



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Belgium*

I. Introduction

1. The Committee considered the combined second and third periodic report of Belgium (CRPD/C/BEL/2-3) at its 735th and 736th meetings (CRPD/C/SR.735 and 736), held on August 2024 respectively. At its 750th meeting, held on 2 September 2024, the Committee adopted the following concluding observations.

2. The Committee welcomes the combined second and third periodic reports submitted by Belgium, which were prepared following the list of issues prior to reporting prepared by the Committee.

3. The Committee appreciates the constructive dialogue held with the State party's delegation and commends the State party on the strength of its delegation, which included government representatives of the relevant regions and communities and their respective administrations. The Committee also expresses its appreciation for the active participation of the Inter-federal Centre for Equal Opportunities (Unia) in its capacity as the national human rights institution and independent monitoring mechanism pursuant to article 32(2) of the Convention.

II. Positive aspects

4. The Committee welcomes the progress achieved since the consideration, in 2014, of the State party's initial report in undertaking constitutional, legislative, and policy reforms, in particular the following:

(a) The introduction in the Flemish region of a new decree regarding learning support for pupils with specific educational requirements in the mainstream education system;

(b) The insertion in 2021 of a new provision in the State party's Constitution guaranteeing a right to reasonable accommodation (Art. 22^{ter});

(c) The adoption of the Act of 17 March 2013 that ensures that only the woman concerned, and not a legal guardian, can give consent to sterilization;

(d) The introduction in the Brussels-Capital Region of a new employment subsidy to encourage employers to recruit persons with disabilities (2024);

* Adopted by the Committee at its thirty-second session (12 August–5 September 2024).

(e) The adoption in the Walloon Region of the “Strategy for Integrated Life Course for Persons in loss of Autonomy” (2022);

(f) The adoption of the Federal Disability Action Plan 2021-2024 and the Interfederal Disability Strategy 2021-2030, which aims to reduce institutional barriers in order to guarantee the rights of people with disabilities (2021);

(g) The adoption of a new royal decree on “jobseekers suffering from serious medical, mental, psychological or psychiatric problems” (MMPP) (2019) allowing persons with psychosocial disabilities to benefit from longer and more specific support for finding employment (2019).

5. The Committee welcomes the State party’s efforts to improve its institutional and policy framework for the implementation of the Convention, in particular the adoption and/or establishment of the following:

(a) The creation of advisory councils for persons with disabilities in the German Community-speaking(2023), Flandres (2022), the French Community (2023), the Walloon Region (2023) and Brussels (2018)

(b) The adoption in the Walloon Region of the Accessibility Plan 2022-2024;

(c) The establishment of an Interministerial Conference for Disability (2022);

(d) The creation of the Walloon Agency for Health, Social Protection, Disability and Families (2016);

(e) The adoption of the Disability Mainstreaming Charter by the Brussels-Capital Region, the Common Community Commission and the French Community Commission (2015);

(f) The establishment of the Flemish Community and Flemish Region, Inter, the Agency for Accessibility in Flanders (2015);

(g) The application of the principle “funding linked to the person” for adults, along with increased financial support for children with disabilities and their network including a strengthened budget allocated to personal assistance for children with disabilities.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

6. The Committee is concerned about:

(a) The State party’s failure to adequately promote and disseminate information in accessible formats on the Convention, on the Committee’s General Comments and Guidelines, and on its disabilities policies, as well as on the mandates and competencies of authorities related to the rights of persons with disabilities;

(b) The lack of any harmonisation between the federal, regional and community governments in relation to definitions of disability and to policies related to disability;

(c) The prevalence of the medical model of disability in the State party, including within its disability assessment systems and in relation to the eligibility criteria for accessing necessary services and support, and about reports that the federal multidisciplinary assessment does not adequately consider the person's environment or individual requirements;

(d) That recently adopted legislation, such as the Law of 28 March 2023 introducing different modifications to electoral law, makes it easier for a judge to declare a person with intellectual and/or psychosocial disabilities incapable to exercise her or his political rights.

7. The Committee reiterates its previous concluding observations (CRPD/C/BEL/CO/1, paras. 6 and 7) and recommends that the State party, in close

consultation and the active involvement of persons with disabilities, through their representative organisations:

(a) Promote and disseminate information, including in accessible formats, on the Convention, on the Committee’s General Comments and Guidelines, on disabilities policies and on the mandates and competencies of authorities related to the rights of persons with disabilities;

(b) Harmonise its legal and policy framework on disability at federal, regional and community levels with the principles of the Convention, by, inter alia, integrating the human rights model of disability into its laws, regulations and policies;

(c) Revise its disability assessment systems by replacing the medical model of disability with the human rights model of disability, and by establishing systems aimed at the assessment of legal and environmental barriers to persons with disabilities and the provision of the support and assistance necessary to promote their rights to live independently and full inclusion in society;

(d) Remove all provisions in the Civil Code and the electoral law that exclude persons with disabilities from having political rights or from exercising them, on an equal basis with others.

8. The Committee is concerned about:

(a) Reports that persons with disabilities are not regularly closely consulted and actively involved, through their representative organizations, in the development and implementation of legislation and policies to implement the Convention;

(b) The participation of organizations that do not meet the requirements of organizations of persons with disabilities, as expounded by the Committee in its General Comment No. 7 (2018), in various advisory councils on different levels of government.

9. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Establish legally entrenched mechanisms, with adequate human, technical and financial resources, to ensure close consultation with and active involvement of persons with disabilities, through their representative organizations, including organizations of women and girls with disabilities, at all stages, including the early stages, of the development and implementation of legislation and policies to implement the Convention;

(b) Ensure that the organizations participating in the advisory councils on various levels of government meet the requirements defined in the Committee’s General Comment No. 7 (2018).

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

10. The Committee acknowledges that at the federal level, there is recognition of the requirement to include intersecting and multiple forms of discrimination in legislation. However, it is concerned about:

(a) The lack of information on the recognition of intersectional discrimination on the grounds of disability and its intersection with other grounds, such as race, age, sex, ethnicity, sexual orientation or gender;

(b) Procedural barriers to the implementation of the anti-discrimination laws due to the high complexity of answering the questions as to whether different types of protection against discrimination are a federal matter or a regional matter.

11. The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State party, in

close consultation with and the active involvement of persons with disabilities, through their representative organisations:

(a) Enhance protection against discrimination, multiple and intersectional discrimination by revising and implementing legislation that addresses these forms of discrimination at the federal level and in the regions;

(b) Create reporting centres and conduct surveys to collect the necessary data for the documentation of discrimination, particularly intersectional discrimination;

(c) Establish a single point of contact, for federal, regional, community and municipal matters, for victims of discrimination and multiple and intersectoral discrimination to file complaints.

Women with disabilities (art. 6)

12. The Committee notes with concern, that:

(a) The consideration of women and girls with disabilities and their rights under the Convention in strategies, public policies and plans on disability and gender equality measures is scarce and selective, on the federal level as well as in the regions;

(b) There is limited information on statistics on the barriers encountered by women and girls with disabilities in the exercise of their rights under the Convention, rendering it impossible to reliably understand the current situation of women and girls with disabilities in state, society and economy and its causes.

13. **Recalling its General Comment No. 3 (2016) and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and the active involvement of persons with disabilities, including women and girls with disabilities, through their representative organisations:**

(a) Mainstream the rights of women and girls with disabilities under the Convention in all public policies, action plans and strategies on all levels of government, including in those concerning persons the rights of persons with disabilities and the rights of women;

(b) Establish mechanisms to collect and compile statistics on the barriers women and girls with disabilities encounter in the exercise of their rights under the Convention, disaggregated by impairment, race, age, region and other relevant criteria.

Children with disabilities (art. 7)

14. The Committee notes with concern that:

(a) Children with disabilities are not included in decisions affecting their lives, on all levels of government;

(b) Support services for children with disabilities living in their homes are exceedingly scarce, leading to their increased institutionalization and placement in other non-inclusive structures.

15. **The Committee recommends that the State Party, in close consultation with and the active involvement of persons with disabilities, including organisations of children with disabilities, through their representative organisations:**

(a) Amend legislation on the relevant levels of government to ensure the right of children with disabilities to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, and to be provided with disability and age-appropriate assistance to realize this right;

(b) Allocate sufficient resources to develop and provide the necessary support measures for children with disabilities and the persons caring for them to avoid their placement in institutions and in other non-inclusive structures.

Awareness-raising (art. 8)

16. The Committee notes with concern;

(a) The persistence of the medical model of disability and reports that persons with disabilities are widely perceived as recipients of society's generosity; and insufficient awareness-raising measures to promote the recognition of persons with disabilities as rights holders, on an equal basis with others, on all federal levels of government;

(b) That societal perceptions that persons with Down syndrome and other impairments are less valuable than other persons contribute to the high level of selective termination of pregnancies following prenatal diagnoses of Down syndrome or other impairments.

17. **The Committee recommends that the State party**

(a) Develop and implement, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, awareness-raising strategies and action programmes on all levels of government, based on the human rights model of disability, to increase awareness in state, economy, and society about the dignity and rights of persons with disabilities;

(b) Ensure that prospective parents undergoing prenatal screening are provided with comprehensive information and non-directive counselling that does not promote stereotypes about persons with disabilities or values associated to the medical model of disability.

Accessibility (art. 9)

18. The Committee notes that the State party's regions have regulatory accessibility standards. However, it remains concerned that:

(a) Accessibility standards are limited to new buildings or to substantial renovations of existing buildings requiring a building permit, but do not extend to existing buildings, and regularly exclude measures guaranteeing access for persons with visual, hearing, intellectual and/or psychosocial disabilities;

(b) Accessibility standards for infrastructure such as roads, parks, and other public infrastructure appear to be selective and scarce;

(c) The implementation of accessibility requirements is not being systematically inspected upon completion of construction;

(d) The lack of authoritative plans, containing clear time frames, competencies, budgets and monitoring mechanisms to render public transport accessible to persons with disabilities and, as a consequence, highly uneven accessibility depending on the transport provider, and a generally slow pace of rendering public transport accessible;

(e) The lack of a guarantee of autonomous accessibility of rail and bus service and travel at sea.

19. **Recalling its General Comment No. 2 (2014) on accessibility, the Committee reiterates its previous recommendations (para.21) and recommends that the State party, in close consultation with and the active involvement of persons with disabilities, through their representative organisations:**

(a) Complement existing accessibility standards for buildings with standards guaranteeing access for persons with visual, hearing, intellectual and/or psychosocial disabilities, extend the applicability of accessibility standards for buildings to existing buildings, public and private, irrespective of applications for building permits, and devise a plan to implement them with a clear time frame and monitoring;

(b) Review accessibility standards for infrastructure such as roads, parks, and other public infrastructure, ensure that they guarantee accessibility to persons with all forms of impairments, and devise plans to implement them, with clear time frames, competencies, budgets and monitoring;

(c) **Ensure that the implementation of accessibility standards is systematically inspected upon completion of construction, and that remedial measures are taken expeditiously in case of non-compliance;**

(d) **Devise authoritative plans, containing clear time frames, competencies, budgets and monitoring mechanisms, to render public transport accessible to persons with disabilities, including persons with high support requirements, and extend such plans to all modes of transportation, including transport by rail, bus, air and at sea;**

(e) **Enact by law a guarantee of autonomous accessibility of rail and bus service and travel at sea, applicable in the areas covered by:**

(i) **Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast);**

(ii) **Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004;**

(iii) **Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004.**

Right to life (art. 10)

20. The Committee is concerned about:

(a) Reports that persons with disabilities in institutions, including residential care institutions and psychiatric institutions, have a substantially lower life expectancy than the general population;

(b) Reports that persons with psychosocial disabilities have died as a result of police interventions due to the use of restraints and due to a lack of training of police officers;

(c) The absence of information on the prevalence of suicide among young persons with disabilities between the age of 15 to 29, despite suicide being the most frequently cited cause of death for young people of this age bracket.

21. **The Committee recommends that State party:**

(a) **Systematically collect data on the life expectancy and death rates of persons with disabilities, including women and girls with disabilities, in institutions, and establish comprehensive mechanisms to ensure that persons with disabilities in institutions receive quality healthcare, medical and other healthy living supports, and closely monitor their implementation until the deinstitutionalization process for persons with disabilities is finalized;**

(b) **Strengthen efforts to prevent deaths of people with disabilities through the use of force by police, prison officers and other law enforcement personnel through the development of a comprehensive action plan that included measures for mandatory training, the elimination of force and the implementation of multidisciplinary non-coercive supports;**

(c) **Collect statistical data on the causes of death of young persons with disabilities and provide the requisite accessible services, including psychosocial services, to remedy these causes.**

Situations of risk and humanitarian emergencies (art. 11)

22. The Covid 19 pandemic and the 2021 floods resulted in a noted increase in deaths and suffering of persons with disabilities, due to the absence of an adequate coordinated framework for the protection and safety of persons with disabilities and a lack of disability-inclusive coordinated prevention and response measures across federal, regional and community levels. The Committee is concerned that:

(a) Evacuation plans that include persons with disabilities, including persons with mobility impairments, are often lacking and that there is insufficient coordination among the existing plans;

(b) Emergency services, emergency phone numbers and emergency digital applications are often inaccessible for persons with disabilities, particularly for persons with hearing impairments;

(c) Local authorities and emergency services frequently remain unaware of the presence and requirements of persons with disabilities, resulting in persons with disabilities being left unnoticed and without appropriate help in crisis situations.

23. Recalling the Sendai Framework for Disaster Risk Reduction 2015 – 2030, the Inter-Agency Standing Committee Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action and the Committee’s Guidelines on deinstitutionalization, including in emergencies (2022)¹, the Committee recommends that the State Party, in close consultation with and the active involvement of persons with disabilities, through their representative organisations:

(a) Adopt a comprehensive crisis management plan that fully includes persons with disabilities by, inter alia, rendering fully accessibly all evacuation plans, crisis communication, emergency services, and guarantee essential services at all times, including in the home, and ensure respect for privacy of persons with disabilities;

(b) Develop a disability-inclusive strategy across all levels of government for all types of risks and emergencies, including climate change and public health emergencies, and recognize the requirements of persons with disabilities in situations of risk in such a strategy.

Equal recognition before the law (art. 12)

24. The Committee acknowledges that the State Party has carried out some reforms of its guardianship law with the intention that assistance take precedence over representation. However, recalling its previous recommendations (para.23), the Committee is concerned:

(a) That, despite legislative reforms, such as the Law of 8 November 2023, current legislation continues to contain substitute decision-making regimes for persons with disabilities, including by allowing judges to select administrators for persons with disabilities;

(b) At reports that the numbers of persons under guardianship are increasing and that there is a lack of data on the number of persons under guardianship with assistance and with representation;

(c) At the very high workload and insufficient resources of the justices of the peace who oversee the appointment and management of administrators for persons with disabilities.

25. Recalling its General Comment No. 1 (2014), the Committee recommends that the State party, in close consultation with and the active involvement of persons with disabilities, through their representative organisations:

(a) Revise its legislation in order to eliminate all forms of substitute decision-making and replace them with measures for supported decision-making that respect the will and preference of persons with disabilities, and develop a comprehensive strategy for the implementation of supported decision-making mechanisms, with appropriate safeguards, across all levels of federal, community, regional and municipal governments;

(b) Until the completion of such legislation and implementation strategies, gather statistical data about the numbers of persons under guardianship (“judicial protection”), disaggregated by type of guardianship, type of impairment, gender, race, sex, age and other relevant status;

¹ CRPD/C/5.

(c) **Provide the required resources and support measures for persons with disabilities exercising their legal capacity; and until the abolition of substitute decision-making regimes, provide the resources and the appropriate tools to enable the justices of the peace to take decisions on a case-by-case basis and ensure that the implementation of the reformed law follows the spirit in which it was intended.**

Access to justice (art. 13)

26. The Committee is concerned that:

(a) Age-appropriate and disability and gender responsive procedural accommodations to ensure effective participation in all legal processes are not sufficiently provided;

(b) Deaf and Hard of Hearing Persons have no guaranteed legal right to a sign language interpreter at no cost in all processes applying law;

(c) Persons with disabilities no longer automatically benefit from free legal aid;

(d) Judicial personnel, such as judges, clerks, magistrates, and others, are often inadequately trained about the individualized requirements of persons with disabilities.

27. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, and recommends that the State party, in close consultation with and the active involvement of persons with disabilities, through their representative organisations:**

(a) **Put in place age- and gender-responsive procedural accommodations in all judicial and administrative proceedings for persons with disabilities, be they of civil, criminal or administrative nature, on a no-cost basis, including access to certified sign language interpreters, so that persons with disabilities can participate effectively, including as judges, clerks, lawyers or witnesses, in such proceedings, and make the necessary procedural changes to provide such accommodation;**

(b) **Ensure appropriate and mandatory training for all of the State party's judicial and administrative personnel, including members of the judiciary, administrative entities, police officers, prosecutors and prison personnel, on the application of the standards and principles under the Convention to ensure access to justice.**

(c) **Ensure persons with disabilities have access to affordable legal aid.**

Liberty and security of the person (art. 14)

28. The Committee is concerned that:

(a) Persons with disabilities can be lawfully deprived of their liberty because of their disability, and that, despite legal reforms that attempt to limit such deprivation of liberty to the most serious cases, the number of interned persons has risen to over 4,000 in the State party;

(b) Persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities and persons with disabilities without residence permits, are often interned indefinitely in placement facilities, psychiatric annexes and prisons without appropriate support.

29. **Recalling the Guidelines on the right to liberty and security of persons with disabilities and its Guidelines on deinstitutionalization, including in emergencies (2022), as well as its general comment No. 1 (2014), the Committee recommends that the State party, in close consultation with and the active involvement of persons with disabilities through their representative organisations:**

(a) **Amend and/or repeal all laws and abolish practices that allow for deprivation of liberty on the basis of impairment, allow for harsher measures against persons with disabilities than other defendants convicted of the same crimes, and allow**

for indefinite detention, and guarantee access to justice for persons with disabilities on an equal basis with others throughout judicial proceedings;

(b) Ensure that interned persons without residence permits, including persons with disabilities, have access to external care and support to enable them to leave prison, psychiatric annexes and other security placement facilities to live in the community when eligible to do so;

(c) Urgently address the lack of accessibility and disability and mental health support measures, including the provision of reasonable accommodation, and overcrowding in prison and detention facilities, and ensure adequate support measures to facilitate reintegration into the community;

(d) Recognize the Committee's joint open letter with the Special Rapporteur on the rights of persons with disabilities, of June 2021² and in its future participation in any process for an additional protocol or recommendation to the Oviedo Convention, aim to move away from coercive measures and build up a non-coercive framework on mental health, as required under the Convention on the Rights of Persons with Disabilities.

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

30. The Committee welcomes the establishment within the Federal Institute for the Protection and Promotion of Human Rights (FIRM) of a mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. However, it is concerned:

(a) That restraints, coercive measures and isolation of persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, are still legal under domestic law and are often used as a punitive technique or because of a lack of personnel or overcrowding in closed or semi-closed living arrangements;

(b) That the practical implementation of the preventive mechanism's visits to places where persons are deprived of their liberty, including institutions for persons with disabilities, psychiatric institutions and nursing homes, to prevent torture and other inhuman treatment, is not provided for at the regional level.

31. **The Committee recommends that the State party:**

(a) **Unequivocally prohibit all forms of coercive measures on persons with disabilities, including persons with intellectual and/or psychosocial disabilities;**

(b) **Devise an action plan on the practical execution of visits by the Preventive Mechanism FIRM of persons with disabilities in places where they are deprived of their liberty, including at the regional level, and in collaboration with Unia and the Flanders Human Rights Institute to enable the Preventive Mechanism to monitor all places of detention in the State party, in accordance with the standards set out by the Subcommittee on Prevention of Torture in its General Comment on the definition and scope of places of detention, and raise awareness of the rights of persons with disabilities with all staff, including police personnel, that work with persons with disabilities;**

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

32. The Committee takes note that the national action plan to combat gender-based violence (2021-2025) also addresses gender-based violence against persons with disabilities. It is nevertheless concerned:

(a) That there is a widespread lack of awareness among women and girls with disabilities about complaint and redress mechanisms in cases of gender-based violence;

² See

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FDocuments%2FHRBodies%2FCRPD%2FOpen_letter_Add_Prot_Ovi_Conv.docx&wdOrigin=BROWSELINK .

(b) That accessibility of support measures, sexual-assault centres (SAC) and emergency shelters for women and girls with disabilities who are victims of gender-based violence is not guaranteed;

(c) About reports of retaliatory measures, such as being expelled from institutions, without providing the support necessary to live independently in the community, being used against women and girls with disabilities who lodge complaints.

33. Recalling its statement of 24 November 2021 on the elimination of gender-based violence against women and girls with disabilities³, the Committee recommends the State party, in close consultation with and active involvement of persons with disabilities, including women and girls with disabilities, through their representative organisations:

(a) Ensure that persons with disabilities, including women and girls with disabilities, are provided with accessible information on how to avoid, recognize and report cases of violence, including gender-based violence, and that persons with disabilities who are victims of exploitation, violence or abuse have access to independent complaints mechanisms and appropriate remedies, such as redress and adequate compensation, including rehabilitation;

(b) Ensure that services for victims of gender-based violence, including support and sexual assault centres (SAC) and emergency shelters, are accessible to women and girls with disabilities, including through accessible buildings and facilities, accessible information and communication, and the provision of disability-related supports and assistance;

(c) Ensure that persons with disabilities, including women and girls with disabilities, who are victims of violence in residential institutions, are protected from any retaliatory countermeasures for lodging complaints.

Protecting the integrity of the person (art. 17)

34. The Committee is concerned:

(a) At reports that women with disabilities, in particular women and girls with intellectual and/or psychosocial disabilities, residing in collective living centres or placed in facilities and institutions, are often required to undergo sterilisation procedures and forced to use contraception, and that if their consent is obtained, it is often without proper information;

(b) About the lack of data on the use of forced sterilization and forced contraception on persons with disabilities, including women and girls with disabilities;

(c) That, despite the adoption of the ‘Resolution for recognising the right to bodily integrity of intersex minors’ in February 2021, there is, as of yet, no legislative framework in place specifically prohibiting unnecessary medical interventions, particularly ‘normalisation’ surgery and hormone treatments of intersex persons, particularly minor intersex persons, without their full and informed personal consent.

35. The Committee recommends that the State party, in accordance with the human rights model of disability and the joint statement by the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of All Forms of Discrimination against Women as well as the General Comment No. 3 on women and girls with disabilities, and the Istanbul Convention, and in close consultation and active involvement of persons with disabilities, in particular women and girls with disabilities through their representative organisations;

(a) Take all legislative, policy and administrative measures to ensure that the use of sterilisation and contraception by all women and girls with disabilities, in all settings, is based on their free and informed personal consent, respecting the dignity and autonomy of women and girls with disabilities, and that institutions or facilities do

³ See https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf

not require undergoing sterilisation or using contraceptives on their residents as a precondition for being accepted in the institution;

(b) Collect data, disaggregated by race, sex, gender, age, impairment, region and other relevant criteria, to allow an accurate estimation of the number of persons who have undergone sterilization or contraception without their free and informed personal consent, and in particular evaluate whether these practices are increasing or decreasing and where they are occurring;

(c) Expedite the adoption and implementation of legislative frameworks covering the whole area of the State party that would explicitly prohibit the performance of medically unnecessary and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex minors, and would provide criminal, civil and administrative remedies, health care and psychosocial support for intersex persons who were subjected to intersex genital mutilation.

Liberty of movement and nationality (Article 18)

36. The Committee is concerned about:

(a) The negative impact on refugees and asylum seekers with disabilities and persons with disabilities in refugee-like situations caused by the delay in reception processes, including “vulnerability screening” to identify impairments, and the provision of housing, essential services, and disability assistance;

(b) Undocumented migrant families with children having no option but to be accommodated in community structures, even when shared accommodation is not appropriate for the child with disabilities or another family member with disabilities, and that, as a result, family members with disabilities are often prevented from accessing adapted accommodation structures.

37. The Committee recommends that the State party coordinate various levels of federal government to remedy the exceedingly long duration of reception processes and provide services to all persons with disabilities requesting international protection, including by ensuring speedy assessments of impairment and the requisite support requirements, provision of procedural accommodation and reasonable accommodation, essential services and disability-related support, accessible housing and accommodation, including for undocumented migrant families with children or family members with disabilities.

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

38. The Committee notes with concern:

(a) That there is no sustained effort to promote the right of persons with disabilities to independent living and being included in the community, and that none of the Walloon, the Common Community Commission of Brussels or German-speaking authorities have implemented any deinstitutionalization plans;

(b) That whilst the Flemish and Walloon regions have introduced personal assistance for adult persons with disabilities, the lack of sufficient funding has resulted in applicants being put on inordinately long waiting lists that effectively pre-empt the enjoyment of the right to independent living and being included in the community;

(c) That due to a lack of accessible services to live independently in the community, most parents of children with disabilities opt for non-inclusive and segregated services in relation to school, leisure, accommodation, among others;

(d) The placement of persons with disabilities, including children with disabilities residing in France in psychiatric hospitals and other institutions in the State party.

39. The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community, its guidelines on deinstitutionalization, including

in emergencies (2022)⁴, and the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities⁵, and recommends that the State party, in close consultation and the active involvement of persons with disabilities through their representative organizations:

(a) Devise and enact an effective deinstitutionalization strategy, with time frames, goals, funding and monitoring, providing various forms of housing to provide persons with disabilities with a real choice about how and where to live, and ensure that community-based services are available and persons with disabilities, including persons with intellectual and/or psychosocial disabilities, can effectively exercise their right to live independently and be included in the community;

(b) Ensure sufficient administrative and financial resources for personal assistance for independent living and being included in society to abolish waiting lists, in all regions, and provide information in accessible formats on how to access personal assistance;

(c) Provide the support to children with disabilities and their caretakers necessary to allow them to access non-segregated services, in school, leisure, accommodation, and others, on an equal basis with other children;

(d) Cease the practice of actively promoting housing of persons with disabilities residing in France in institutions, such as psychiatric hospitals and other institutions, in the State party.

Personal mobility (art. 20)

40. The Committee is concerned:

(a) That accessibility of public transportation and other mobility services continues to be insufficient, and that persons with disabilities over the age of 65 are generally not entitled to mobility aids, devices and assistive technology;

(b) About the lack of an adequate budget to strengthen the quality of essential services in medical settings, and the provision of guide and assistance dogs;

(c) About the application of a medical model of disability in the assessment of the need for mobility aids.

41. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organisations:

(a) Ensure that mobility policies meet the requirements of persons with disabilities, including persons with disabilities over the age of 65, and that mobility aids are adapted to the requirements of each individual person with disabilities, at affordable cost;

(b) Develop disability inclusive budgeting plans at all levels of government, to guarantee a sufficient allocation of financial resources to strengthen the quality of essential services, including in medical settings as well as guide and assistance dogs;

(c) Fundamentally reorient its disability assessment systems by replacing elements of the medical model of disability with principles of the human rights model of disability, by establishing systems aimed at the assessment of legal and environmental barriers to persons with disabilities, and by the provision of the support and assistance necessary realize the right to independent living and being included in society of persons with disabilities.

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

42. The Committee is concerned:

⁴ CRPD/C/5.

⁵ A/HRC/52/32.

(a) About insufficient public information by public authorities, private services providers, and the media, in accessible formats such as Easy Read, plain language, captioning, sign language, Braille, audio description, and tactile, augmentative and alternative means of communication;

(b) About the lack of recognition of sign languages as official languages in all regions and communities, and about the insufficient number of certified sign language interpreters in the various languages;

(c) About the limited accessibility of public sector websites and mobile applications, and that the private sector has no legal obligation to render its websites or applications accessible;

(d) About the insufficient support measures, in particular access to learning sign language, for persons with hearing and visual impairments, for their family members and for their close social circle, and, as a consequence, their severely restricted access to communication and information.

43. The Committee recommends that the State party:

(a) Provide a legal framework requiring public entities providing general services to the public, to offer information in accessible formats, such as Easy Read, plain language, captioning, sign language, Braille, audio description, and tactile, augmentative and alternative means of communication;

(b) Expedite the enactment of legislation to recognize sign languages as official languages in all regions and communities, increase financial support for sign language interpretation services, and render the profession of sign language interpreter more attractive;

(c) Monitor the implementation of the European directive on the accessibility of the websites and mobile applications of public sector bodies at federal, regional and community levels by adopting the necessary legal framework, extend this obligation to the private sector and provide remedies in the event of non-compliance, and extend implementing legislation to appliances not covered by the Directive.

Respect for Privacy (art. 22)

44. The Committee is concerned about the low level of protection of privacy of personal, health and rehabilitation records of persons with disabilities declared incompetent under the Law on Patients' Rights.

45. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organisations:

(a) Ensure that personal, health, and rehabilitation data is protected from any use not within the purposes for which it was obtained, is updated and validated at regular intervals, and is deleted once its purposes have been achieved;

(b) Incorporate the European Union Artificial Intelligence Act into national law and establish a monitoring body with expertise in the rights of the Convention, data protection and privacy, to oversee its implementation.

Respect for home and the family (art. 23)

46. The Committee is concerned about:

(a) The lack of legal measures to ensure persons with disabilities have access to age-appropriate and gender-responsive information and education on sexual and reproductive health and rights, including family planning;

(b) Persons with disabilities often being left with no alternative than to rely on informal caregivers, due to a lack of personal assistance;

(c) The lack of support for parents of children with disabilities, and for parents with disabilities confronted with a lack of support services that would allow them to exercise the right to be a parent, on an equal basis with others.

47. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Adopt measures to train and sensitize health personnel on the rights of persons with disabilities and on how to provide unbiased guidance and support to prospective parents following prenatal diagnoses of Down syndrome or other impairments in order to allow them to take fully informed decisions on the pregnancy;**

(b) **Adopt policies to provide persons with disabilities, including children with disabilities, with age-appropriate and gender-responsive information and education in accessible formats on sexual and reproductive health and rights, including family planning;**

(c) **Ensure access of persons with disabilities to the services of personal assistants and not of those of informal caregivers to exercise their right to family life and to live independently and being included in the community, and, to this end, review the Law of 17 May 2019 on recognition of informal caregivers and explicitly recognize the support requirements of persons with disabilities;**

(d) **Adopt legislative and policy measures to ensure adequate support for parents of children with disabilities, to allow them to raise their children in a family setting without having to leave the labour market.**

Education (art. 24)

48. The Committee is concerned that:

(a) The State party has the highest percentage of students in special education in the European Union, and that efforts to build public support for inclusive education are lacking, while high levels of negative attitudes and low expectations towards students with disabilities persist;

(b) There is no comprehensive plan with clear objectives and methodologies for the realisation of quality inclusive education in all areas of education;

(c) There are limited provisions of accessibility, reasonable accommodation, individualized support and assistance in classrooms in the existing framework of inclusive education.

(d) Regular school may refuse enrolment of children with disabilities if they consider that the provision of reasonable accommodation would be too burdensome, thus often excluding children with complex support requirements from regular education.

49. **Recalling its General Comment No. 4 (2016), the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organisations:**

(a) **Remove the barriers and meet the challenges that have prevented effective transition from special education to inclusive mainstream education, including, but not limited to, through raising awareness of the right to inclusive education, combatting negative attitudes and low expectations towards students with disabilities, promoting research on inclusive education methodologies, and defining best practices of inclusive educational facilities in the State party;**

(b) **Develop a comprehensive transition plan and strategy, including a detailed timeline and the requisite funding, to promote coordinated quality inclusive education across different policy areas, with specific steps outlined to evolve toward a quality inclusive education system;**

(c) **Render training on inclusive education and its implementation mandatory for all teaching and non-teaching personnel in all schools, and train and employ a**

sufficient number of qualified professionals to support students with disabilities, including students with intellectual and/or psychosocial disabilities;

(d) Provide reasonable accommodation to students with disabilities at all educational levels, including tertiary education.

Health (art. 25)

50. The Committee is concerned about:

(a) The lack of access to gender-responsive, quality healthcare for persons with disabilities, including widespread inaccessibility of infrastructure and medical equipment, as well as the lack of information on physical accessibility of medical infrastructure on many websites;

(b) Reports that persons with disabilities can often not provide their free and informed personal consent to medical procedures or interventions, in part due to a lack of accessible information on health services and treatments;

(c) The lack of affordability of healthcare for persons with disabilities which has reportedly resulted in persons with disabilities foregoing health treatment due to financial constraints;

(d) The lack of training of medical and healthcare professionals on the rights of persons with disabilities, to prevent that existing dependencies of persons with disabilities on their medical and healthcare experts deteriorate into abuse and violence.

51. The Committee recommends the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organisations:

(a) Extend mandatory accessibility standards to all medical and paramedical infrastructures and health services, and render them age- and gender-responsive;

(b) Establish a framework that ensures that persons with disabilities can effectively give their free and informed personal consent to any medical procedure or intervention, including through the provision of all health care and treatment information in accessible formats;

(c) Ensure that persons with disabilities can access health care on an equal basis with others and at an affordable cost, including by granting specific benefits to financially disadvantaged people with disabilities and by integrating these benefits into the overall benefits system across the regions;

(d) Ensure that the human rights model of disability and respect for the dignity, autonomy and requirements of persons with disabilities are systematically included in the curricula for the training of all medical and health professionals.

Habilitation and rehabilitation (art. 26)

52. The Committee is concerned that:

(a) Some persons with disabilities must travel long distances to reach rehabilitation services adapted to their individual requirements;

(b) Persons with disabilities in institutions have no choice as to the provider of habilitation and rehabilitation services;

(c) Measures to ensure initial and continuing training for professionals and staff providing habilitation and rehabilitation services, are lacking.

53. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organisations:

(a) Develop a clear national strategy and implementation plan to ensure that habilitation and rehabilitation programmes and services are comprehensive and designed to promote and support the right of persons with disabilities to live

independently and be included in the community, and that they are provided free of charge and close to the place of residence of persons with disabilities;

(b) Take measures to ensure systematic and continuing training on the rights and requirements of persons with disabilities for professionals and staff providing habilitation and rehabilitation services.

Work and employment (art. 27)

54. The Committee is concerned:

(a) That the employment rates of persons with disabilities are too low and remain below the European employment rate average, and that there is no discernible progress towards an inclusive labour market, with the majority of employed persons with disabilities working in sheltered workshops;

(b) That the position of women with disabilities in the employment market is weak, with only 45% of women with disabilities working full time, and women with disabilities being generally under-represented in employment;

(c) That there is a lack of effective mechanisms to implement and monitor the Act of 10 May 2007 on combating certain forms of discrimination, including the denial of reasonable accommodation;

(d) About the lack of measures to ensure close consultation with and active involvement of persons with disabilities, through their representative organizations, in the implementation of the policy on the reintegration of persons after a long-term work incapacity;

(e) About the ineffective implementation of standard professional training and about the lack of measures to ensure that persons with hearing impairments, in particular French-speaking persons, have access to training in professional sign language interpretation.

55. Recalling its General Comment No. 8 (2022), the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organisations:

(a) Develop and implement a strategy and action plan, applicable at the federal and regional levels, to facilitate the transition of persons with disabilities, including women with disabilities, from unemployment or from employment in sheltered workshops to inclusive employment in the open labour market;

(b) Promote employment opportunities and strengthen respective programmes to increase the employment rate of persons with disabilities, including women with disabilities, in both the private and the public sectors, and improve assistance for finding, obtaining, maintaining and returning to employment;

(c) Adopt effective legal mechanisms to implement and monitor the Act of 10 May 2007 on combating certain forms of discrimination, including denial of reasonable accommodation, including complaint mechanisms;

(d) Effectively implement the 2017 policy on the reintegration of persons after a long-term work incapacity;

(e) Ensure that persons with hearing impairments, in particular French-speaking persons, have effective access to training in professional sign language interpretation.

56. The Committee notes the lack of coherent, complete and transparent information on the impact of premiums for employers and on guidance options available to persons with disabilities. Furthermore, the Committee is concerned that structural cooperation between employment services, private employers in the regular labour market, supported employment entities, and representative organisations of persons with disabilities, is highly insufficient.

57. The Committee recommends the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organisations, provide accessible information on the measures available related to

return back to regular employment, on reasonable accommodation, available benefits, and on associations that specialise in specific areas of work, on all federal levels of government, and take structural measures to ensure effective cooperation between all entities involved in supporting persons with disabilities in the labour market.

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

58. The Committee is concerned:

(a) About the high number of persons with disabilities living in poverty and without a regular source of income, with 13% of persons with disabilities living in households with incomes below the at-risk-of-poverty threshold;

(b) That the upcoming federal anti-poverty plan does not sufficiently mainstream disability, and that there seem to be no regional action plans to combat poverty of persons with disabilities.

59. The Committee recommends that the State Party, with the active involvement of and in close consultation with persons with disabilities, through their representative organizations:

(a) **Ensure that the income of persons with disabilities is sufficient to lead a dignified life, including by maintaining the full allowance covering disability-related costs upon entering employment;**

(b) **Mainstream disability into poverty and homelessness reduction strategies in the upcoming federal anti-poverty plan, and adopt regional action plans to combat poverty that address particularly the situation of women and children with disabilities and older persons with disabilities, and install monitoring mechanisms to ensure effective implementation of these actions plans.**

Participation in political and public life (art. 29)

60. The Committee notes that measures have been taken at regional and community levels to improve accessibility to voting sites and procedures for persons with disabilities. However, it notes with concern:

(a) That Article 7 of the Electoral Code allow for the suspension of voting rights based on impairment;

(b) That under Article 492/1 of the Civil Code as amended by the law of 28 March 2023, a judge who places persons with disabilities under judicial protection measure has the power to declare them incapable of exercising their political rights;

(c) The lack of accessibility of some polling stations, voting procedures, facilities and materials, as well as of information about elections, including public electoral debates, electoral programmes, and online or printed election material;

(d) The lack of measures to ensure the effective representation of persons with disabilities, including women with disabilities, in political and public decision-making positions at the federal, regional, community and municipal levels.

61. The Committee recommends that the State party, with the active involvement of and in close consultation with persons with disabilities, through their representative organizations:

(a) **Amend all relevant legislative provisions, to remove all measures depriving persons with disabilities, including persons with intellectual and/or psychosocial disability, of their right to vote, and provide the measures necessary to support them in their decision-making processes;**

(b) **Require political parties to provide their programs and other communication in accessible formats;**

(c) **Enhance the measures taken to ensure accessibility of voting, including the physical environment, and the provision of electoral material and information, in accessible formats, for all persons with disabilities;**

(d) **Adopt a strategy to promote the effective participation of persons with disabilities, including women with disabilities, in political and public life, and in decision-making positions of State and private entities at the national, regional, community and municipal levels.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

62. The Committee is concerned that the data available in the State party is exceedingly limited, difficult to compare, partially due to varying definitions of disability, and dispersed among different policy areas; that it is therefore difficult to identify developments in state, economy and society, and establish links between different databases; and that the lack of properly interpretable quantitative data renders it difficult, if not impossible, to develop the policies and actions required to implement the Convention.

63. **The Committee recommends that the State party define the term “disability” in their data collection to achieve comparability for contextual interpretation. It further recommends that the State party use the Washington Group on Disability Statistics short set of questions on disability and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, and that it establish a system for centralised recording of both federal and regional data in order to be able to devise policies on the implementation of the Convention based on all available data.**

International cooperation (art. 32)

64. The Committee is concerned about the narrowly confined inclusion of a disability perspective in the State party’s presidency of the European Union in 2024, and the overly restrictive participation of persons with disabilities, through their representative organisations, in the development and evaluation of international cooperation strategies and programmes.

65. **The Committee recommends that the State party adopt concrete measures to ensure close consultation and active involvement of persons with disabilities, through their representative organizations, in the establishment of international cooperation agreements and programmes, specifically with respect to the implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. It also recommends that the State party take the measures necessary to implement the European Consensus on Development to further advance the rights of persons with disabilities.**

National implementation and monitoring (art. 33)

66. The Committee notes with concern that the Inter-Federal Centre for Equal Opportunities (Unia), in its role as an independent body monitoring the implementation of the Convention, does not have the independence and authority required by the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and has therefore not been accredited with A-status by the Global Alliance of National Human Rights Institutions (GANHRI). It further notes with concern that, since the establishment of a new monitoring body in the Flemish region, Unia no longer has a mandate in matters of competence of the Flemish region.

67. **Recalling its General Comment No. 7 (2018), the Committee reiterates its previous recommendations (para. 49) that the State Party take the necessary measures to ensure the Unia’s compliance with the Paris Principles, and recommends to apply for accreditation with A-Status of all bodies monitoring the implementation of the Convention with the Global Alliance of National Human Rights Institutions (GANHRI); it further recommends to adapt the organizational framework of monitoring bodies of the Convention, if necessary, to be afforded A-Status. In addition, it recommends that the State party establish clear procedures for the involvement and**

full participation of persons with disabilities and their representative organizations in all bodies monitoring the Convention. Also, the Committee recommends that Unia and the Flemish Human Rights Institute (VRMI) build a constructive partnership for the purpose of monitoring the Convention.

IV. Follow-up

Dissemination of information

68. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 25 on equal recognition before the law, 29, on liberty and security of the person, and 39, on living independently and being included in the community.

69. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

70. The Committee strongly encourages the State party to involve civil society organisations, in particular disabled persons' organisations, in the preparation of its periodic report.

71. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organisations and representative organisations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats. The Committee also requests the State party to disseminate them on the Government's human rights website.

Next report

72. The State party has opted to report under the simplified reporting procedure for its periodic reports. Under the simplified reporting procedure, the Committee will transmit to the State party a list of issues prior to reporting at least one year prior to 2 August 2031, the date by which the State party's combined fourth, fifth and sixth periodic reports are due. The replies of the State party to that list of issues will constitute its combined fourth, fifth and sixth periodic reports.
