

BELGIUM

Questions from CRPD Committee members at various meetings

Questions during dialogue between CRPD Committee and Belgian government

Cluster 1

Mr Markus Scheffer

Article 1 to 4:

The Federal, regions and community levels have strengthened their antidiscrimination frameworks. However, new legislation raises concerns about its compatibility with the CRPD:

- March 28, 2023, that made it easier for judges easier to deprive of political rights
- June 17 2021 Decree, which in its practical application excludes pupils with disabilities from accessing required educational funding
- Act Feb 29, 2024, on criminal code, could lead to increase used of forced measures against persons with intellectual disabilities

Does the State, on its different levels, have any plans **to systematically review its legislation** to be in conformity with the CRPD?

Measures plan to **prevent new legislation** that raises questions respecting its conformity with the CRPD, at all federal, regional and community levels?

In recent years, we have observed a trend in EU countries of retrogressive measures, in particular in social policy. That sometimes leads to violation of the obligation to progressively implement social rights.

Any measure to prevent **retrogressive measures that violate the CRPD in the area of social rights?**

Article 4(3) CRPD:

The composition of the advisory council usually contains service providers, organizations that may very well have different interests than promoting the rights of persons with disabilities.

How is the State going to ensure that advisory councils are not set up with members that do not meet the standards for representative organizations, in order to comply with articles 4(3) CRPD)?

You mention impact assessment, coming late in the day. The idea of including persons with disabilities and involving them is to get their perspective on board very early on in the process. We hear from OPDs that the processes are not always where they should be. Are there any additional measures on the way, except the advisory bodies?

Under the CRPD, it does not suffice to have people with disabilities in the consultative councils, but have representative organisations of persons with disabilities.

Understanding of concept of disability: variety of concepts in the federal entities and the other entities- leading to a complex system in which a person with disabilities needs to go through an assessment, fulfil different requirements, etc. Persons with disabilities are fully busy leading their lives. Is Belgium planning to do anything to do anything to alleviate these differences that lead to rights infringement?

Segregation is in contravention with the Convention. Reading through the reports, there is many understanding on the permissibility of segregation. What is the official position of the Belgian government on segregation, in work, education, living arrangement? Can segregation be permissible?

Article 6: CEDAW committee in its COs noted that women with disabilities in Belgium face exclusion from labour market, gender-based violence and institutionalisation. Low level of data. GREVIO also issued recommendations in report of June 2024. NHRIs also noted difference between the situation of women and women with disabilities. Does Belgium have action plan to collect data on the situation of women and girls with disabilities? Any plans to mainstream questions related to women and girls with disabilities? Are there any measures in place to improve the situation of women and girls with disabilities in education, job market and in penitentiary institutions?

Article 7 CRPD

It seems that children with disabilities are not systematically involved in decisions that affect their life (7(3)CRPD), and that the scarcity of support services outside institutions leads parents to place their children in institutions longer than what they could have to.

Article 8 CRPD: Person with disabilities seems to be treated as recipients of aid, instead of rights holders of equal value than others. It does not seem to be concerted efforts in media and in government to promote principles of the Convention. What are the plans on this?

The federal system makes it difficult to move from one region to another, accessing services.

Article 9 CRPD

Accessibility requirements do not cover existing buildings: only new ones.

When a new building is finished or an existing renovated, is there a final check to verify accessibility requirements compliance?

Building permits do not seem to consider accessibility requirements of blind people, deaf people, and others.

Accessibility of rail services. Are there any rules beyond EU rules (PRM rules) that guarantees autonomous access? Any time-frame to ensure this?

Same goes for bus and airplane services.

Ms Aldana Salguero

information about waiting list to have access to assistance in Flanders- what measures has the state taken to reduce the number of people with disabilities on waiting list for access to support.

Mr Kouassi

What is planned to bring existing buildings into compliance and new and future development?

Mr Al-Azzeh

Clarify in para 10 regarding consistency between concept of disability, no initiative in term of harmonisation- what does that mean? Why is there no initiative to harmonise and ensure consistency of the concept of disability?

Please provide information about the fact that there is no representative of women with disabilities in the institute on gender equality and IEWM and the intergovernmental group ICG?

Mr Schefer

Data collection and statistics: is there any unified definition of disability that would apply to all regional and federal entities to facilitate collection? Is the data based on the Washington Set of Questions? How is data collection in sync between federal gov and the region?

Mr Makne

Awareness raising: has the federal gov strategies for awareness raising on the CRPD and its implementation?

Mr Morris

Art 9:

- Measures to incitise in the dev of ICT that is accessible for persons with disabilities, to be available at minimal cost?
- Percentage of persons with disabilities having access to ICT?

Ms Gamio

Are OPDs involved in training to those working in gov?

What training and experience is required to ensure members of the advisory bodies have the proper knowledge and experience?

Timeframe established for reform mentioned?

Ms Dondovdorj

Awareness raising: does Belgium has any clear plan to encourage media to be involved in awareness raising? How do you ensure media portray persons with disabilities in line with CRPD?

To what extent are people with disabilities involved in accessibility questions/reforms?

Mr Kabue

OPDs- how OPDs are facilitated to participate in decisions related to the implementation of the Convention? Comments on information saying that there is intimidation of some of the organisations? How are OPDs working with the advisory councils?

Ms Thongkuay

Article 9:

Is there certain timeframe to adopt the reform of the building code ongoing reform?

Will these frameworks cover all building and facilities?

What is the monitoring for this?

Article 7 CRPD: National and plans on children and youth that refer explicitly to girls and boys with disabilities?

How many children with disabilities are there in institutions?

Article 8 CRPD: Measures to combat stigmatisation of children with intellectual disabilities?

Mr Schefer

Any plans to establish a monitoring system that would have A status from GANHRI?

Cluster 2

Mr Schefer

Art 10:

- Information about persons with disabilities in institutions having a lower life expectancy (at a global level)- do you have info on any research or study in Belgium confirming this? Do you have strategies to ensure that persons with disabilities receive necessary healthcare and support to address this?
- Report of persons with psychosocial disabilities who have died due to police intervention, in particular because of inappropriate restraint and lack of training of police officer– action plan was meant to be developed and monitored by the Council of Europe. Has this occurred? Has it been

successful in the prevention of death of persons with psychosocial disabilities? Were OPDs closely consulted in the design of these measures?

- Covid-19 and 2022 F-floods: no coordinated measures prevention, response and safety, and thus increase number of deaths of persons with disabilities. What are the steps taken to improve prevention and safety measures for persons with disabilities?

Art 12 CRPD

We acknowledge the legal capacity reform from 11 years ago, that went in the right direction. However, the law continues to facilitate substituted decision making in practice. The law from 2023 does not address this exact issue. Can you provide info on intentions and measures to set up supported decision making across the regions?

Art 13

Limited procedure and age appropriate accommodation- can you provide info on measures taken in this respect, in particular to ensure that certified SL interpreters are available and to ensure police and lawyers are able to apply age and gender appropriate technics?

How does Belgium deal with harsher penalties or unlimited placement in psychiatric wards for persons with psychosocial disabilities? Will you rethink the system?

Art 14

Is Belgium rethinking the forced placement and treatment, restraint in medical context?

Ms Thongkuay

Art 15

What measures and mechanisms are you taking to eliminate coercive measures and isolation?

The use of inhuman and degrading treatment is justified by a lack of human resources and the views of human rights models. You should fix the human resource issue.

Measure to establish a national preventive mechanism that has a mandate across the federal, communities and regional level, including UNIA and Flanders NHRI?

Art 16

What measures exist to identify and address the specific and unique forms of gender-based violence faced by women and girls with disabilities, including those living in institutional settings? Is there an accessible justice mechanism so women with disabilities can make complaints and seek redress?

Article 17

Forced sterilization and contraception continues on women with intellectual and psychosocial disabilities and it is even taken as a requirement for placement in institutions. Could you please clarify on this issue?

Can you clarify if you had done efforts to collect data disaggregated by disability?

On intersex people, has Belgium taken measures to protect the bodily integrity of intersex people?

Ms Gamio

Regarding article 15 CRPD, there no good practices on coercion and confinement. Do you realise that the legislation against coercion already exists? It is the CRPD article 15 CRPD. Would you modify legislation to adequate to articles 14, 15, 16 and 17?

Ms Aldana Salguero

How are people with intellectual and psychosocial disabilities viewed in the society? How many organisations of persons with intellectual disabilities included in consultations, are their views heard? Is information available in accessible formats?

Ms Fitoussi

DI – waiting list for personal support is very long- what does the gov do so this list becomes less and less?

You accept the CRPD but ignore the general comments on many topics; while for the committee the GC are part of the Convention. What are your plans to implement the GCs in law but also in policy?

Mr Schefer

Article 18 CRPD: asylum process for foreign national. In the process of request of asylum, at what stage there is an assessment for identification of persons with disabilities, with the consequence being accessing necessary support services and accommodations of requirements, e.g. in connection to housing?

What are the procedural accommodations in the asylum process, e.g. provision the sign language and others?

Ms Kim

Art 13 – how do the courts assist persons with disabilities victims of sexual abuse, children, or people who have difficulties to communicate with other so they can give a statement during the criminal justice process? Is the testimony of women with intellectual disability recognised legally by Belgian court? What type of support to those who were sexually assaulted? How are the experts trained?

Ms Boresli

The gov considers that persons with down syndrome are economically costly. Prenatal test is available, and lead to avoiding birth of these babies. Does the gov think that this economic perspective will lead to a downgrading of the life of people with down syndrome? How does the gov plan to change its perspective?

Mr Al-Azzeh

Art 12

What does it mean that people with disabilities are not systematically put under substituted decision making? Why not clearly and unequivocally providing supported decision making?

Ms Thongkuay

Art 10 – chromosome testing – what steps is BE taking to ensure that the parents are fully informed and free to make chromosome test?

Art 19 – Committee concerned that institutions continue to be built- are there any measures for a DI process? How can BE be committed to DI when it continues to receive persons with disabilities from France to be placed in institutions, which is a business model using people with disabilities?

Cluster 3

Ms Thongkuay

Art 20 – received report that older persons with disabilities after age of 65 are not entitled to mobility services, and there is a lack of sufficient budget and budget plan to ensure mobility, like guide dogs and assistance dogs, mobility aids – how does BE prevent inequality when it comes to mobility? How will it enhance the national budget, including through national budgeting plans, to ensure access to mobility aids?

Report of the use of automatic scanning in regional parking that are not accessible. This automatic scanning is not friendly for persons with disabilities and requires them to register digitally. Is this register/system accessible for Deaf and blind persons?

What are you doing concerning the European Disability Card and the European Parking Card?

What are your plans to move away from the medical model?

Art 21 – freedom of expression and opinion, and access to info

The sign languages are not recognised at the federal level, there are lack of access to information, and difficulties to learn sign language from early age. What measures to increase learning of SL and other communication means from early childhood and ensure recognition of SLs?

Provide data on accessibility of websites belonging to private sector.

Clarify how does BE monitor the accessibility of websites and mobile communication, in line with the EU directive on the topic?

Art 22

Patient Rights Act stipulates that information on health cannot be sent to third person, except in the case of a legal allocation and if essential to protect public health. Identify what measures to ensure personal health and rehabilitation record is ensured, stored and protected to avoid misuse of personal data? Can you also explain what is justified under protecting public health? Do you have guidelines on the use and sharing of data?

Art 23 – can you provide information on support for parents with disabilities or for parents of children with disabilities?

Calculation of allowance of persons with disabilities who join family (family reunification) - what is being done by Belgium, especially for people who had been excluded from the calculation?

Art 24 – lack of plan and strategy to eliminate segregated education, it continues esp for students with intellectual disabilities. Misunderstanding of inclusive education (e.g. moving special schools, into special classes in mainstream schools). Negative attitude towards students with disabilities. Lack of accessibility standards, lack of trainings. Can you elaborate on these challenges and implementation gaps? What will the next gov do?

What projects aim to bring students with disabilities into the mainstream classroom?

Art 25- Reimbursement for speech therapy not available to autistic children- can you provide information on this?

Art 26- Steps to remove IQ test to ensure access to speech therapy to all children with disabilities? What measures are you taking to ensure training of professionals and staff working in habilitation and rehabilitation centers?

Art 27- what is done to ensure better access to labour market, address implementation gaps and overall monitor the access to employment by persons with disabilities?

Laverne JAKOBS

Barriers faced by persons with disabilities in tertiary, higher and advanced education.

What mechanism to monitor the barriers faced in postsecondary education? In particular intersectional barriers? How barriers are being tracked and eradicated?

How do they seek reasonable accommodation? Are financial barriers addressed and how?

What measures to train staff of higher education trained so that they respect students with disabilities?

Mr AL-AZZEH

Article 23. In the consultation of the best interest of the child. How do you identify the best interests of the children? Any case in which parents' disability could be perceived as something not in the child's best interest?

And in the 40 indicators for the child, is disability included?

Ms BORESLEI

How can you clarify your position vis a vis article 24, given your preference for private schools? How can public schools decline enrolment to children with disabilities? How does the government follow up?

European Social Rights Committee criticized Belgium for not ensuring inclusive for children with down syndrome. There is a lack of training. What are steps taken by Belgium to improve services by public education and to ensure children with intellectual disabilities join general education?

Amalia GAMIO

Question on prenatal screening and lack of information to women during pregnancy?

Are you aware of the CRPD Committee Guidelines on DI? Do you consider applying them?

Gertrude FEFOAME

Regarding deaf-blind persons and persons with high-communication needs? What plans to ensure their access to information? What progress since first review?

On women with disabilities, what affirmative actions? In the area of employment, decision making for women and girls, in education, so that multiple and intersectional discrimination will be reduced.

Gerel DONDORJDOV

To which extent, OPDs participate in the monitoring of policies for inclusive education?

Article 29 CRPD. Measures taken to ensure that everybody with disabilities exercise their right to vote and your plans to remove barriers from voting settings?

Ms Thongkuay

Art 28

The third federal Anti-poverty plan expired in 2019- did you extend it? What are the plans?

What efforts have you made to establish monitoring mechanisms to indicate the implementation of the Wallon housing guidelines?

Art 29 - What measures has the State taken to repeal article 492 and other articles of the civil code that do not comply with the CRPD and the right to vote and stand for elections?

Article 30 - What measures did you adopt in your legal system to recognise cultural and linguistic rights including sign language and Deaf culture?