This is the lowest rate in the EU for more than 40 years. **No specific measures are aimed at these two groups.**

The lack of relevant training/qualification and adequate guidance for PwD puts employers off from hiring them.

Some PwD work on temporary contracts or often unpaid internships with **no prospect of obtaining a position.**

In the public sector, there is a focus on meeting the 3% quota¹⁸⁶ by introducing special onboarding pathways and reserved jobs for PwD. **However, enforcement is very weak;** no sanctions are provided for. In the private sector, it was envisaged reviving a discussion on an employment quota, but this was ultimately not pursued.

Coherent, complete and transparent information is not available on the impact of premiums that exist for employers and guidance options available to PwD.

Persons on benefits receive no support in their search for work, while those who receive a living wage and thus are also in the social assistance system receive a lot of guidance from the OCMW-CPAS. **E.g., only 15% of individuals who receive an IVT-ARR are working.**¹⁸⁷

(b) *Facilitate the transition of persons with disabilities from unemployment or from employment in sheltered workshops to employment in the open labour market;*

In Flanders, the '**employment care**' formula supports persons who cannot find work in a regular company, nor a supported employment company. Individuals work here under supervision and with support but are not paid and have to

¹⁸⁵ EDF, '7th Human Rights Report. The Right to Work: The employment situation of persons with disabilities in Europe', 2023, p. 37 and 38. https://www.edf-efph.org/content/uploads/2023/05/hr7_2023_press-accessible.pdf.

¹⁸⁶ Article 3 §1 Royal Decree on the inclusion of persons with disabilities and reasonable accommodation during selections.

¹⁸⁷ Contact person at DG HAN, data analysis and monitoring unit, by email of 11.4.2024: (freely translated) "(...) In the fourth quarter of 2010, there were 22,724 IVT-ARR/IT-AI beneficiaries out of a total number of 160,483 in the quarter, or 14.16% with income from employment (table DW 04-2010). In the fourth quarter of 2020, there were 29,480 IVT-ARR/IT-AI beneficiaries out of a total number of 207,649 in the quarter, or 14.20% with income from employment (table DW 04-2020).

Historically, this percentage has always hovered around 15%."

arrange their own transport. It provides no opportunities to advance to the open labour market.

In Flanders, Wallonia and Brussels Region, there is a variety of premiums that employers can claim when hiring a PwD. These are 'stereotypical' as they compensate for e.g. 'loss of profit': implying that hiring a PwD will result in loss of profit.¹⁸⁸ **In Wallonia , this support only reaches a small number of persons.**¹⁸⁹

There are initiatives to get individuals with work incapacity back into work, but far fewer initiatives are aimed at keeping individuals in work. There is no assessment of the level of reintegration (back to work) of disabled workers in general or of PwD in particular.

Too few pathways are available leading from supported employment companies toward the open labour market. More affirmative action and other policy initiatives are needed.

There is a need for **more structural cooperation between employment services, companies in the regular labour market, supported employment companies and organisations representing PwD.**

To illustrate this need, see news report about **a trilingual doctor in science who was directed to a sheltered workplace by the Flemish service for Employment Support (VDAB) because she is deaf.**¹⁹⁰ This shows that employment services have a wrong perception of job seekers with disabilities. It also means that job matching is discriminatory, and they fail to recognise candidates' competencies. DPOs can be helpful in finding an optimal job match. Guidance staff in supported employment companies also have a lot of expertise which is missing in employment agencies.

¹⁸⁸ It is therefore immediately assumed that hiring a person with a disability will result in loss of profit.

¹⁸⁹ AVIQ, 'L'intégration professionnelle des personnes handicapées dans les entreprises "ordinaires"- Rapport relatif à l'année 2022', 2023, p. 10 (and table p. 9): (freely translated) -"(...) **the most widely used intervention is clearly the compensation premium.** A distant second is the integration bonus, the professional adaptation contract and travel expenses to and from work. The other interventions are somewhat marginal".

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
stage	103	129	109	182	244	312	273	247	232	234	115	158	161
CAP	710	653	773	849	930	987	1054	1045	1004	875	719	623	597
tutorat	371	405	361	331	414	462	465	480	521	600	463	497	458
intégration	807	876	834	820	882	902	992	1076	1055	1029	830	785	794
compensation	3215	3230	3494	3612	3964	4073	4281	4531	4727	5096	5125	5295	5362
indépendants	44	42	57	61	56	55	69	67	73	84	53	68	67
aménagement	115	126	123	172	142	154	152	158	172	223	152	198	148
déplacement	578	660	694	762	795	770	761	767	761	725	675	661	640
total²	5381	5702	5865	6119	6342	6501	6861	7166	7240	7436	7120	7188	7223

¹⁹⁰ 'Doof en werkzoekend? Ga naar beschutte werkplaats', De Standaard, 20/04/2017. https://www.standaard.be/cnt/dmf20170419_02841964.

Recommendations:

80. Create a **one-stop-shop** providing information (regardless of competency level) on everything related to back-to-work, studies, reasonable accommodation, benefits, premiums and associations that specialise in a specific area of work.
81. Premiums for employers must focus on **funding reasonable accommodation** (including adapted hours and possible on-the-job guidance). In this regard, see also recital 20 of Directive [2000/78/EC](#). More **awareness is needed among employers on disability and especially about the various measures that fall under reasonable accommodation**.
82. Work on a more **structural cooperation** between employment services, companies in the regular labour market, supported employment companies and DPOs.
83. Foresee more **positive perception and terminology** (both among employment agencies and employers). Provide more awareness-raising activities where job seekers with disabilities can directly interact with potential employers. Just another awareness-raising video or flyer is not enough.
84. Individuals in precarious employment situations with no long-term prospects must have social cover.
85. Individuals who receive benefits must be **supported in their job search**. Those who cannot work on account of their disability should not be 'punished'.

(c) Tackle barriers and discrimination against persons with disabilities in the recruitment process and the workplace, including instances involving a lack of reasonable accommodation;

[Royal Decree of 11/02/2019](#) allows **affirmative action** in private companies, but only a **handful of companies** have taken steps in this direction.¹⁹¹

A person living in Brussels and registered with Phare, the Service supporting PwD in Brussels Region, will not be able to receive disability aids at their

¹⁹¹ Meeting of the Guidance Committee/Commission d'accompagnement (BCA Handicap) - 12 June 2023: 'as of this date, **6 companies had taken advantage of the possibility to take affirmative action**'.

workplace if this is in Flanders, and *vice-versa*.

Recommendations:

86. Companies should be encouraged to implement inclusive human resources policies.
87. Set up a **committee on the employment of PwD in the private sector** on the model of the Guidance Committee on hiring Pwd -in the Federal Public Service.
88. Create **inter-federal cooperation agreements** on the transferability of disability aids

(d) Adhere to the Convention when implementing target 8.5 of the Sustainable Development Goals.

Adequate standard of living and social protection (art. 28)

Study by the Flemish Support Centre for Well-being, Public health and Family: ¹⁹²

“The government mainly funds 'specialised' pathways, parents more often have to self-fund the 'inclusive' pathways.”

¹⁹² Support centre for well-being, public health and family, *'Financiële ondersteuning voor kinderen met zorgbehoeften intersectoraal harmoniseren. Deel 1. Referentiebudgetten voor gezinnen van kinderen met specifieke zorgbehoeften'*, 2023, p. 109 and 114, https://cdn.nimbu.io/s/5s8z9pq/channelentries/yfz8tgy/files/1701682675517/2023_09-1_rapport_19-1_svwg_mjp_14_rapport-zorgbehoefte-ondersteunen_deel_1.pdf?le8a07a.

26. Please describe measures taken to:

(a) Mainstream disability in poverty and homelessness reduction strategies. Please focus in particular on the situation of women, children and older persons with disabilities;

The Federal plan to combat poverty and inequality mentions disability as aggravating factor but sets no real specific actions, beyond abolishing the 'price of love'¹⁹³ and lowering the 'price of labour'.¹⁹⁴

The IVT-ARR has increased by 10.75% in recent years. But it is still below the poverty line. The calculation of IT-AI was modified, but it is still inadequate compared to the actual extra cost of a disability.¹⁹⁵ Moreover, the law governing the different allowances has become incomprehensible. Even the Directorate General for Persons with Disabilities (**DG HAN**), part of the Belgian Social Security administration, no longer applies it consistently.¹⁹⁶ **An urgent and complete revision is needed.**

Various studies criticise the high rate of non-take-up in the disability area,¹⁹⁷ Digitisation of services and artificial intelligence mean that some persons are unable to take up their rights. A recent report by the King Baudouin Foundation states (freely translated) "**63% of respondents with disabilities are not sure they are getting all the help they are entitled to. This percentage rises to 76% for respondents with low levels of education.**"¹⁹⁸

Recommendations:

89. The **Act of 1987** should be urgently and completely revised, based on the human rights model of disability.

¹⁹³ The income of the partner is no longer relevant to the calculation of the IT-AI.

¹⁹⁴ The exemption on income from work and replacement income has been raised.

¹⁹⁵ Support centre for well-being, public health and family, "*Financiële ondersteuning voor kinderen met zorgbehoeften intersectoraal harmoniseren. Deel 1. Referentiebudgetten voor gezinnen van kinderen met specifieke zorgbehoeften*", 2023, p. 109.

https://cdn.nimbu.io/s/5s8z9pq/channelentries/yfz8tgy/files/1701682675517/2023_09-1_rapport_19-1_swvg_mjp_14_rapport-zorgbehoefte-ondersteunen_deel_1.pdf?le8a07a

¹⁹⁶ DUMONT D., MAIRIAUX P., SCHENKELAARS J.P., '*La définition et l'évaluation du handicap en matière d'allocation de remplacement de revenus - phase 1: analyse de la situation existante*', June 2023, p. 61: (freely translated) '*There are major discrepancies both in DG Han's decisions and in the conclusions of expert reports, without any understanding of what these differences are based on. For example, while some experts consider it incompatible to work effectively with recognition of income replacement allowance, others see this recognition as a support for social integration. Expert appraisals are often haphazard, lack objectivity and depend on the quality of the expert. A desire for a more collegial assessment is also expressed*'.

¹⁹⁷ BELSPO, *Reducing poverty through improving take up of social policies*, 2022, p. 54-73.

https://www.belspo.be/belspo/brain-be/projects/FinalReports/TAKE_FinRep.pdf.

¹⁹⁸ KING BAUDOUIN FOUNDATION, *Personen met een handicap op de arbeidsmarkt*, April 2024. <https://kbs-frb.be/nl/werkgelegenheid-handicap> . Summary: <https://kbs-frb.be/nl/zoom-handicap-werk-2024> .

90. The IVT-ARR should be raised to the **guaranteed average minimum monthly income**.
91. The amount of IT-AI must be adjusted to reflect the **actual additional costs associated with the disability**. An effective multidisciplinary assessment is urgently needed.
92. The benefit in the **family category 'cohabitant'** should at least allow a dignified life for the beneficiary.
93. Actions against **non-take-up** of rights should be intensified. There is a need for a broad and accessible network of human contact points.
94. **Action plans** for disability, poverty and climate change should be aligned.

(b) Ensure that social protection and support services are provided to persons with disabilities, taking into account additional costs related to disability;

Current research shows that the minimum cost for families with a child with care needs is 1.7 to 2.5 times higher than the cost for families with a child without care needs.¹⁹⁹ The government mainly funds 'specialised' pathways, parents often have to self-fund the 'inclusive' pathways.²⁰⁰ **Financial support is not enough to cover the minimum extra costs: food, commuting, clothing, personal care,...**²⁰¹

Recommendation:

95. Inclusive pathways should not cost more for the person than subsidised pathways: more support and development of 'inclusive' pathways is needed, so that these can be a full-fledged alternative.

¹⁹⁹ Support centre for well-being, public health and family, 'Financiële ondersteuning voor kinderen met zorgbehoeften intersectoraal harmoniseren. Deel 1. Referentiebudgetten voor gezinnen van kinderen met specifieke zorgbehoeften', 2023, p. 108.

https://cdn.nimbu.io/s/5s8z9pq/channelentries/yfz8tgy/files/1701682675517/2023_09-1_rapport_19-1_swvg_mjp_14_rapport-zorgbehoefte-ondersteunen_deel_1.pdf?le8a07a

²⁰⁰ *Ibid*, p. 109 and p. 114.

²⁰¹ *Ibid*, p. 109.

(c) Eliminate the current backlog of applications for social protection measures to the Directorate-General for Persons with Disabilities of the Federal Public Service for Social Security.

As of 1/5/2024, there were 67,263 IVT-ARR/IT-AI cases pending at DG HAN. 13,092 of these had been pending for more than 180 days.²⁰²

As of 1/5/2024, there were 23,320 cases pending at DG HAN for a parking card for persons with disabilities. 12,802 of these had been pending for more than 90 days.

Recommendation:

96. Work on more data sharing and flexibility for the multidisciplinary assessment teams. These teams should be able to make decisions without the presence of a physician.

Attention point beside the List of Issues: housing:

If not taking social housing into account, it is difficult for PwD to buy or rent housing, adapt it or find adapted housing.

Recommendation:

97. Ensure **more supply of adapted housing**, or more flexible administrative rules on adaptations so that PwD search for housing on an equal basis.

²⁰² By way of comparison, in April 2022 there were still 33,207 cases that had been pending for more than 6 months. See written question No. 7-1676 by Fatima Ahallouch dated 11 July 2022 in the Chamber.
<https://www.senate.be/www/?MIval=Vragen/SchriftelijkeVraag&LEG=7&NR=1676&LANG=fr>.

Participation in political and public life (art. 29)

Testimony on Social.net – an online magazine for social professionals.²⁰³

*“Participating in political life is not a simple choice for people with disabilities. If they are dependent on benefits, they need **to seek permission from their health insurance company**. If they do not request permission, they risk losing their status and the associated benefits .”*

²⁰³ BAERT V., 'In de politiek gaan is voor mensen met beperking geen simpele keuze, in Social.net. Achtergrond, verhalen en opinie voor sociale professionals', Sociaal.net, 24/04/2024, <https://sociaal.net/opinie/in-politiek-gaan-is-voor-mensen-met-beperking-geen-simpele-keuze/>.

27. *Please provide information on measures taken to:*

(a) *Guarantee the right of all persons with disabilities, including persons with intellectual or psychosocial disabilities, to participate in political and public life. Please include information on the revision of legislative provisions, such as articles 492 and 497 of the Civil Code and article 7 of the Electoral Code, which provide for the suspension of voting rights on the basis of disability;*

Justices of the peace must explicitly rule on any denial of political rights for a person under guardianship.²⁰⁴ It is not clear how and based on what reference points the justice of the peace has to do this. **A person without a disability can only be denied political rights as punishment.**

More generally, guardianship is designed to protect the person in question, so it is not clear what depriving the person of political rights protects them from.

Recommendation:

98. Denying someone's political rights because he/she has a disability **should not be possible**. Even if an individual has no interest in voting at a given moment, with proper guidance they may later develop an interest in voting. It is important to keep a record of how many PwD are deemed incapable of exercising their political rights.

(b) *Ensure that the voting environment and voting materials are fully accessible and that measures to assist voters with disabilities ensure respect for the secrecy of voting;*

Besides proxy voting, there are no alternatives to voting with more privacy.²⁰⁵ There are no mobile polling stations or a possibility of voting online or by a letter.

Election information is not accessible either. There are no easy-to-read texts on the websites of the political parties, nor any videos in sign languages, nor pamphlets in Braille.

For Flemish local elections, compulsory voting has been abolished;²⁰⁶ however, this does not mean that voting arrangements and infrastructure should no longer be accessible. Those who want to should be able to vote, autonomously and with privacy.

²⁰⁴ The Act of 28 March 2023 reintroduced this possibility. See current Art. 492/1, §1, 15° Civil Code.

²⁰⁵ Art. 147bis General Electoral Code.

²⁰⁶ Local and provincial elections - <https://www.vlaanderen.be/vlaanderen-kiest/stemrecht> .

Recommendation:

99. Provide in the future **more voting options** and more **accessible election information**, regardless of whether the voting is compulsory or not.

(c) Ensure the effective representation of persons with disabilities, particularly women with disabilities, in political and public decision-making positions at the federal, regional and community levels.

The only measure BDF is aware of is the combination of allowances for PwD with political attendance fees, which was recently made possible.²⁰⁷

There are signs that participating in political life is more difficult for PwD. E.g.: individuals who receive benefits from a health insurance fund have to ask permission twice: once to run for office, and then to take office, once elected. Otherwise, they may lose their benefits.²⁰⁸

Recommendations:

100. Envisage **quotas on the electoral roll**, as for gender quotas.
101. **Analyse barriers** to participation in political life for PwD and eliminate these by the next election.

²⁰⁷ <https://news.belgium.be/nl/vrijstellingen-bij-de-berekening-van-tegemoetkomingen-aan-personen-met-een-handicap> .

²⁰⁸ BAERT V., "In de politiek gaan is voor mensen met beperking geen simpele keuze", Social.net, 24 April 2024. <https://sociaal.net/opinie/in-politiek-gaan-is-voor-mensen-met-beperking-geen-simpele-keuze/>.

Participation in cultural life, recreation, leisure and sport (art. 30)

Testimony from the study by the Flemish Support Centre for Well-being, Public health and Family:²⁰⁹

“(...) My child doesn't have any hobbies actually and that's really bad/sad (...).”

²⁰⁹ Support centre for well-being, public health and family, '*Financiële ondersteuning voor kinderen met zorgbehoeften intersectoraal harmoniseren*', july 2023, p. 61.
https://cdn.nimbu.io/s/5s8z9pq/channelentries/yfz8tgy/files/1701682675517/2023_09-1_rapport_19-1_swvg_mjp_14_rapport-zorgbehoefte-ondersteunen_deel_1.pdf?le8a07a.

28. Please provide information on measures taken to:

(a) Enhance the accessibility of sports facilities, museums, cultural and natural heritage sites and any other places relevant to the cultural life of persons with disabilities;

Being dependent on others to go somewhere and take part in an activity is the biggest stumbling block for PwD.²¹⁰ Rely on a personal assistant is the key, but waiting lists are long and personal budget will be insufficient to cover recreation in all federated states.²¹¹ PwD living in a collective settlement should have the possibility to use support and transportation when needed..

Only **14% of Flemish sports clubs** have a specific offering for athletes with physical or intellectual disabilities.²¹² The figure is even lower in the French community, where around **200 clubs are believed to offer handisport**.²¹³

The State Report mentions accessibility labels,²¹⁴ and **websites** on accessibility of specific places (buildings, parks, etc.). However, BDF cannot immediately find any information on accessible playgrounds. A lot of leisure infrastructures remains inaccessible for PwB to enter in autonomy.

Recommendations:

102. Develop more affordable (adapted) and interregionally available transport.
103. Fund more help-providing professions/functions that can also be used in the evenings and on weekends for leisure activities.

²¹⁰ VAN BIESEN D., et al. [commissioned by: (G) Sport Flanders], 'Onderzoek naar de actieve sportdeelname van personen met een beperking in Vlaanderen en het Brussels Hoofdstedelijk Gewest: een nulmeting', 2018, p. 46.

<https://gbiomed.kuleuven.be/english/research/50000737/research/pash/research-lines/sports-in-for-society/bms-studies/studies/bms047.pdf>.

²¹¹ See discussion under Art. 19 UNCRPD, A. and C. In addition, see also finding under Art. 28 UNCRPD, B: financial support is often not sufficient to cover additional costs of leisure and mobility. See: Support centre for well-being, public health and family, *Financiële ondersteuning voor kinderen met zorgbehoeften intersectoraal harmoniseren. Deel 1. Referentiebudgetten voor gezinnen van kinderen met specifieke zorgbehoeften*

https://cdn.nimbu.io/s/5s8z9pq/channelentries/yfz8tgy/files/1701682675517/2023_09-1_rapport_19-1_svwg_mjp_14_rapport-zorgbehoefte-ondersteunen_deel_1.pdf?le8a07a

²¹² 'Slechts 14 procent van Vlaamse sportclubs heeft specifiek aanbod voor G-sporters: "Nood aan toegankelijke infrastructuur en aangepaste omkadering"', ROB TV, 19/09/2023.

<https://www.robte.be/nieuws/slechts-14-procent-van-vlaamse-sportclubs-heeft-specifiek-aanbod-voor-g-sporters-nood-aan-toegankelijke-infrastructuur-en-aangepaste-omkadering-158597> .

²¹³ DE PAPE N., 'Le handisport, trop méconnu des médecins', Le journal du médecin, 27/05/2021.

<https://www.lejournalmedecin.com/magazine/le-handisport-trop-meconnu-des-medecins/article-normal-56535.html>.

²¹⁴ Flanders - '[accessible sports infrastructure](#)'; French Community - '[access-i](#)'.

104. Make sports infrastructure accessible for every PwD. Prepare a plan with **specific objectives, budget estimates and deadlines**.
105. Require all publicly leisure events and venues to be accessible. Appointing an accessibility expert should be subsidised.

(b) Implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

The French community subsidises three special libraries (Ligue Braille, Eqla, La Lumière) organising cultural mediation activities for persons with eyesight disability

In Flanders, there is one public library for persons with a reading impairment (Luisterpunt library).

Statistics and data collection (art. 31)

Conclusions of the IMC Working Group on statistics:²¹⁵

*“The total population as described in Article 1 of the United Nations Convention on the Rights of Persons with Disabilities (...) **cannot be accurately measured**. The administrative sources are always limited to beneficiaries of one or more specific allowances or other social benefits .”*

²¹⁵ CIM Handicap, Groupe de travail statistiques, *Note finale*, April 2024, p. 23-24, <https://socialsecurity.belgium.be/fr/publications/groupe-de-travail-statistiques-cim-handicap-note-finale> .

29. *Please provide updated information on measures taken by the State party to systematize the collection, analysis and dissemination of data on the rights of persons with disabilities, to better design public policy and to disaggregate public policy measures, inter alia, by sex, age, ethnicity, type of impairment, education and employment status and social protection entitlements, particularly taking into account the Washington Group Short Set of Questions on Disability.*

In 2023 the IMC Disability, started a long awaited Statistics Working Group on indicators for policy-making.²¹⁶ Several advisory councils for PwD were consulted At this stage, the work is limited to partial data collection: no data on education, persons in facilities, digitisation,...).

The standards of the Washington Group are not applied at this stage. A lot of data are missing, which are crucial particularly for effective institutional transition, education and employment policies. Working on aggregated and disaggregated data's remains impossible: both are still unavailable.

Recommendations:

106. Apply **handstreaming** to data collection, e.g., digital literacy, labour market participation...
107. Ensure a **coordinated policy**, using the same definitions and reference values so that data are comparable across Belgium. Keep the needs of different groups in mind. Use international standards.

²¹⁶ [Interfederal Disability Strategy 2022-2030](#), p. 73.

International cooperation (art. 32)

30. *Please provide information on measures taken by the State party to ensure that all of its international development programmes and activities are inclusive of and accessible to all persons with disabilities. Please take into consideration the linkages between the effective implementation of the Convention and the 2030 Agenda for Sustainable Development.*

BDF is not aware of any development cooperation targeting or facilitating the involvement of PwD.

National implementation and monitoring (art. 33)

31. *Please provide information on:*

(a) *Coordination and collaboration among the appointed focal points in different regions and communities;*

Understanding of and attention to the concept of *handstreaming* among administrations and political policy cells is insufficient.

There is no structured working method between the focal points and advisory councils.

(b) *The mandate and the human, financial and technical resources of Unia (the Interfederal Centre for Equal Opportunities), which is designated as the independent monitoring mechanism under article 33 (2) of the Convention;*

Unia only has a level B status, which is unsatisfying for PwD. BDF regrets that Belgium does not have an A-status human rights body.

Flanders has withdrawn from Unia as of 15/3/2023. For Flanders, the Flemish Human Rights Institute (VMRI) is now competent²¹⁷. Such an increased number of actors is making the situation more complex for the PwD to cope with.

²¹⁷ For example, Unia, an inter-federal institution, is competent to tackle discrimination, but [since 15/3/2023](#) it cannot do so for Flemish powers as since then, Flanders has had its own [Flemish Human Rights Institute](#). Moreover, in [2019](#) the decision was taken to set up a [Federal Institution](#)

(c) Measures taken to ensure the full and effective participation of persons with disabilities and their representative organizations in the implementation and monitoring of the Convention.

The NHRPH-CSNPH was consulted in drafting and implementing the Federal Disability Action Plan and the Interfederal Disability Strategy.²¹⁸ None of the advisory councils existing in the federated states were consulted regarding meetings of the IMC Disability. The advisory councils have **not been invited to follow-up and participate in the operations of most IMC working groups**. They don't receive the agendas of the IMC Disability meetings.

Recommendation:

108. Make the involvement of advisory councils systematic from the start of discussions, not at the last minute of decision-making.

[for the protection and promotion of Human Rights](#) (FIRM-IFDH). This Institute started operations in February 2021. The FIRM/IFDH has a residual mandate under which it is competent for human rights issues that do not fall under the competence of other bodies such as Unia, the Flemish Human Rights Institute, [Data Protection Authority](#) (DPA), [Myria](#), [Resource Centre for the fight against Poverty](#), [Institute for the Equality of Women and Men](#), etc.

²¹⁸ [Federal Disability Action Plan 2021-2024](#) and [Interfederal Disability Strategy](#).