

Committee on the Rights of Persons with Disabilities

Second and third periodic reports Belgium of NHRI and 33.2 CRPD



Parallel Report Update 2024



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**Parallel Report on
the second and third periodic reports
submitted by Belgium
update 2024**

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Abbreviations

- **AI:** Artificial intelligence
- **AVIQ:** Agence pour une Vie de Qualité (Walloon Agency for Persons with Disabilities)
- **BAP/PAB:** Budget d'assistance personnelle (Personal Assistance Budget)
- **CAWaB:** Collectif Accessibilité Wallonie-Bruxelles (Collective of organisations working on accessibility in Wallonia and Brussels)
- **CSA:** Conseil Supérieur de l'Audiovisuel (Supreme Audiovisual Council in the Federation Wallonia-Brussels)
- **CSNPH:** Conseil Supérieur National des personnes handicapées (National High Council for Persons with Disabilities)
- **CRPD:** United Nations Convention on the Rights of Persons with Disabilities
- **CPL/FPC:** Centre de psychiatrie légale (Forensic Psychiatric Centre)
- **De Lijn:** Flemish public company in charge of public transport by bus and tram in Flanders
- **ECHR:** European Court of Human Rights
- **EDC:** European Disability Card
- **FPS:** Federal Public Service
- **IFDH/FIRM:** Federal Institute for Human Rights
- **INTER:** Flemish Expertise Centre for Accessibility
- **MNP OPCAT:** National Preventive Mechanism to be established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- **MIVB/STIB:** Brussels public company in charge of public transport by metro, bus and tram in the Brussels region
- **NMBS/SNCB:** Belgian National Railway Company
- **PAN:** Plan d'Action National de lutte contre les violences basées sur le genre (National Action Plan to combat gender-based violence) (2021-2025)
- **PHARE:** Personne Handicapée Autonomie Recherchée (Brussels Agency for the persons with disabilities)
- **SHNA:** Structure d'hébergement non agréée (Non-accredited accommodation)
- **STATBEL:** Belgian Office for Statistics
- **TEC:** Walloon public company in charge of public transport by metro, bus and tram in Wallonia

1 Introduction

1. **Unia** is an independent public institution that combats discrimination and promotes equal opportunities. Our independence and our commitment to human rights is recognised by the Global Alliance of National Human Rights Institutions (B status). Our competence is interfederal, which means that in Belgium we are active both at the federal level and at the level of the Communities and Regions. Unia is responsible for providing assistance to victims of discrimination based on criteria protected by the Belgian anti-discrimination laws. Since 2011, Unia has been the independent mechanism for promoting, protecting and monitoring the application of the United Nations Convention on the Rights of Persons with Disabilities in Belgium (CRPD).
2. In March 2023, the Flemish government decided to withdraw from the cooperation agreement establishing Unia and to set up its own Flemish Institute for Human Rights. This means that Unia is no longer responsible for Flemish regional and community matters such as education, housing, independent living, etc. This Institute thus takes over the role of equality body but also the 33.2 mandate CRPD for Flemish matters.
3. In accordance with the collaboration protocol concluded between Unia and **Myria**¹, the Federal Migration Centre, Myria contributed to the drafting of this report with regard to those parts related to its areas of action. The contributions by Myria are indicated in the endnotes.
4. The Institute for the Equality of Women and Men has been consulted on matters concerning women and intersex people.

2 Methodology

5. Our contribution is based on various sources: reports submitted to Unia by individuals or associations; the results of Unia's monitoring and recommendation activities; the results of the **Consultation of people with disabilities**² (1144 respondents) that Unia carried out on their rights in 2019-2020; the results of an additional consultation carried out during the health crisis³ in 2020; Unia's monitoring report on places of internment; our participation in various working groups, commissions, advisory boards; reports from the authorities and bodies concerned, in particular the reports on the implementation of the federal action plan disability 2021-24 and the Brussels register of demand for and services offered to people with disabilities; civil society reports and recommendations.
6. Our contribution is structured around the List of Points established by the Committee for the submission of the second and third periodic report submitted by Belgium. The responses provided by the Belgian state in its report have been taken into account in order to avoid repetition. This contribution therefore aims to supplement and, where appropriate, qualify this report. We also make a series of recommendations. We hope that this contribution will be a useful source of information for the Committee and that the recommendations provided below can be addressed during the Session. This Unia parallel report is an update of its report to the Committee in 2021. Unia wished to inform the Committee of a number of recent political and legislative developments and has therefore added/modified certain sections and deleted those that have become obsolete. As Unia is no longer competent for Flanders, updates have not been made for Flemish regional and community matters. They are indicated by this logo 

7. In this report, the masculine is used as a gender-neutral form and refers to both women and men.

3 Implementation of the CRPD

3.1 Purpose and general obligations (art. 1 to 4)

3.1.1 Response to Point 1: Compliance with the legal framework

8. In 2021, article 22ter was inserted in the Belgian Constitution establishing that ‘Every person with a disability has the right to full inclusion in society, including the right to reasonable accommodations’.
9. **Many laws still do not comply with the CRPD and the Constitution:** they have not been amended or repealed. Even worse, several recently adopted laws, even though they rely on the principles of the Convention, do not comply with it. For example, the French Community Decree of 17 June 2021 creating territorial centres *de facto* excludes certain pupils, including those with intellectual disabilities, from the funding needed to be supported in mainstream education⁴; the Law of 28 March 2023 introducing various amendments to electoral law, which makes it easier for a judge to declare a person incapable of exercising their political rights⁵; the law introducing Book 1 of the Criminal Code and the Law of 29 February 2024 introducing a security measure for the protection of society, which provide criminal and security responses that are intrinsically linked to the presence of a mental disability⁶.
10. **The Belgian health and disability policies are compartmentalised:** ministerial responsibilities and budget allocations are separate from each other. As a result, disability issues that involve health-related issues often go unaddressed. For example, people with a dual diagnosis have difficulty finding a housing solution or accessing mental health services or care, and residential services have difficulty hiring nursing staff for ageing persons with disabilities (due to lower pay scales than in the health sector).
11. Belgium will have to transpose the **EU Artificial Intelligence Act** into national law. This new European regulation requires AI to be used safely and with respect for fundamental rights. The question is whether this will be enough to fully protect people with disabilities. For example, a person with a disability was not hired by an AI system that did not take into account the obligation of providing reasonable accommodations. It is not certain that the AI-Act will provide a sufficient response to this problem.

Recommendation 1: Take disability, in all its diversity, into account in all public policies and legislation. Prior to the adoption of any measure, carry out a "handstreaming" test to assess the impact on people with disabilities.

Recommendation 2: Implement policies in line with the CRPD's vision by breaking down the barriers between the disability and mental health sectors, so that one diagnosis or the other does not exclude some people from support and care.

Recommendation 3: Ensure that the AI ACT is implemented ambitiously, and that a supervisory body is set up with sufficient expertise in human rights (not limited to data protection and privacy) and cooperates with existing human rights institutions, as provided for in the AI ACT.

3.1.2 Response to Point 2: Plans and strategies

12. The **federal government** has adopted a **Federal Disability Action Plan 2021-2024**.⁷ The National High Council for Persons with Disabilities and Unia were involved in the monitoring process. Subsequently, an Interfederal Plan was drawn up and the Interministerial Conference on Disability finally resumed its work. A bill was passed to ensure that a federal disability plan would be renewed for each legislative period.

Recommendation 4: Guarantee the effective renewal of the federal and inter-federal disability plans and ensure their proper implementation, including the continuation of the work of the Interministerial Conference during the next legislative terms; provide sufficient resources for coordination and monitoring, involving organisations representing people with disabilities and Unia.

3.1.3 Response to Points 3 and 4: Participation and Consultation

13. Unia welcomes the fact that, like the Federal State, each region (Brussels, Flanders and Wallonia) and each community (French, Flemish and German-speaking) has set up a consultative council for people with disabilities. However, Unia notes that they are not all made up of members who meet the representativeness criteria recommended by the UN Committee. Some members represent management or institutional representatives. There is therefore a real risk that the voice of people with disabilities will not always be heard.
14. Despite the existence of various councils, persons with disabilities are not **sufficiently and systematically consulted by the authorities**, and this has negative consequences for all of their rights. This was also the case for the Law of 28 March 2023 (see Response to point 27).

Recommendation 5: Guarantee the participation and consultation of people with disabilities and ensure that all measures which have an impact on people with disabilities are taken in consultation with them via their representative organisations and federal, regional, community and municipal advisory councils.

Recommendation 6: Ensure that people with disabilities are represented on advisory boards and that they are accessible and transparent in their organisation and decision-making.

3.2 Specific rights (articles 5 to 30)

3.2.1 Response to Point 5: Equality and non-discrimination

15. As of spring 2024, the **German-speaking Community** has not evaluated or adapted its anti-discrimination legislative framework dating from 2012 with a view to combating all forms of discrimination, and has not updated the protection against multiple discrimination, discrimination by association and discrimination based on a previous health condition. An evaluation procedure of the anti-discrimination Decree of 19 March 2012 is underway. Unia has submitted recommendations.⁸

16. The other entities have significantly strengthened their anti-discrimination legislative frameworks, which is to be welcomed: the **Walloon Region** in 2019,⁹ the **federal level** in 2023,¹⁰ the **Brussels Region** and the **French Community** in April 2024.¹¹ Consequently, the following forms of discrimination are now also prohibited: intersectional discrimination (except in the Walloon Region), discrimination by association and discrimination based on a previous state of health. The new Brussels Equality Code even covers *reasonable accommodation by association*.
17. At federal level and in the French Community, lump-sum compensations for victims of discrimination outside employment relationships have tripled and are now indexed annually. In other respects, the compensations remain too low.¹²

Recommendation 7: Harmonise the legal framework, where this has not yet been done, in order to (1) explicitly introduce discrimination by association, as well as the right to reasonable accommodation by association for relatives, (2) enable situations of multiple discrimination, including intersectional discrimination, to be taken into account with appropriate sanctions, (3) increase and index the lump-sum compensation for non-material damage outside employment relationships for persons with disabilities who are victims of discrimination.

3.2.2 Response to Point 6: Women with disabilities

18. Despite positive developments, such as the Federal Disability Plan 2021-2024 (see page 7)¹³ and the National Action Plan to combat gender-based violence 2021,¹⁴ women and girls with disabilities are still **given little consideration** in studies, public policies and gender equality or disability plans. There is a lack of gendered statistics relating to disability. Those that do exist rarely involve an intersectional analysis that would enable us to understand the exact nature of the situation and its structural causes.¹⁵ There is still a lack of associations representing the voice of women with disabilities.
19. Women with disabilities occupy a **particularly vulnerable position in the world of work**. When employed, 55% of them work part time (in contrast to 22% for men with disabilities and 42% for women in total).¹⁶ Women with disabilities are also under-represented in adapted companies, where they occupy only 30% of positions,¹⁷ as well as in adapted training and socio-professional integration centres and as beneficiaries of training and employment assistance in the mainstream environment, where they represent only around 40% of the public.¹⁸
20. During its monitoring visits to several places of internment (see page 17¹⁹), Unia has identified specific challenges for female inmates: a chronic shortage of psychiatric beds for so-called ‘high-risk’ inmates (Flanders); an increased risk of discrimination due to multiple vulnerability factors (gender, psychiatric problems, inmate status, motherhood, etc.); a stay that can take place within the ordinary prison system...

Recommendation 8: Apply gender mainstreaming in the development of disability measures and policies. Conversely, apply ‘handstreaming’ in measures and policies related to gender equality.

Recommendation 9: Support the creation and/or development of representative associations of women and girls with disabilities in order to encourage their participation and self-determination.

Recommendation 10: Guarantee access to care and activities for women detained in prisons.

3.2.3 Response to Point 7: Children with disabilities

21. **Children's views** on matters affecting them are rarely heard and taken into account. Too many laws allow children to participate only when they reach the age of majority. Furthermore, children with disabilities still receive too little support in making informed choices about their personal lives.
22. The **lack of possibilities for support** at home and the lack of adaptability of mainstream services pushes many parents to opt for non-inclusive services (school, leisure, accommodation, etc.). Institutions often remain a default choice. As subsidies are granted in proportion to the number of days of occupation, parents often choose to place their child in the institution for more days than they would like for fear of losing the place. The government report **does not provide figures** on the number of **children living in institutions**. The PHARE website (French-speaking Brussels) lists 459 approved places in children's accommodation centres (C.H.E.)²⁰ and the AViQ website (Walloon region), lists 3,164 approved places on 3/06/2022 in residential services for young people (S.R.J.).²¹
23. In Flanders, people who can rely on a solid social network are **given lower priority** and therefore have to wait longer (often more than 10 years) for funding to be allocated for ‘person-related funding’ (‘persoonsvolgende financiering’). When a parent decides to work part-time in order to look after their child with a disability, the latter is placed at the bottom of the priority scale. The same applies to children in inclusive education.

2021 - NO UPDATES

24. The mental health of children and young people is a cause for concern: 16.3% of children and adolescents aged 10 to 19 suffer from a diagnosed mental health disorder, and suicide is still the most frequent cause of death among young people aged 15 to 29. ²²

Recommendation 11: Adapt the legal framework to allow minors with disabilities to take part in consultations that concern them, in accordance with their age and degree of maturity, and with appropriate assistance.

Recommendation 12: Develop support options at home and in the provision of general services to meet the needs of children with disabilities.

Recommendation 13: Make statistical data available to allow monitoring of the deinstitutionalisation process of children with disabilities.

Recommendation 14: Make mental health prevention a priority by offering high-quality, accessible care for children and young people.

3.2.4 Response to Point 8: Awareness-raising

25. Apart from a few one-off actions, the authorities have not deployed **action plans and strategies** to publicise the CRPD. Society in general, and professionals in the disability sector in particular, do not have sufficient knowledge of the Convention and the rights it protects.²³
26. Yet, the Unia Consultation²⁴ found that ‘having a positive image of disability’ is seen as the second most important issue in the lives of people with disabilities. On the street, at school, at work, in the media, even in their emotional and sexual life, disability automatically triggers a series of clichés, misunderstandings and lack of rights. People observe **a status quo, if not a deterioration**, of this image. Disability is still too often narrowed down to wheelchair users. However, 80% of people with disabilities have an invisible disability. A reality still little-known in Belgium. Their problems are underestimated, downplayed, and the world around them does not see what obstacles they face.
27. According to the Diversity and Equality Barometer (2021)²⁵ of the Superior Audiovisual Council in the Wallonia-Brussels Federation, people with disabilities represent 1.48% of **television** personalities. The CSA notes that people with disabilities are mainly confined to emotionally charged roles and non-speaking roles. In fact, 83.52% play the role of extra and 12.57% play the role of vox populi. The presence of people perceived as having a disability is lowest in the most socially valued discursive roles: journalist-host (0.09% of all journalist-hosts), spokesperson (0.04%) and expert (0.42%). What's more, almost one person with a disability in two seen on screen is approached solely because of their disability.
28. The figures for **Flemish public television** are also low: only 1.5% of people seen in prime time have a disability.²⁶ This is already an improvement on other years (1.1%). The Flemish public television is aiming for 2% visibility by 2025 and wants to introduce a screen personality with a disability in 2023.

2021 - NO UPDATES

Recommendation 15: Adopt an action plan and a strategy to make the general public, from early childhood, aware of the diversity of disabilities (visible and invisible) and respect for the rights of the people concerned.

Recommendation 16: Include training modules in the curriculum of professionals and future professionals (teachers, media, medical and paramedical sector, disability sector, psychiatry, police) in order to raise awareness and promote the rights of people with disabilities.

Recommendation 17: Encourage the media to make people with disabilities visible in the media landscape. Raise awareness and train them to show a positive image of people with disabilities, not exclusively based on their disability.

3.2.5 Response to Point 9: Accessibility

29. In the Unia consultation,²⁷ **a large majority of respondents say they have difficulty accessing** buildings, sanitary facilities, roads and public transport. 71% of them also believe that there has been **little or no progress since 2014**.
30. The accessibility **plans** adopted by federal, regional and municipal authorities (if they exist) are **not sufficiently ambitious** or **binding** and **do not have long-term deadlines**. No authority has adopted action plans to guarantee the accessibility of schools, health services and social services. The French Community, for example, has released large budgets for renovating schools without systematically guaranteeing an improvement in accessibility.
31. In Belgium, there is no **legal framework** that sanctions the lack of accessibility. There is no coordinated approach and no funds are specifically earmarked to remove barriers to accessibility.
32. Between 2015 and 2018, Unia carried out three studies on the **accessibility of municipalities** in Brussels,²⁸ Wallonia²⁹ and Flanders.³⁰ It emerged that consideration of accessibility varied greatly from one municipality to another. While the majority of municipalities generally take advantage of the various works planned to improve accessibility, they more rarely adopt a proactive attitude.
33. In the area of **public transport**, no operator has yet established an effective, coherent and sustainable strategy aimed at making its network fully accessible **within a reasonable period of time**.
34. Only the **Brussels Intercommunal Transport Company (MIVB/STIB)**³¹ has drawn up a strategic plan to improve the accessibility of its network. This ten-year plan, which is appended to the MIVB/STIB's public service contract, sets out various actions aimed at improving the accessibility of infrastructure and rolling stock, staff training and passenger information. While progress has been made since the plan was adopted, it unfortunately does not include a deadline for achieving full accessibility.
35. The **Belgian rail network (NMBS/SNCB)** is still a long way from being *independently accessible*. Passengers with disabilities are still dependent on assistance (available only at 115 stations out of 555) and have many negative experiences on the network.³² While efforts have been made in recent years to improve accessibility, they have not been coordinated in a global strategy. At the beginning of 2024, the SNCB will have 103 fully accessible stations out of 555. However, only 28 of these stations offer assistance.³³ By the end of 2024, we will finally get the first train carriages with an automatic wheelchair

ramp, providing virtually level access. However, there will still be a 3.5 cm gap at the boarding doors, forcing some passengers to continue to rely on assistance.

36. **In Flanders**, the public transport company De Lijn³⁴ was condemned at the end of 2023 for discrimination and refusal of reasonable accommodation by the Antwerp Court of 1st Instance.³⁵ Unia and the victims brought this legal action for 15 incidents: because bus drivers simply did not serve the stops where wheelchair users were waiting; because the buses and trams used were not accessible; because they were not equipped with the necessary equipment to deploy an access ramp, or because the drivers were not willing or did not have the technical knowledge to do so. In addition to the problems highlighted in the ruling, De Lijn has continued to ban electric scooters from its network since 2013.³⁶
37. **In Wallonia**, the public transport company TEC has also refused to allow electric scooters on buses since 2017 because of their size and too large turning radius. At the beginning of 2024, the CAWaB noted, following several ‘mystery shopper’ type actions, recurring incidents when attempting to board wheelchair users at accessible or workable stops. Out of a total of 59 boarding attempts, only 63% allowed wheelchair users to board.
38. Regional accessibility regulations, which only apply to new buildings and renovations subject to planning permission, **do not apply to all buildings and spaces**. For example, listed buildings and spaces located in protected areas are generally exempt. Depending on their size and function, many buildings - public and otherwise - are also not required to comply with accessibility standards (e.g. office buildings, shops, hotels, restaurants and cafés). In addition, the standards **only take into account elements that can be read on a plan**. Accessibility depends a lot on the layout and finishing, which are currently not checked. Obstacles remain for many users, for example, those with a sensory or mental handicap.
39. In general, compliance with **existing standards** in terms of accessibility is not properly verified by the authorities (in particular due to a lack of training) when granting town planning permits and is **never checked** once the infrastructure is built. There are no penalties for non-compliance with accessibility standards, and people with disabilities do not have effective remedies to report accessibility violations. A survey reveals that, in a sample of 147 permit applications examined, only 9 fully met the accessibility requirements of the Flemish town planning regulations.³⁷ In addition, after the actual completion of the work, none of these cases still fully met these requirements.
40. **Architects, graphic designers, engineers and programmers have too little, if any, training in accessibility and universal design**. It is not part of their compulsory curricula.

Recommendation 18: Adopt a broad legal framework aimed at making fully accessible in the medium term all public buildings or buildings open to the public, roads and transport. Combine this with a concrete timetable, sanctions in the event of non-compliance and specific budgets.

Recommendation 19: Revise and supplement accessibility standards so that they take into account all disability situations. Provide for systematic monitoring of these standards and sanctions in the event of non-compliance. Provide effective remedies for citizens to report violations of the regulations.

Recommendation 20: Integrate accessibility and universal design into compulsory training and continuing education programmes for construction and digital professionals.

3.2.6 Response to Point 10: Situations of risk and humanitarian emergencies

41. The law provides that families with children who are staying in the country illegally can be accommodated in a community structure if necessary.³⁸ The law does not provide for any other option, even if material assistance in a community reception structure is absolutely impossible for medical reasons relating to the minor or to a member of the family being housed. Thus, families with a member who is disabled, will not be able to benefit from an individual reception structure. **Belgium has still not amended the law, three years after the Constitutional Court ruling that³⁹ considered this situation to be discriminatory.**⁴⁰
42. Belgium has experienced two disasters in recent years: the covid health crisis and the floods of the summer of 2021. These two events have highlighted the need for **Belgium to adopt a major crisis management plan that would take disabled people into account.** This was one of the measures in the Federal Disability Plan that has not been implemented, despite our insistence.
43. The **main shortcomings observed during the floods** are:
- Help services and emergency numbers not accessible, especially for deaf people;
 - No preventive plan to evacuate disabled people, particularly people with reduced mobility;
 - Lack of accessible communication on current events, on the aids put in place to help victims and on emergency medical care.
44. The **main shortcomings observed during the health crisis**, relayed by Unia in its report on the impact of the crisis on people with disabilities and their families:⁴¹
- The initial restrictive measures did not take into account people with disabilities;
 - Organisations representing people with disabilities have been given insufficient input;
 - Reasonable accommodation has often been refused or little respected (physical distancing is not always possible, exemption from wearing a mask for some people, support with errands or in the event of hospitalisation, etc.);
 - At the start of the pandemic, services for people with disabilities were sometimes shut down, such as primary care, assistance in public transport, deliveries of medical equipment by mutual health insurance funds or assistance with cooking, cleaning and shopping;
 - Caregivers and people with disabilities who did not reside in an institution were not given priority in vaccination;

- The vagueness of communication about priority people in hospitals has been a source of confusion for the elderly and disabled. Unia received testimonies of refusal of hospitalisation or refusal of accompaniment which made hospitalisation impossible;
- The health crisis has exacerbated all the difficulties related to access to information and the digital divide. Information on COVID-19 measures was not clear and/or accessible. Many services, including public ones, were only accessible digitally;
- During the first lockdowns, institutions for people with disabilities were completely isolated from the outside world. Residents were isolated in their rooms in the event of contamination. There were no more activities. Family weekends and visits were prohibited. Once the lockdown measures were relaxed, some institutions continued to ban outings and visits without offering activities, not always for justified reasons. In some institutions there was a lack of dialogue with families and WiFi for residents. These various measures had a very heavy impact on residents both in terms of their physical and psychological health. Monitoring was non-existent or insufficient. The situation in these living spaces has shown the limitations of institutional models for the elderly and disabled.⁴²

Recommendation 21: Make provisions in the law for adapted facilities, if necessary, in individual accommodation for people staying in the country illegally and/or applying for asylum, where one of the family members is a disabled person.

Recommendation 22: Establish crisis plans that take into account people with disabilities and their rights to reasonable accommodation; provide protective and testing equipment to allow continuity of physical and psychological care and the support necessary for independent living. Make provisions for the authorities to work preventively and proactively with civil society.

Recommendation 23: Compile and make known all the provisions and information related to crisis situations in an accessible format: clear language, easy to read, sign language, subtitles.

Recommendation 24: Maintain essential home care and support during crises.

Recommendation 25: Guarantee respect for the rights of persons with disabilities and decent living conditions in institutions in the event of a crisis. Rethink the institutional model which has shown its limitations during this crisis.

Recommendation 26: Provide for the awareness-raising and training of practitioners in a demedicalised approach to disability. In the prioritisation criteria for emergency departments and intensive care, ensure that medical and ethical criteria are respected, and do not confuse the situation of disability with the state of health.

3.2.7 Response to point 11: Equal recognition before the law

45. In 2019, the Superior Council of Justice carried out an audit⁴³ which highlighted the following difficulties: **preference is given to professional administrators**, who are not subject to any official training obligation, nor to any limitation on the number of cases for which they are responsible. There is no legal scale regulating their charges and fees. The selection of professional administrators is not based on any specific criteria, leaving the matter up to the judge's intuition.

46. The purpose of the Law of 8 November 2023 (due to come into force on 01/09/2025) on the status of administrator of a protected person is to provide a response to these identified problems: family administrators will receive more support, the judge will have to give reasons for choosing a professional administrator, and the profession will be governed by accreditation criteria. However, the law provides for a fixed allowance for the administrator, which is difficult to bear when the protected person's income is low.⁴⁴ Furthermore, **the training that professional administrators will undergo will not cover the principles of the UN Convention** (inclusion, autonomy, self-determination, etc.).
47. In June 2021, the FPS Justice set up the 'central register', an Internet platform which now serves as an administrative link between the justices of the peace and the administrators, and personal advisers. **Non-professional administrators, who are sometimes unfamiliar with this IT tool, have received neither support, nor information or training. They are helpless in the face of this digitisation.**
48. Generally speaking, justices of the peace are faced with an excessive workload. The lack of resources and appropriate tools at their disposal **seriously compromises the implementation of tailor-made protection and the quality of control** exercised over the management of the administration.
49. Basically, the law on protection regimes⁴⁵ **maintains substitute decision-making systems**. In practice, these systems are favoured over assisted decision-making. In addition, support measures for the disabled person are lacking, so that there is no effective right to assisted decision-making.
50. The **lack of reliable and transparent figures** on the number of administrations and administrators makes it difficult to implement any targeted policy.⁴⁶

Recommendation 27: Provide the necessary resources (in particular human) to the justices of the peace in order to guarantee that the law is implemented in the spirit in which it was intended.

Recommendation 28: Develop support measures for people subject to assisted decision-making to ensure effective access to the right to assistance.

Recommendation 29: Guarantee the assistance and support necessary for the exercise of the role of a non-professional administrator.

Recommendation 30: Divert the legal protection measure from the courts, by enhancing the role of other players, for example by setting up a federal commission on administration to which certain powers of the judge would be transferred (control of administrations, etc.) and by setting up a pool of psychosocial resources linked to the justices of the peace.

Recommendation 31: Develop reliable, publicly available figures on the number of administrations (broken down according to whether they are assisted or represented) and the number of administrators (broken down according to the status of the administrator (person/property, family or professional)).

3.2.8 Response to Point 12: Access to justice

51. Justice personnel are unfamiliar with the realities of people with disabilities. **Magistrates are very poorly trained in or made aware of the needs of people with disabilities** and the issue of disability in the broad sense. Thus, people are not sufficiently heard by the judge, within the framework of the procedures which concern them, in particular for decisions to place people with mental disorders⁴⁷ under observation or under judicial protection.⁴⁸
52. The Unia consultation also mentions that **people with disabilities do not have the financial means** to go to court, especially since people with disabilities are no longer automatically entitled to free legal aid. Deaf litigants do not benefit from a sign language interpreter in civil matters and the courts are not always accessible.⁴⁹

Recommendation 32: Train and raise awareness among magistrates about the fundamental rights of people with disabilities: emphasise the principle of the capacity of people with disabilities and train them on the specific needs of people with disabilities within the framework of the procedures.

3.2.9 Response to Points 13 et 14: Liberty and security of person

53. Since 2016, **following a multitude of condemnations by the European Court of Human Rights on the question of internment**,⁵⁰ Belgium has initiated or continued a series of organisational and legislative reforms. Despite some progress (investment in the care circuit, development of mobile teams, etc.), Belgium still does not meet the expectations of the Committee of Ministers of the Council of Europe.^{51,52}
54. In its report on internment⁵³, based on 200 interviews with internees, their families and professionals in the sector, Unia notes that **the measure does not sufficiently guarantee the rights of internees**.
55. The 2014 law on the internment of persons reduces the scope of the internment measure to the most serious cases. However, **the number of people interned has risen steadily in recent years**, reaching 4,342 in December 2023,⁵⁴ of whom 1,000 were in prison at the beginning of 2024. A study by the National Institute of Criminalistics and Criminology (NICC) is due to look into the possible causes of this increase (deterioration in the mental health of the population, variable interpretation of internment criteria, etc.) The resources dedicated to forensic psychiatric expertise are largely inadequate and do not allow for the provision of expertise intended to fully equip the judge in his decision (shortage of experts, extremely short expertise time, in contexts that are not conducive to evaluation, etc.).⁵⁵
56. The **indefinite duration** of the internment measure offers very few prospects and little security for the internee.⁵⁶
57. In certain cases, **the law still authorises a stay in a psychiatric annex of the prisons**. This stay must remain transitory and provisional but, in fact, this is not the case: people sometimes stay there for several years, sometimes even in ordinary cells, and in a context of prison overcrowding. Under current conditions, prison is not conducive to care and fractures already fragile life paths.

58. The **lack of places in the regular circuit** considerably hinders the fluidity of the care pathway for people who are interned. As a result, a large number of people find it difficult to leave places where they are deprived of their liberty (psychiatric annexes and the various high security placement facilities), even if these places do not correspond to their needs and profile. This is particularly the case for **people detained without a residence permit**.⁵⁷ They are not covered by social security and are therefore unable to pay for outside care. They are therefore forced to stay indefinitely in closed placement facilities, even when they are eligible for trial release or even permanent release.⁵⁸
59. The **lack of financial and human resources** places nursing staff, prison staff, psychiatric experts, etc. in a difficult situation, creating a shortage and having a negative impact on the quality of care and, consequently, the chances of reintegration.
60. The Belgian authorities are investing in **out-of-prison care**, either in Forensic Psychiatric Centres (FPC) or in high security psychiatric hospitals. In 2028, two new CPLs are also due to open in Wallonia (Paifve, Wavre) and a long-stay FPC in Flanders (Aalst). The approach of FPCs is to maintain security. With regard to the existing FPCs, the care inspection reports⁵⁹ show that **the quality of care is being undermined** by a serious shortage of staff and a high rate of staff turnover. In addition, the issue of security and risk management predominates in high-security facilities. While it is true that some people who are interned require a secure environment, the population that resides in these facilities far exceeds this category.⁶⁰
61. In 2023, two new laws⁶¹ will introduce provisions that are particularly detrimental to offenders with a mental disorder: treatment under deprivation of liberty, extended follow-up and a new security measure. These **penalties and measures are intrinsically linked to the presence of a mental disorder** and are therefore based on the criterion of disability. Unia^{62,63}, along with other organisations such as the Federal Institute for Human Rights (FIRM/IFDH)⁶⁴, questioned these laws in terms of human rights and the fundamental principles of criminal law.

Recommendation 33: Let the results of the study analysing the causes of the increase in the number of interned persons be accompanied by an action plan with clear deadlines.

Recommendation 34: Guarantee the quality of forensic psychiatric expertise: promote the profession of forensic psychiatrist and set up a committee to monitor the quality of reports and the uniform interpretation of the legal criteria for internment.

Recommendation 35: Transfer interned individuals currently being detained to appropriate care structures, giving priority to the regular sector. Enable persons without a residence permit to be released on probation under the same conditions as other internees.

Recommendation 36: Organise residential facilities that are conducive to the care and autonomy of sectioned persons, with a view to promoting their reintegration.

Recommendation 37: Prevent forensic psychiatric centres from becoming the dominant model to the detriment of the extension of the healthcare offer in the regular circuit (especially in more open residential or mobile structures).

Recommendation 38: Incorporate a time factor into the custodial placement measure, as provided for probation in the internment law.

Recommendation 39: Review the new provisions concerning offenders with a psychiatric disorder to bring them into line with the principles of criminal law (in particular, the legality and proportionality of the sentence) and the provisions of the UN Convention.

3.2.10 Response to Point 15: Freedom of torture or cruel, inhuman or degrading treatment or punishment

62. In recent years, Belgium has seen **dramatic cases of cruel and degrading treatment of people suffering from mental disorders**. Three persons died as a result of police interventions: Jonathan Jacob (2010), Cémil Kaya (2015) and Jozef Chovanec (2018). The lack of respect for people with mental health problems, inappropriate restraint techniques and the lack of training for police officers have been highlighted. An action plan was supposed to be drawn up and monitored by the Council of Europe. Despite a number of actions, for example training for staff, other people have died (in particular 2 patients with psychiatric disorders in 2023).
63. Belgium recently designated the Federal Institute for Human Rights as the **OPCAT national preventive mechanism** (prevention of torture and cruel, inhuman or degrading treatment). This institute is competent only for federal matters. To date, there is no guarantee that it will be able to cover places that fall under regional jurisdiction, such as institutions for the disabled, psychiatric institutions or nursing homes. In the end, on the advice of the Council of State (Unia's legal basis needs to be amended), Unia is not involved in the mechanism as a possible partner, despite its 33.2 mandate and its experience of monitoring places of internment.

64. Restraint and isolation are still too often used as a **punitive technique** or to deal with a **lack of personnel** in closed or semi-closed living spaces, in particular in psychiatric hospitals, in specialised education, in institutions for disabled people, in rest and care homes and in places of detention. During the health crisis, there was an increase in their use.

Recommendation 40: Raise awareness and train the various police forces as quickly as possible in the treatment of people with mental health problems.

Recommendation 41: Set up a comprehensive OPCAT mechanism as soon as possible in order to meet international requirements, and to ensure that a disability expertise is available in all places where people are deprived of their liberty (in particular with regards to the use of restraints); amend the cooperation agreement that established Unia in order to involve it in the mechanism.

3.2.11 Response to Point 16: Freedom from exploitation, violence and abuse

65. Half of the people with disabilities who participated in the Unia consultation stated that they had been victims of physical or psychological violence. This violence is not only committed by strangers, but by individuals from the victim's immediate environment (partner, family member, educator, etc.). Respondents mentioned **various obstacles they face in reporting these acts of violence**: not being believed by the competent authorities, **having their complaint dismissed**, not having reasonable accommodation in communication with the police and the justice system.
66. The Unia consultation reveals that **disabled women** declare that they have suffered more violence than disabled men.⁶⁵ A report published in 2024 on gender-based violence in Belgium shows that the percentage of women victims of psychological, physical and sexual violence is much higher for women unable to work because of a disability or with health problems.⁶⁶ However, disabled women under-utilise the support services for victims of violence. This is mainly due to the lack of accessibility of these services, resources and expertise in relation to their specific needs.⁶⁷ The authorities have realised the urgent need for action and measures have been taken.⁶⁸

Recommendation 42: Improve universal accessibility to support and assistance services for women who are victims of violence and to screening services for domestic and conjugal violence.

Recommendation 43: Ensure the implementation of measures in the National Action Plan to Combat Gender-Based Violence (2021-2025) aimed at protecting people with disabilities, and ensure the continuity of the intersectional approach taking into account the disability dimension for future plans.

3.2.12 Response to Point 17: Protecting the integrity of the person

67. Unia's analysis of the internal regulations of French-speaking institutions for people with disabilities, testimonies gathered in the field and a study on gynaecological and obstetric violence experienced by women with an intellectual disability living in institutions,⁶⁹ show that **women are still often forced to use contraception when they attend a collective living centre**.

68. **Intersex people** are still subjected to unnecessary medical interventions: ‘normalisation’ surgery and hormone treatments. There is no legal framework to specifically prohibit these practices. Laws prohibiting medical operations without the patient's informed consent are rarely applied in the case of intersex patients, who are often minors.⁷⁰

Recommendation 44: Prohibit any obligation of the use of contraception as a reception criteria for services (day or residential). In all circumstances, contraception must be used with free and informed consent.

Recommendation 45: Prohibit medical interventions that are not highly urgent and medically necessary on intersex minors without their consent.

3.2.13 Response to Point 18: Living autonomy and inclusion in society

69. The Consultation of Unia⁷¹ highlights **several obstacles to independent living**: the lack of financial means for people with disabilities, the cost of care which creates a situation of dependence on those around them, the lack of (publicly subsidised) housing that is accessible and appropriate, the unavailability of personal assistance budgets, the inaccessibility of the environment and public transport, as well as the risk of losing benefits due to cohabitation with a partner (‘the price of love’) or if one wants to work.
70. Many disabled people qualify for **social housing**. However, waiting lists are very long (up to 10 years) and very little social housing is adapted to the specific needs of disabled people.⁷²
71. **None of the Walloon, Brussels or German-speaking authorities have implemented a deinstitutionalisation plan.** The **Walloon Region** has adopted a **Strategy** for integrated life-course pathways, which sets out a series of recommendations and actions to be implemented. This strategy has been incorporated into the Walloon agency's 2024-2029 management contract and business plan. It has yet to be implemented. The **Brussels authorities** commissioned a study⁷³ to map demand and the services offered to disabled people. The study made a number of recommendations, but did not result in any concrete measures.
72. Thus, at present, unlike Flanders, which adopts a principle of personalised financing, the **Brussels and Walloon authorities** continue to adopt essentially a principle of **subsidising collective services** intended exclusively for people with disabilities.⁷⁴ Resources are allocated primarily to day care and accommodation services, to the detriment of inclusion support services. New budgets are still being earmarked for the renovation, extension or construction of new accommodation centres.⁷⁵ **Personal Assistance Budgets** (PABs) are a system of individual services that derogates from this collective principle, but which remains quite marginal (or even at a pilot stage), despite significant demand.⁷⁶ People wishing to develop more inclusive lifestyles come up against complex regulations and administrative and organisational pitfalls (limited budgets, complex administrative procedures, strict town-planning standards). They have no support.⁷⁷
73. **In the Brussels Region**, there is a **lack of diversity** in accommodation facilities⁷⁸ and alarming figures for the number of people on **waiting lists** (particularly for people with an intellectual disability or a high dependency profile). Waiting times are estimated at between 1 and 10 years.⁷⁹ Support services are

overwhelmed,⁸⁰ and requests for additional services are systematically refused. In addition, support and care measures for people with a dual diagnosis, an autism spectrum disorder or a brain injury are sorely lacking.⁸¹ Finally, material aid for home improvements is inaccessible, because it is either unknown, too complex or too strict in its allocation criteria.⁸² The lack of care solutions forces people to relocate to other regions, moving away from their loved ones and subjecting themselves to different agencies and regulations.⁸³

74. **In the Walloon Region** too, care solutions are not meeting demand. In May 2023, the waiting list (the same for all establishments) showed a total of **1,897** adults waiting for a solution, in reception or accommodation. The **waiting list** for priority cases totalled 240 people.⁸⁴ The **accreditation standards** for residential services applicable in the Walloon Region do not meet the requirements of Article 19, or international human rights standards: the number of people per establishment is not limited, except for institutions funded by foreign countries - mainly France - which are limited to 80 people.
75. In 2023, **1,250 French children** and 7,000 adults were being cared for in nearly 200 specialised facilities authorised and subsidised by the relevant French authorities. These are private establishments. In 2020, France undertook to ensure that there would be no more forced departures of disabled people to other countries by the end of 2021. However, in Belgium, plans to build establishments for the French are continuing.⁸⁵
76. In both Brussels and Wallonia, due to the lack of care solutions within approved and/or subsidised services, people (particularly the most vulnerable) are **forced to live in a non-accredited accommodation** often 'under the radar' (hence the name '**pirate homes**').⁸⁶ These facilities are often driven by the lure of profit, to the detriment of their residents' well-being. Some are notorious for their extreme neglect and even mistreatment of residents and staff alike.

Recommendation 46: Put in place an action plan to increase the supply of accessible, adaptable and adapted housing on a large scale, particularly in the public housing sector.

Recommendation 47: Establish in each region a deinstitutionalisation plan with a precise timetable and reoriented resources taking into account the needs of people with disabilities. The plan must implement concrete actions to meet the needs identified in the Walloon strategy and the Brussels register. It must also develop a range of services and housing that are diversified, personalised and guarantee the possibility of choice.

Recommendation 48: Meet requests for personal assistance, in particular by granting a personal assistance budget and allocating the necessary budgets. Provide an emergency home help service for people living independently.

Recommendation 49: Provide a normative framework guaranteeing a way of life in keeping with human dignity in all facilities. Establish an external monitoring and prevention mechanism with competence in these facilities.

3.2.14 Response to Point 19: Personal mobility

77. The particular situation of people with disabilities is not sufficiently taken into account when implementing **mobility and/or environmental policies** aimed at discouraging the use of cars in the city (for example: Low Emission Zones, mileage tax project in Brussels, introduction of pedestrian zones). However, due to the lack of accessible public transport, people with disabilities are still heavily dependent on their car or that of their relatives. When exemptions are provided for people with disabilities, they are disparate and not harmonised, which leads to many people not making use of their rights.⁸⁷
78. The increasing use of **scanner vehicles to monitor parking** means that people with disabilities are being fined by mistake, even though they are generally entitled to free parking. In May 2022, the Brussels Court of First Instance ruled that automated parking checks using scanner vehicles - as organised by the Brussels regional parking agency - led to indirect discrimination on the grounds of disability, as it required additional steps to those provided for under federal and regional legislation. To circumvent this ruling, the members of the Brussels majority took advantage of the revision of an ordinance to introduce a provision requiring disabled people to register digitally in order to benefit from free parking. Unia has denounced this political choice, which unnecessarily complicates the lives of people with disabilities and undermines the principle of the separation of powers.⁸⁸

Recommendation 50: Always take into account the particular situation of people with disabilities when establishing environmental and/or mobility policies in the broad sense, including those for parking and vehicle traffic.

3.2.15 Response to Point 20: Freedom of expression and opinion and access to information

79. When it comes to **access to information**, people with sensory or intellectual disabilities still face many obstacles. In the Unia consultation, they highlight the lack of audio description, subtitles, sign language translation and materials formulated in easy-to-read language.⁸⁹
80. In recent years, **public and private services in Belgium have become increasingly digital**. This is generally accompanied by the gradual disappearance of many of the physical counters (e.g. public services, railway stations, mutual insurance companies, post offices, bank branches) that used to enable many people with disabilities to carry out their formalities and obtain answers to administrative problems. However, there has been too little attention paid to the fact that digital access for people with disabilities differs greatly from that of the general population. For example, while 6% of the population aged 16-64 do not have internet access at home, this rate is three times higher for people with disabilities. The same applies to Internet use: only 81% of people with disabilities have been on the Internet in the last three months, compared with 95% of the total population.⁹⁰
81. While the Belgian authorities have successfully transposed the European directive on **digital accessibility**,⁹¹ in reality, according to Eqla,⁹² only 8% of Belgian public sector sites were accessible in September 2020⁹³ (the deadline for their accessibility) and only 5% of mobile applications in June 2021.⁹⁴ In March 2024, ElevenWays carried out an audit showing that of the 1,697 federal, regional and local authority websites, 53.4% did not even have an accessibility declaration. This declaration is compulsory and must explain clearly and in detail the extent to which the site meets the predefined standards. Of the sites with an accessibility declaration, only 2.3% indicated full compliance with accessibility guidelines, while 39.1% were partially compliant. 11.4% indicate that they are not compliant. Finally, the remaining 54% of websites make no declaration of their level of accessibility.⁹⁵ **Regarding the private sector, there is no obligation in Belgium to make websites or applications accessible. These are therefore mostly inaccessible.**
82. **Deaf people** encounter many difficulties in contacting public or private services, and more specifically telecom operators and energy suppliers. All too rarely, they provide for possibilities to contact them by means of a remote sign language interpretation system.
83. The job of a **sign language interpreter** remains unattractive due to the lack of remuneration, much travel and the high work pressure. Interpretation services, especially for French speakers, are unable to meet many interpretation requests.
84. In general, the Unia consultation⁹⁶ revealed that people with disabilities have difficulty finding **information about their rights** and the steps they can take to assert them. This information must be guaranteed in all the country's official languages (including German) as well as in the respective sign languages and easy to read and understand languages.

Recommendation 51: Provide a legal framework requiring public entities or bodies providing general services to the public, to offer information that is accessible to all (in all official languages and in both sign language and ‘easy to read’) and adapted access.

Recommendation 52: Legally guarantee the possibility of physical access to public and general interest services and, more broadly, to private services, so that no approach is exclusively digital.

Recommendation 53: Better monitor the application of regulations on the accessibility of public sector websites. Extend this obligation to the private sector. Provide for penalties in the event of non-compliance.

Recommendation 54: Make the profession of sign language interpreter more attractive through, in particular, a salary increase and more financial support for sign language interpretation services.

Recommendation 55: Create a single portal that brings together all existing information on disability.

3.2.16 Response to Point 21: Respect for home and family

85. Since 2020, there have been two types of **official recognition of informal caregivers**⁹⁷: simple recognition, which does not give rise to any special rights or benefits, and a second form of recognition with the granting of social rights (i.e. the right, under certain conditions, to 3 months' thematic professional leave). These forms of recognition only partially meet the needs of informal caregivers⁹⁸ in particular because the 3-month period is not long enough and because only carers of a highly dependent relative benefit from the status with the granting of social rights.⁹⁹
86. Informal caregivers suffer from physical (hypertension, addiction, insomnia, premature death, etc.) and mental health problems.¹⁰⁰
87. People with disabilities are confronted with a lack of support services and adapted educational tools that allow them to exercise the **right to be a parent** on an equal footing with others and to respect the child's well-being as much as possible.
88. In the context of **family reunification**, the Immigration Office assesses the means of subsistence of the person who lives in Belgium and who will be joined by the applicant. However, the law does not explicitly provide that allowances for the disabled can be taken into account in the assessment, so these allowances have long been excluded from the calculation.¹⁰¹ Following a court decision,¹⁰² the practice now includes the disability allowance in the assessment of means of subsistence. However, the law remains silent on this point.¹⁰³

Recommendation 56: Ensure access to the services of a personal assistant so that the exercise of the right to independent living of the person with a disability does not weigh on the informal caregiver.

Recommendation 57: Develop and increase respite projects approved and funded by regional agencies and make these services financially and geographically accessible.

Recommendation 58: Widen the scope of the law on recognition of informal caregivers by removing the concept of high dependency.

Recommendation 59: Provide in law that allowances for people with disabilities are explicitly listed as means of subsistence and are therefore taken into account in the assessment of the means necessary for family reunification.

3.2.17 Response to Point 22: Education

89. There is **no plan** in any Community to ensure the **transition to a single inclusive education system**, with intermediate goals and a clear timeframe within which these intermediate goals are to be achieved. Steps taken to improve the right to education of students with disabilities often relate to integration, not inclusion. On the contrary, we continue to invest in special education with the creation of new types and additional establishments. These investments made in special education, coupled with very extensive supervision, have led many parents to opt for this form of education. The school population in special education continues to increase. In Flanders 4.20% of pupils attended special education during the 2020-2021 school year compared to 3.96% in 2017-2018. **2021 - NO UPDATES** In the German-speaking Community, 2.57% of pupils attended specialized education during the 2020-2021 school year compared to 2.04% in 2017-2018.¹⁰⁴ A slight decrease has since been recorded: the rate is 2.47% for 2023-2024.¹⁰⁵ In the French Community 44.10% of pupils attended special education during the 2021-2022 school year compared to 4% in 2012-2013¹⁰⁶ and 3.67% in 2008-2009.¹⁰⁷ Specialised French-language education continues to issue few certificates of achievement: in 2022, 171 students obtained their CEB (*certificat d'étude de base* or basic study certificate) in primary and 127 in secondary education.¹⁰⁸ An evaluation of special education is included in the 2019-2024 government agreement but to date nothing has been done.
90. The measures taken to improve the right to education of disabled pupils often involve **integration rather than inclusion**. In the French Community, the mechanism of temporary total integration (*'intégration temporaire totale'* or ITT), which enabled pupils to be educated in mainstream schools while benefiting from support from the special education establishment without having to attend it, was abolished in 2020. The 'Pôles territoriaux' (territorial poles) set up from 2021 were intended to replace this ITT mechanism. However, under the new system, pupils must first attend special education for one year in order to benefit from additional periods of support in mainstream education. In its ruling of 1 June 2023, the Constitutional Court ruled that some of the provisions of the Pôles decree were discriminatory in that they created a difference in treatment between pupils on the basis of their disability without justification¹⁰⁹.
91. **The accessibility of the curriculum and classroom activities** still receives very little attention. Public authorities must make it clear to education stakeholders what is meant by 'inclusive education' and what can be expected of a school.
92. Pupils who follow an adapted individual program do not enjoy an **effective right of enrolment** in mainstream education. In Flanders, schools can justify the reason why the necessary accommodation is not reasonable and, on that basis, refuse the pupil. This is often done without any prior consideration of how the school can reorganise itself to enable the pupil to have an inclusive educational pathway. **In the French Community**, the right to reasonable accommodation has been limited to pupils whose 'situation does not make special education essential' and provided that they 'do not call into question the learning objectives'.¹¹⁰ **In the German-speaking Community**, children are regularly referred to special education despite the reluctance of parents and the fact that their right to reasonable accommodation is insufficiently respected in practice. Mainstream schools express a lack of support preventing the move towards inclusive education. A decree-based reform is underway which is supposed to better equip regular schools to support pupils with special needs. Its value remains to be seen. This reform entails that all special schools will be united on the same campus with ordinary

schools. This is an interesting step, but there is a risk that resources will continue to be concentrated in a few places, forcing students living far from these places to leave their environment in order to benefit from adapted services.

93. Due to the lack of measures taken for the **inclusion of pupils with intellectual disabilities**, Belgium has been condemned twice by the European Committee of Social Rights: the first time in 2017 concerning the Flemish Community¹¹¹, the second time in 2020 concerning the French Community.¹¹² In its conclusions to the European Committee, Belgium justifies maintaining separate education for pupils with intellectual disabilities on the basis of their best interests, or even that of children without disabilities, thereby demonstrating the total absence of a paradigm shift. No response has been received from the French Community. Round tables were organised by the Minister of Education in the French Community, Inclusion ASBL, the DGDE and UNIA in November 2021 and June 2022. Nearly 40 recommendations for improving the integration of pupils with intellectual disabilities were identified by the participants. In the end, the administration proposed only the development of ‘inclusive classes’. These classes are special education classes that move into mainstream schools, in other words a system that cannot be described as inclusive and which remains limited to around thirty establishments. Even this approach has not been successfully implemented.
94. As the state report indicates, none of the Communities is taking measures to make **the teaching profession** more attractive to people with disabilities. Students with hearing or visual impairments, in particular, still sometimes face **prejudices** in their **choice of studies**, such as not being able to stand in front of a class. In the French community, the legislator has not taken advantage of a major reform of **teacher training**¹¹³ to incorporate inclusive education. As a result, teachers in mainstream or special education are still not trained in inclusive education.
95. Far too many school buildings remain **inaccessible** in Belgium. Although there has been clear progress in the accessibility of Flemish schools compared with the 2013 assessment (+10%), the 2018-2019 School Building Monitor reveals that measures to promote accessibility are still often lacking. Nearly half of all schools lack essential measures and interventions (step-free access, adapted toilets, etc.).¹¹⁴
- 2021 - NO UPDATES**
- In the French Community, barely one school in 10 is accessible (out of around 2,450 establishments). Between 2008 and 2024, only 29 schools have been made accessible or are in the process of being made accessible thanks to the ‘School for All’ project financed by the CAP 48 operation (co-financed by the French Ministry of Education).¹¹⁵ Major funding for the renovation of school buildings has been granted without any guarantee of compliant accessibility.¹¹⁶
96. With the exception of one bilingual French/French sign language school in the French Community, **deaf children** must now choose between ordinary education and special education. Neither of these options is ideal for the child's development.
97. In the French community, **higher education** has been welcoming an exponential number of students with disabilities following the application of the 2014 decree on inclusive higher education and a significant commitment from the teams. From 2014-2015 to 2022-2023, the rate of increase in requests for reasonable accommodation is 715 %.¹¹⁷ This increase is coupled with greater diversity in student profiles (mental disorders, disabling illnesses). However, no specific budget for inclusion has been allocated to establishments which must use their social subsidies. This positive development is therefore reflected in the exhaustion of the staff.

Recommendation 60: Develop a clear vision of the transition to a single inclusive education system and develop a multi-year plan with measurable intermediate targets for the conversion of special education in its current form.

Recommendation 61: Integrating inclusive education into initial teacher training.

Recommendation 62: Apply without restriction the right of enrolment in mainstream education to all pupils, and not only to those who can follow the common curriculum.

Recommendation 63: Ensure that schools respect their educational obligations and allocate sufficient resources to enable schools to comply with their reasonable accommodation obligations so as to make the right to education for children effective for all students.

Recommendation 64: Further study the possibilities of organising bilingual classes (Dutch/Flemish sign language - French/French sign language of Belgium).

Recommendation 65: Allocate a specific budget to higher education establishments for the reception of students with disabilities.

Recommendation 66: Establish an action plan to improve the accessibility of school infrastructure

3.2.18 Response to point 23: Health

98. Access to quality health care is compromised for people with disabilities due to the **inaccessibility of infrastructure** (hospital, medical and paramedical) **and medical equipment and the lack of reasonable accommodation**. A study by the Federal Centre of Expertise for Healthcare (KCE) showed that people with intellectual disabilities had poorer access to healthcare because their specific needs were not taken into account.¹¹⁸
99. Due to the lack of information in an accessible format and suitable tools, some people with disabilities are unable to give their **free and informed consent**. For example, deaf people regularly contact Unia about the lack of sign language interpretation (and refusal to reimburse interpretation) during consultations and hospitalisations.¹¹⁹ German speakers cannot always obtain the information they need in German.
100. Several studies, including the Unia consultation, have shown that the **cost of care** is a strain on the budgets of people with disabilities. 4 out of 10 people have already given up at least one treatment for financial reasons, in Wallonia and Brussels. Women are more likely to forgo care than men. It is people who are incapacitated for work who are most affected by the postponement of care. For financial reasons but also accessibility in the broad sense.¹²⁰
101. Health personnel have very **little training** in taking into account the needs of persons with disabilities and their rights to reasonable accommodation. Unia's consultation reveals numerous cases of abuse and violence in the healthcare sector. This situation is all the more serious as there is often a relationship of dependence between the medical expert and the disabled person. In addition, many people with disabilities say that their **freedom of choice** is too little respected when it comes to their treatment and care.
102. **Children with a low intelligence quotient (70) and autistic children do not have access to compulsory insurance reimbursement for single-discipline outpatient speech therapy sessions**. For these children, speech therapy is provided either within the special education system or by multidisciplinary centres, which are overcrowded and geographically poorly distributed. Many children are thus deprived of any possibility of access to communication.
103. Unia's monitoring of internment has shown that a large number of people with a mental disorder end up in internment because of the lack of care available before the offence is committed: **mental health services are saturated**.

Recommendation 67: Extend accessibility standards to all medical and paramedical infrastructures. Establish minimum standards for access to medical equipment.

Recommendation 68: Anticipate the implementation of reasonable accommodations in hospitals; organise and allow support for relatives and/or professionals, even in times of crisis.

Recommendation 69: Make prevention and health information campaigns accessible to people with disabilities.

Recommendation 70: Include a ‘disability’ module in the initial and continuing training of health professionals in order to combat stigmatisation, raise awareness about accommodating people, promote the UN Convention and the rights it protects.

Recommendation 71: Guarantee access to reimbursement for monodisciplinary speech therapy sessions, regardless of disability, IQ level or educational background.

Recommendation 72: Guarantee the accessibility (financial, physical, etc.) and availability of front-line mental health and psychiatric services.

3.2.19 Response to Point 24: Habilitation and rehabilitation

104. In the various regions (except the German-speaking Community), the system of individual integration aid¹²¹ excludes from the benefit of such aid persons with disabilities who have not submitted an application for recognition to the regional or Community agency prior to the age of 65. This **age limit** in access to these aids creates direct discrimination against a public that combines the criteria of vulnerability (disability, old age or precariousness) and seriously compromises inclusion and home life of aging people with disabilities.

Recommendation 73: Remove the age criterion in the granting of individual integration assistance to guarantee the right to inclusion and to independent living of all people with disabilities, regardless of age.

3.2.20 Response to Point 25: Work and employment

105. According to the latest figures from Statbel,¹²² the **employment rate** in Belgium of people who are severely limited in their activities due to a disability is 23 % (compared to 65.3% of the total population aged 15 to 64). The vast majority (75.5%) of them are inactive: they do not have a job, are not looking for one and/or are not available for work (compared to 30.3% of the total population). Belgium is the European country with the highest proportion of people inactive due to illness or disability, at 7.2% of the 20-64 age group. This represents almost 3 out of 10 inactive people in the 20-64 age group in Belgium.¹²³

106. According to a survey by the HR service provider Acerta, based on data from over 40,000 private companies, only 1 in 369 workers - or 0.27% - is a person with a disability (recognised by DG Handicap) on the regular labour market.

107. Public administrations still fail to meet their own **quotas** or quantified targets, although these are low (2% to 5%). In the federal civil service, 1.09% of federal staff have a recognised disability, whereas the quota is set at 3%. In addition, public bodies regularly fail in their duty to make reasonable accommodations, in particular for the reintegration of workers with long-term illness.
108. **Vocational training courses** are still too inaccessible to people with disabilities, who are still too often referred to specific training courses (when they exist). This is particularly true for French-speaking deaf people, who very rarely benefit from sign language interpretation during their training.
109. People with disabilities are still heavily **discriminated against in the labour market**. For example, discrimination tests carried out in Ghent revealed that deaf applicants are 42% less likely to get a positive response when applying.¹²⁴
110. Too few resources are directed towards **job search and employment support in the mainstream**. Public funding is still mainly directed towards employment in adapted work companies. In Flanders and Brussels,¹²⁵ there is three times as much budget going towards adapted work companies rather than towards inclusive employment. In Wallonia, 67% of the budget devoted to the employment and training of people with disabilities is intended for adapted work companies.¹²⁶
111. Unia regularly receives reports from people with disabilities working in **adapted work companies (ETA)** who complain in particular of refusal of reasonable accommodation, differences in treatment between staff with disabilities and other staff, as well as numerous problems with wellbeing at work. Between 2018 and 2019, the courts convicted three Brussels ETAs for discrimination on the basis of disability, refusal of reasonable accommodation or harassment. Women workers with disabilities regularly face situations of sexual harassment. A working group bringing together AVIQ, Phare, the employers' federations of the ETAs and the trade unions was set up in 2020, following Unia's request, to reflect on the implementation of preventive tools.
112. The policy of **reintegration workers with long-term illness** entered into force in 2017 and was reformed in 2022, in particular to dissociate it from the procedure for dismissal on grounds of medical force majeure. Previously, more than half of all employees involved in a reintegration programme were declared permanently unfit for work¹²⁷ and therefore dismissed. Since the reform, there have been some 6,000 dismissals for medical reasons per quarter.¹²⁸ The number of people with long-term illnesses in Belgium (37% of them for lasting mental health problems) continues to rise every year (reaching almost half a million by 2023).
113. The cases of **burnout** among employees with a disability are three times higher (36.4%) than among employees without a disability (11.3%)¹²⁹. To avoid burnout, many people with a disability choose to work part-time and without a compensation mechanism, this means a net loss of income which increases the risk of poverty.¹³⁰

Recommendation 74: Establish an ambitious, clear and budgeted action plan to support the employment of people with disabilities in the mainstream sector. Support and strengthen assisted employment (supported employment) initiatives in both the public and private sectors.

Recommendation 75: Organise an interministerial conference on well-being at work so that workplaces are more inclusive and do not give rise to new situations of disability, in particular mental health problems.

Recommendation 76: Ensure respect for the rights of workers with disabilities in adapted work companies, with particular attention to the right to reasonable accommodation and the vulnerable situation of disabled workers (protection against harassment); Put in place a policy of reorientation towards mainstream work circuits and the creation of inclusive workplaces.

3.2.21 Response to Point 26: Adequate standard of living and social protection

114. According to Eurostat's SILC survey, 4 out of 10 people with disabilities in Belgium are at **risk of poverty or social exclusion**. This is one of the highest risks in Europe. It concerns people who face at least one of the following three risks: monetary poverty, severe material and social deprivation or living in a household with very low work intensity.¹³¹
115. 40% of people receiving a disability allowance in Belgium live below the **poverty line**; these allowances are 75% below the poverty line. 24.7% of people who say they are limited by a disability are at risk of poverty (compared to 12.8% for the population without disabilities). The federal disability plan 2021-2024 aims to raise the income replacement benefit to the poverty line. The income replacement benefit remains below the poverty line.
116. The 'price of love' (lower benefits in the event of cohabitation) and the 'price of work' (benefits reduced according to income from work) have been abolished or significantly corrected as far as integration benefits are concerned. Those who lose their jobs or fall ill continue to see their integration allowance reduced or disappear.
117. The Unia consultation showed how **expensive it is to try to live independently**. Very often having a social and cultural life is a luxury, moving around is an obstacle course (inaccessible transport and roads), going to mainstream school entails additional costs for families to make up for the lack of support...
118. The law provided for a **stricter length of residence condition** (10 years, including at least 5 uninterrupted) for the granting of the income replacement allowance (*allocation de remplacement de revenus* or ARR)¹³² to persons with disabilities.¹³³ This residence condition was annulled by the Constitutional Court in 2020,¹³⁴ and is therefore deemed never to have existed since the publication in the Belgian Official Gazette of the judgment. However, apart from certain specific categories of foreigners, only foreigners registered in the population register, (i.e., those authorised to settle in Belgium after a stay of at least 5 years and with an unlimited residence permit), are entitled to an ARR. The Constitutional Court has already admitted this difference in treatment on several occasions in the past:¹³⁵ It considered that foreigners registered in the foreigners' register have a weaker link with Belgium and can rely on another regulation, namely that of the social integration. However, some

people registered in the foreigners' register have had a residence permit for at least five years and for an unlimited period. Having a residence permit of unlimited duration should be the prevailing criterion, regardless of the register in which the foreigner is registered. The five-year term could also be subject to a proportionality review.^{136 137}

Recommendation 77: Reduce the costs of inclusion through actions in all areas (income, housing, employment, health, leisure) and at all skill levels;

Recommendation 79: Reform the whole system of income support for people with disabilities with a view to harmonising the criteria for recognition and bringing them into line with the social approach to disability, to the detriment of any medical criteria referring to the incapacity threshold. Such a reform must guarantee the continuity of financial assistance throughout a person's life.

Recommendation 78: Give access to the income replacement allowance to all foreigners authorised for an unlimited stay, regardless of the register in which they are registered, with the same condition of prior stay for all foreigners.

3.2.22 Response to Point 27: Participation in political and public life

119. Both the Unia consultation and the study carried out by Unia on the **right to vote** of people with mental or psychological disabilities¹³⁸ highlight the obstacles that people with disabilities encounter in civic participation. Election campaigns and information are not always accessible. The tools to prepare for the vote are sorely lacking. Some polling stations are not accessible (lack of parking space, instructions that are difficult to understand, etc.), voting machines and voting booths are not suitable (too little light or space for a wheelchair).¹³⁹ Some voters are forced to resort to assistance when they could vote alone with appropriate tools. Their right to the secrecy of the vote is thus violated.
120. On the eve of the 2024 elections, accessibility standards for polling stations have changed very little and remain minimal. Only one adapted polling booth is required for every 5 polling stations, with the exception of elections organised by the Walloon Region, which requires one adapted booth per polling station. Some parties have made efforts to make their election campaigns more accessible, but this remains insufficient, disparate and left to the initiative of the parties.
121. A judge who places people under a legal protection measure has the power to declare them **incapable of voting**. A new law passed on 28 March 2023 'introducing various changes in electoral matters' further restricts the right to vote of citizens with an administration status of the person. Since 1 October (the date on which the law came into force), the justice of the peace must systematically rule on a person's capacity to exercise their right to vote and to be elected. A person deprived of the right to vote loses all possibility of participating in democracy.¹⁴⁰

Recommendation 79: Review the legal framework governing elections so that it guarantees access to the vote for people with disabilities. Binding requirements must be laid down to ensure the accessibility of polling stations, polling booths and voting machines. Develop alternative voting methods (postal voting, voting in mobile buses, etc.)

Recommendation 80: Eliminate the possibility offered to justices of the peace to declare a person incapable of voting and therefore to deprive him of the exercise of his right to vote.

Recommendation 81: Introduce a legal framework to ensure that election campaigns are accessible to all. Penalise political parties, for example by reducing their funding, when they do not provide programmes in accessible versions. Develop voting preparation tools (simulation, educational kits, etc.)

3.2.23 Response to Point 28: Participation in cultural and recreational life, leisure and sports

122. In addition to accessibility problems, there is a glaring **lack of support and assistance services in recreational and cultural activities**. This lack is at the origin of many discriminations reported to Unia.

123. The European Disability Card (EDC) has been more widely distributed and will be automatically issued to people with a recognised disability. Belgium has also played a pioneering role in rolling out the EDC in all Member States.

Recommendation 82: Release the necessary budgets to strengthen inclusion support services and personal assistance, in particular for access to inclusive culture and leisure activities.

Recommendation 83: Extending the application of the EDC card to other areas such as transport (public and private) in order to improve the participation and inclusion of disabled people.

3.3 Special obligations (Articles 31 to 33)

3.3.1 Response to Point 29: Statistics and data collection

124. The data available is **limited** (this includes: no disaggregated data on the type of disability) and difficult to compare (different definitions of disability). It is distributed among the different policy areas. It is therefore difficult to identify developments and establish links between different databases. A working group of the Interministerial Conference on Disability has identified priority actions to collect data from existing sources and fill gaps. Unia has also been entrusted with the Equality data collection Belgium II project¹⁴¹ to gather data on the equality and participation of people with disabilities.

Recommendation 84: Provide for a centralised recording of both federal and regional data in order to be able to conduct a policy based on objective elements. There needs to be a common ‘language’ for the data of the three levels of power.

Recommendation 85: Use the Washington questionnaire to find out how the different types of disabilities are distributed in the population, apart from the data related to allowances.

Recommendation 86: The priority actions identified by the working group within the Interministerial Conference must be implemented and monitored by each authority concerned.

3.3.2 Response to Point 31: Application and monitoring at national level

125. **Unia** is the independent Belgian mechanism under article 33.2 since 2011. It is also the Equality Body of Belgium competent for all forms of discrimination. Unia is recognised as National Human Rights Institution (NHRI B status). It is interfederal, which means that it is competent for all regions and communities as well as for the federal state, except for the Flemish Region/Community, which created its own Institution for human rights in March 2023.

126. Unia is frequently the **victim of attacks** by opinion makers, political figures or certain political parties, mainly Flemish ones. So much so that the Flemish government coalition agreement of 2019 provided for Flanders to withdraw from Unia in March 2023.

127. **The Flemish government created its own institution** to fulfil its monitoring duties under Art. 33.2 (for Flemish matters). The new institution **does not have the ability to go to court and its decisions are not binding**. It therefore represents **a setback for the rights of people with disabilities**: they are now even more reluctant to go to court¹⁴² because they will have little or no legal assistance and defendants will feel freer to override the rights of disabled people. The ‘standstill’ principle is not respected.¹⁴³

128. The federal government has also created an **additional body**, the *Federal Institute for the protection and promotion of Human Rights*. It can only deal with matters that are residual to other human rights institutions such as Unia and is only competent for federal matters.

129. Elections were held in Belgium in June 2024. In its programme, the N-VA party, which came first in Flanders and will probably form part of the federal government, wants to continue dismantling Unia by stripping it of its federal powers, which will deal a fatal blow to the institution as it exists today.

Recommendation 87: Ensure that there is consistency and a clear, coordinated vision on the part of the authorities concerning these different human rights institutions, while respecting them and their independence, with the same high degree of protection for the citizens who apply to them as well as the elimination of behavioural and environmental barriers for access to them.

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4 Endnotes

¹ Myria, the Federal Migration Centre, is an independent public institution whose legal mission is to inform the public authorities about the nature and extent of migratory flows, to ensure respect for the fundamental rights of foreigners and to stimulate the fight against human trafficking and smuggling. It was also appointed independent national rapporteur on human trafficking. Myria and Unia are both legal successors to the former Centre for Equal Opportunities and the Fight against Racism. They agreed, through a protocol, to report together to the United Nations fundamental rights protection bodies. This protocol was submitted as part of the accreditation process which led to the recognition of Unia as a B status NHRI.

² UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, December 2020. Available online at: <https://www.unia.be/fr/publications-et-statistiques/publications/consultation-des-personnes-handicapees-sur-le-respect-de-leurs-droits-2020>

³ UNIA, *COVID et droits humains: impact sur les personnes handicapées et leurs proches*, July 2020. Available online at: <https://www.unia.be/fr/publications-et-statistiques/publications/limpact-de-la-crise-du-coronavirus-sur-les-personnes-en-situation-de-handic>

⁴ Decree of the French Community of 17 June 2021 on the creation of Territorial Poles responsible for supporting mainstream schools in the implementation of reasonable accommodation and permanent full integration, M.B. 06.08.2021, certain provisions of which were annulled by the Constitutional Court on the grounds of discrimination in its [ruling 85/2023](#) of 1 June 2023, available online at: [2023-085f \(const-court.be\)](#)

⁵ UNIA, *La loi du 28 mars 2023 met en difficulté l'exercice du droit de vote pour les personnes en situation de handicap*, January 2024, available online at: [La loi du 28 mars 2023 met en péril le vote pour tous | Unia](#)

⁶ UNIA, *Avis concernant les projets de loi qui introduisent la responsabilité atténuée, le traitement sous privation de liberté, le suivi prolongé et une nouvelle mesure de sûreté pour la protection de la société*, July 2023, available online at: [Avis concernant les projets de loi qui introduisent la responsabilité atténuée, le traitement sous privation de liberté, le suivi prolongé et une nouvelle mesure de sûreté pour la protection de la société. | Unia](#)

⁷ Federal Disability Action Plan (2021-2024), available at: [Plan d'action fédéral Handicap \(2021 -2024\) | Service Public Fédéral - Sécurité Sociale \(belgium.be\)](#)

⁸ UNIA, *Analyse du décret du 19 March 2012 de la Communauté germanophone visant à lutter contre certaines formes de discrimination*, June 2023, available online at: [Analyse du Décret du 19 March 2012 de la Communauté germanophone visant à lutter contre certaines formes de discrimination | Unia](#)

⁹ Walloon decree of May 2, 2019 amending the decree of November 6, 2008 on the fight against certain forms of discrimination and the Judicial Code, M.B. 14.08.2019.

¹⁰ The federal anti-discrimination law of 10 May 2007 was reinforced by the laws of 7 April and 23 June 2023. See: <http://www.ejustice.just.fgov.be/eli/loi/2007/05/10/2007002099/justel>. Also read the Unia article “La loi évolue, les victimes de discriminations sont mieux protégées”, June 2023, available at: [La loi évolue, les victimes de discriminations mieux protégées | Unia](#)

¹¹ For the Brussels Region, see the joint decree and order of 19 April 2024 of the Brussels-Capital Region, the Joint Community Commission and the French Community Commission establishing the Brussels Code on equality, non-discrimination and the promotion of diversity. See the Unia article “Un tout premier Code bruxellois de l'égalité”, 9 April 2024, available at: [Tout premier Code bruxellois de l'égalité | Unia](#). For the French Community, see the decree of 25 April 2024 amending the decree of 12 December 2008 on combating certain forms of discrimination.

¹² Outside the field of labour relations, the lump sum compensation for moral damage suffered as a result of discrimination is set at an amount of 1,300 euros, and is not indexed, except at federal level and in the French Community, where the lump sum has been increased to 3,900 index-linked euros. It can be reduced by half if the offender can demonstrate that the unfavourable or disadvantageous treatment would also have been adopted in the absence of discrimination. The law does not provide for compensation for material damage.

¹³ Federal Disability Action Plan (2021-2024), available at: [Plan d'action fédéral Handicap \(2021 -2024\) | Service Public Fédéral - Sécurité Sociale \(belgium.be\)](#)

¹⁴ National Action Plan (NAP) to combat gender-based violence 2021-2025, available online at: [PAN | Institut pour l'égalité des femmes et des hommes \(belgium.be\)](#). LIEN NL: [NAP | Instituut voor de gelijkheid van vrouwen en mannen \(belgium.be\)](#)

¹⁵ Report “Improving equality data collection in Belgium II”, UNIA, 2024, p. 28, “3.2.4. Manque et besoin de données intersectionnelles”, available online at: [Report ‘Improving Equality Data Collection in Belgium II’ - disability, state of health, physical characteristics | Unia](#)

¹⁶ STATBEL, *Les personnes handicapées ou souffrant de problèmes de santé de longue durée ont moins d'autonomie dans leur emploi*, December 2020, available online at: <https://statbel.fgov.be/fr/nouvelles/les-personnes-handicapees-ou-souffrant-de-problemes-de-sante-de-longue-duree-ont-moins>

¹⁷ Source: <https://eweta.be/quelques-chiffres/>

¹⁸ Source: [Rapport-activités-2021.pdf \(aviq.be\)](#) For the Centres de Formation and Socio-Professional Integration programmes, there are 439 female trainees out of a total public of 1056, i.e. 41.5% (page 48). For training and employment aids in an ordinary environment, women represent 39% of beneficiaries (page 65).

¹⁹ UNIA, *Réinsertion des personnes internées: quels défis dans un État de droit ?*, December 2023, available online at [Rapport internement \(unia.be\)](#), page 37 on women who have been interned.

²⁰ [Centres d'hébergement - Service PHARE \(irisnet.be\)](#)

²¹ Walloon region: 3,137 approved places in residential services for young people (SRJ) according to the list of approved institutions stopped on 05/17/2020 available online at: <https://www.aviq.be/handicap/pdf/integration/listing/Catalogue%20SRJ.pdf>

²² “Prendre le parti des enfants en Belgique et dans le monde, *Mémoire des acteurs des droits de l'enfant pour les élections de juin 2024*”, p.24, CODE, KIRECO, UNICEF Belgium, available online at: [Memorandum FR 2024 ppp.pdf \(lacode.be\)](#).

²³ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.73.

²⁴ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.35.

- ²⁵ CSA, *Baromètre Diversité et Egalité 2021*, p.293, available online at: [CSA_barometre-10ANS-2023-WEB.pdf](#)
- ²⁶ DE SWERT Knut (UvA), KUYPERS Ine (UA), WALGRAVE Stefaan (UA), *Monitor Diversiteit 2019: Een kwantitatieve studie naar de zichtbaarheid van diversiteit op het scherm in Vlaanderen*, available online at: <https://www.vrt.be/content/dam/vrtbe/over-de-vrt/opdrachten/omroepthema%27s/Monitor%20Diversiteit%202019.pdf>
- ²⁷ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.23.
- ²⁸ UNIA, *L'accessibilité des personnes handicapées aux infrastructures publiques des 19 communes bruxelloises*, July 2015, available online at: <https://www.unia.be/fr/legislation-et-recommandations/recommandations-dunia/laccessibilite-des-personnes-handicapees-aux-infrastructures-publiques-des-19-communes-bruxelloises>
- ²⁹ UNIA, *L'accessibilité des communes wallonnes aux personnes en situation de handicap*, September 2018, available online at: <https://www.unia.be/fr/legislation-et-recommandations/recommandations-dunia/laccessibilite-des-communes-wallonnes-aux-personnes-handicapees>
- ³⁰ Unia, *De toegankelijkheid van de Vlaamse gemeenten voor personen met een handicap*, October 2019, available online at: <https://www.unia.be/nl/wetgeving-aanbevelingen/aanbevelingen-van-unia/toegankelijkheid-van-de-vlaamse-gemeenten-voor-personen-met-een-handicap-st>
- ³¹ For more information: UNIA, *L'accessibilité des infrastructures et des équipements de la STIB aux personnes en situation de handicap*, June 2018, available online at: <https://www.unia.be/fr/legislation-et-recommandations/recommandations-dunia/laccessibilite-des-infrastructures-et-equipements-de-la-stib-aux-personnes>
- ³² For more information: UNIA, *L'accessibilité des infrastructures et des équipements de la SNCB pour les personnes en situation de handicap*, February 2021, available online at: [https://www.unia.be/files/Documenten/Aanbevelingen-advies/unia-recommandation SNCB \(2021\).pdf](https://www.unia.be/files/Documenten/Aanbevelingen-advies/unia-recommandation SNCB (2021).pdf)
- ³³ CAWaB, *“Le train est-il réellement accessible à tous en Belgique ? [Mise à jour - cartes 2024]”*, available online at: https://cawab.be/cartes_SNCB_2024.
- ³⁴ For more information: UNIA, *Aanbeveling voor het verbeteren van de toegankelijkheid van het vervoersaanbod van De Lijn*, April 2017, available online at: <https://www.unia.be/nl/wetgeving-aanbevelingen/aanbevelingen-van-unia/aanbeveling-voor-het-verbeteren-van-de-toegankelijkheid-van-het-vervoersaan>
- ³⁵ UNIA, *La société flamande De Lijn condamnée pour discrimination à l'égard de personnes en fauteuil roulant*, available online at: <https://www.unia.be/fr/articles/de-lijn-condamnee-pour-discrimination-personnes-fauteuil-roulant#:~:text=Le%205%20d%C3%A9cembre%202023%2C%20le,sur%20l%27%C3%A9galit%C3%A9%20des%20chances>.
- ³⁶ Flanders has put a question on this subject to the Committee on the Rights of Persons with Disabilities but has not yet received a reply.
- ³⁷ INTER, *Evaluatieonderzoek Vlaamse Toegankelijkheidsverordening*, 2020, available online at: https://inter.vlaanderen/sites/default/files/Evaluatieonderzoek_Vlaamse_Toegankelijkheidsverordening_Eindrapport.pdf
- ³⁸ Art. 60 of the law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners provides that Fedasil, the agency in charge of reception, is ‘responsible for granting material to minors staying with their parents illegally in the territory and whose state of need has been noted by a public social action centre, when the parents are unable to fulfil their duty of support. This material assistance is granted in

community reception structures managed by the Agency or a partner with which the Agency has concluded a specific agreement for the reception of minors referred to in paragraph 1. The King determines the modalities of granting this material aid.’

³⁹ Constitutional Court, n° 58/2021, 22 April 2021. The case concerned a family with two minor children as well as an adult child with severe disabilities.

⁴⁰ Contribution of Myria.

⁴¹ On the impact of the Law of the Covid crisis on people with disabilities in Belgium, see Unia's report from a consultation with people with disabilities and their families: ‘COVID et droits humains: impact sur les personnes handicapées et leurs proches’, July 2020, available online at: <https://www.unia.be/fr/publications-et-statistiques/publications/limpact-de-la-crise-du-coronavirus-sur-les-personnes-en-situation-de-handic>

⁴² UNIA, *Covid-19: Les droits humains mis à l'épreuve (deuxième rapport)*, 2021, p.51, available online at: https://www.unia.be/files/Documenten/Publicaties_docs/Covid-Rapport-DEF_FR_mar0.pdf.

⁴³ CONSEIL SUPÉRIEUR DE LA JUSTICE, *Audit : Le contrôle sur les administrations par les justices de paix*, 2019 available online at www.csj.be

⁴⁴ CSNPH, *Avis 2023/27 relatif au projet de loi relatif au statut d'administrateur d'une personne protégée*, October 2023, available online at [Avis 2023/27 - Conseil Supérieur National des Personnes Handicapées \(belgium.be\)](http://www.csnph.be/Avis_2023_27_-_Conseil_Superieur_National_des_Personnes_Handicapées_(belgium.be))

⁴⁵ Law of 17 March 2013 reforming incapacity schemes and introducing a new protection status in keeping with human dignity, *M.B.* of 14 June 2013, n°2013009163, p. 38132

⁴⁶ SUPREME JUDICIAL COUNCIL, *Audit: Le contrôle sur les administrations par les justices de paix*, 2019, p. 56-57.

⁴⁷ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.75.

⁴⁸ Report on the participation in elections of people with disabilities, available online at https://www.unia.be/files/Documenten/Publicaties_docs/Rapport_droit_de_vote_2020.pdf, p.75.

⁴⁹ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.74.

⁵⁰ See in particular: *Oukili v. Belgium* (43663/09), judgment of 9 January 2014; *Plaisier v. Belgium* (28785/11) judgment of 9 January 2014; *Van Meroye v. Belgium* (330/09), judgment of 9 January 2014; *Saadouni v. Belgium* (50658/09) judgment of 9 January 2014; *Moreels v. Belgium* (43717/09), judgment of 9 January 2014; *Gelaude v. Belgium* (43733/09), judgment of 9 January 2014; *Lankester v. Belgium* (22283/10), judgment of 9 January 2014; *Caryn v. Belgium* (43687/09), judgment of 9 January 2014; *Smits and others v. Belgium* (49484/11, 4710/12, 15969/12, 49863/12 and 70761/12), judgment of 3 February 2015 and *Vander Velde and Soussi v. Belgium and the Netherlands* (49861/12 and 49870/12), judgment of February 3, 2015. The pilot judgment of September 6, 2016 (ECHR, September 6, 2016, *WD v. Belgium*) particularly captures our attention. The Court pinpoints the structural dysfunction specific to the Belgian system, the cause of the violation of Article 3 of the European Convention on Human Rights: it is the lack of suitable places in the external circuit and the lack of qualified personnel. in the psychiatric annexes of prisons which do not allow the social defence regime to fulfil its functions. Applying Article 46 of the Convention, the Court gives the Belgian authorities a period of two years in which to organise a system for the sectioning of delinquent persons that is in keeping with human dignity.

- ⁵¹ Committee of Ministers of the Council of Europe, *Décision CM/Del/Dec(2023)1475/H46-8*, September 2023, available online at [Result details \(coe.int\)](#)
- ⁵² UNIA, *Les personnes internées reçoivent des soins inappropriés dans les prisons belges selon le Conseil de l'Europe*, September 2023, available online at [Soins inappropriés pour les personnes internées selon le Conseil de l'Europe | Unia](#)
- ⁵³ UNIA, *Réinsertion des personnes internées: quels défis dans un État de droit ?*, December 2023, available online at [Rapport internement \(unia.be\)](#)
- ⁵⁴ CPS data from December 2023, figure sent by the DGEPI to Unia by e-mail, 16 April 2024
- ⁵⁵ UNIA, *Réinsertion des personnes internées: quels défis dans un État de droit ?*, December 2023, available online at [Rapport internement \(unia.be\)](#), p.21-23
- ⁵⁶ UNIA, *Réinsertion des personnes internées: quels défis dans un État de droit ?*, December 2023, available online at [Rapport internement \(unia.be\)](#), p.26
- ⁵⁷ Number of internees not in order to stay whose legal situation is definitive within the DGEPI: 103, Source: SIDIS Suite of 16/04/2024, figure sent by the DGEPI to Unia by e-mail, 16 April 2024
- ⁵⁸ UNIA, *Réinsertion des personnes internées: quels défis dans un État de droit ?*, December 2023, available online at [Rapport internement \(unia.be\)](#), p.50
- ⁵⁹ Care inspection, *inspectieverslag: forensisch psychiatrische centra, 2023*, available online at [2023-05-26 - Inspectieverslag Forensisch Psychiatrische Centra - Gent.pdf \(apache.be\)](#)
- ⁶⁰ Based on the risk assessment instrument DUNDRUM, a scientific article shows that only 19.2% of people referred to a PLC by the CPS meet the 'high safety' criterion. See I. Jeandarme, P.Habets and H.Kennedy, H: "Structured versus unstructured judgment: DUNDRUM-1 compared to court decisions". *International Journal of Law & Psychiatry*, 64, 205-210.
- ⁶¹ The Law introducing Book 1 of the Criminal Code and the Law introducing a security measure for the protection of society of 29 February 2024.
- ⁶² UNIA, *Avis concernant les projets de loi qui introduisent la responsabilité atténuée, le traitement sous privation de liberté, le suivi prolongé et une nouvelle mesure de sûreté pour la protection de la société*, July 2023, available online at: [Avis concernant les projets de loi qui introduisent la responsabilité atténuée, le traitement sous privation de liberté, le suivi prolongé et une nouvelle mesure de sûreté pour la protection de la société. | Unia](#)
- ⁶³ La Libre, *Nouveau code pénal : "Ces mesures mériteraient d'être contestées devant la Cour constitutionnelle"*, 22 mars 2024, available online at [Nouveau code pénal : "Ces mesures mériteraient d'être contestées devant la Cour constitutionnelle" - La Libre](#)
- ⁶⁴ FIRM, *Advies n° 2022/15 van het Federaal Instituut voor de bescherming en de bevordering van de Rechten van de Mens*, December 2022, available online at [Advies herziening Boek 1 Strafwetboek_NL_fin.pdf](#)
- ⁶⁵ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.53.

⁶⁶ IBSA, Statistiek Vlaanderen, IWEPS, *Les violences liées au genre en Belgique Chiffres clés de l'Enquête européenne sur la violence à l'égard des femmes et d'autres formes de violence interpersonnelle (EU-GBV, 2021-2022)*, 2024. The percentage of victims of psychological violence is 29.9% in the general population, compared with 56.3% for women declaring themselves 'unable to work due to a disability or long-term health problem' (page 22). The rate for victims of physical violence is 14.4% in the general population, compared with 41.2% for women with a disability or long-term health problem (page 25). The rate for victims of sexual violence is 7.6% in the general population, compared with 24.3% for women with a disability or long-term health problem (page 27).

⁶⁷ [L'accessibilité pour les femmes en situation de handicap victimes de violence – free webinar- Garance ASBL and A.S.P.H., Femme en situation de handicap une double discrimination violente](#), 3 December 2020, [ETUDE: Femmes en situation de handicap - asph](#)

⁶⁸ National Action Plan (NAP) to combat gender-based violence 2021-2025, available online at: [PAN | Institut pour l'égalité des femmes et des hommes \(belgium.be\)](#). LIEN NL: [NAP | Instituut voor de gelijkheid van vrouwen en mannen \(belgium.be\)](#). FPS Social Security, Federal Disability Action Plan (2021-2024) , Final report, April 2024, page 97 available at: [federaal actieplan handicap - rapport finpar.pdf \(belgium.be\)](#)

⁶⁹ Femmes & Santé asbl, Handicap & Santé asbl, Handicap& Sexualités, *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.18, available at: [rapport_VGO-web.pdf \(ctfassets.net\)](#).

⁷⁰ Ligue des Droits Humains, *La justice condamne un hôpital bruxellois pour des traitements médicaux "normalisateurs" sur une personne mineure intersexe*, 28 March 2023, available at: [La justice condamne un hôpital bruxellois pour des traitements médicaux "normalisateurs" sur une personne mineure intersexe - Bienvenue sur le site de la Ligue des droits humains \(liguedh.be\)](#).

⁷¹ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.40.

⁷² For Brussels, see Study of the needs of people with disabilities in Brussels, part 2 "Offre et besoins de services pour les personnes en situation de handicap à Bruxelles", produced by Gaétane Deliens, Florence Merken, Solène Jaspard and Mikhail Kissin, available at: [ACTE Cadastre PSH Volet2.pdf \(ulb.be\)](#), p.190

⁷³ The study was awarded under a public contract to a multidisciplinary team of researchers coordinated by the Brussels Studies Institute (BSI). The first part of the study (to be carried out by a team of lawyers and economists between September 2021 and February 2022) will draw up a register of the services available to people with disabilities. The second part of the study (carried out by a team of psychologists) aims to identify the needs of people with disabilities. The study focuses on the overall disability policy of the three main bodies responsible for disability in Brussels: the COCOF, the COCOM and the Flemish Community. The study is available at the following link: [Services et besoins de personnes porteuses d'un handicap - Brussels Studies Institute \(bsi.brussels\)](#).

⁷⁴ In Brussels, in 2022, 431 places were approved in adult accommodation centres and 655 places in adult day centres, for a total subsidy of 119,155,000 euros. In Wallonia, 105 residential services for adults, 32 night residential services for adults and 81 day services were approved in 2022.

⁷⁵ In May 2023, Wallonia announced the release of €4.4 million to renovate, build or extend 31 establishments for disabled people, see [Des montants complémentaires pour rénover, construire ou agrandir 31 établissements qui accueillent des personnes en situation de handicap en Wallonie - Christie MORREALE](#)

⁷⁶ In the Walloon Region, as of 31 May 2023, 537 people benefited from a BAP but taking all priorities together, 210 people are still waiting for this budget (compared with 397 people in June 2020) (figures sent by email by the supervisory agency). Given the budgetary limits, the BAP is currently open only to people who meet priority criterion 1 (namely having a disease included in a list of priority diseases due to the rapidity of the evolution). The second priority is given to people with disabilities who do not benefit from any institutional care whatsoever and who count at least 45 points on the scales for measuring autonomy (referred to in article 802 of the regulatory part of the Walloon Code of Social Action and Health and whose family support is not or is no longer able to provide long-term care) See parliamentary question of 10 November 2023 put by François Desquesnes to the minister responsible, available at [Le Parlement de Wallonie \(parlement-wallonie.be\)](https://www.parlement-wallonie.be/). The waiting lists are not indicative of real demand since many people, discouraged by the priority criteria and lack of budget, have not even applied for a BAP. In the Brussels Region, in June 2023, 48 people benefit from a personal assistance budget, while 140 people are still waiting for a budget (compared to 42 people in 2021).

⁷⁷ Study of the needs of people with disabilities in Brussels, part 2 “Offre et besoins de services pour les personnes en situation de handicap à Bruxelles”, produced by Gaétane Deliens, Florence Merken, Solène Jaspard and Mikhail Kissin, available at: [ACTE Cadastre PSH Volet2.pdf \(ulb.be\)](#), p.386.

⁷⁸ Ibidem, p.162 et s.

⁷⁹ Study of the needs of people with disabilities in Brussels, part 1 “Cadastre de l’offre de services pour les personnes en situation de handicap à Bruxelles: une cartographie juridique, économique et pratique”, produced by Sophie GERARD, Naomé IDE, Daniel DUMONT and Ilan TOJEROW, available at [Cadastre des services aux personnes en situation de handicap \(version finale\) \(ulb.be\)](#), p. 338.

⁸⁰ Ibidem, p.230.

⁸¹ Study of the needs of people with disabilities in Brussels, part 2 “Offre et besoins de services pour les personnes en situation de handicap à Bruxelles”, produced by Gaétane Deliens, Florence Merken, Solène Jaspard and Mikhail Kissin, available at: [ACTE Cadastre PSH Volet2.pdf \(ulb.be\)](#), p.161 et s.

⁸² Ibidem, p.162-165.

⁸³ Ibidem, p.166-167

⁸⁴ <https://pro.guidesocipar.be/articles/actualites/article/handicap-de-grande-dependance-et-autisme-100-nouvelles-places-d-accueil>

⁸⁵ NORD ECLAIR, *Leuze-en-Hainaut: Un home pour 80 adultes handicapés fait débat*, available online at <https://www.nordeclair.be/521699/article/2020-02-19/leuze-en-hainaut-un-home-pour-80-handicapes-adultes-faitdebat> et ENTRE SAMBRE ET MEUSE, *L’AVENIR: Un centre d’accueil pour handicapés à Froidchapelle: 80 lits et 60 emplois*, 10 June 2020

⁸⁶ For Brussels, see the study on the needs of people with disabilities in Brussels, part 2 “Offre et besoins de services pour les personnes en situation de handicap à Bruxelles”, produced by Gaétane Deliens, Florence Merken, Solène Jaspard and Mikhail Kissin, available at: [ACTE Cadastre PSH Volet2.pdf \(ulb.be\)](#), p.176-177.

⁸⁷ UNIA, *Recommandation pour des mesures de mobilité plus inclusives*, September 2023, available online at: <https://www.unia.be/fr/legislation-et-recommandations/recommandations-dunia/mobilite-plus-inclusive>

⁸⁸ UNIA, *Sauver la scan car à tout prix ? Ou comment le législateur bruxellois a mis à mal les droits des personnes en situation de handicap au profit du contrôle automatisé du stationnement*, Carte blanche published on the website of the daily newspaper Le Soir on 14/07/2023 following the entry into force of the new parking ordinance in Brussels on 8/07/2023, available online at: https://www.unia.be/files/Documenten/Publicaties_docs/202307-carte_blanche_ordonnance_stationnement.pdf

⁸⁹ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.28.

⁹⁰ STATBEL, *3 December journée internationale des personnes handicapées*, December 2021, available online at: <https://statbel.fgov.be/fr/nouvelles/3-decembre-journee-internationale-des-personnes-handicapees-0>

⁹¹ To comply with Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies, the websites of public services (administrations, provinces, municipalities) have been required to be accessible to people with disabilities since 23 September 2020. This accessibility obligation has been extended to the mobile applications of public services from June 22, 2021.

⁹² <https://eqla.be/wp-content/uploads/2021/10/Communique-de-presse-CAWaB-Eqla-Accessibilite-numerique-septembre-20211.pdf>

⁹³ <https://eqla.be/wp-content/uploads/2021/10/Communique-de-presse-CAWaB-Eqla-Accessibilite-numerique-septembre-20211.pdf>

⁹⁴ <https://www.sudinfo.be/id401443/article/2021-06-23/peine-5-des-applications-accessibles-aux-malvoyants-malgre-une-directive?fbclid=IwAR1QKvFLVWhOuk5cxjHoY80njhwjGtNsMDcSQmsEL9RimVYYbsZf1x8xEeU>

⁹⁵ ELEVENWAYS, *Meer dan helpt Belgische overheidswebsites heeft geen toegankelijkheidsverklaring*, April 2024, available online at: <https://elevenways.be/nl/artikels/meer-dan-helpt-belgische-overheidswebsites-heeft-geen-toegankelijkheidsverklaring>

⁹⁶ UNIA, *Consultation des personnes handicapées sur le respect de leurs droits*, 2020, p.28.

⁹⁷ Law of 12 May 2014 on the recognition of informal caregivers, which entered into force on 1 September 2020

⁹⁸ See Memorandum of the non-profit care organisations Wallonia and Brussels, available online at <https://wallonie.aidants-proches.be/wp-content/uploads/2019/04/04-01-19-memorandum-final-1.pdf>

⁹⁹ On this subject, see the 2019 memorandum filed by the non-profit aidants proches Wallonie et Bruxelles, available at <https://wallonie.aidants-proches.be/wp-content/uploads/2019/04/04-01-19-memorandum-final-1.pdf>

¹⁰⁰ SCIENSANO, *Aide informelle - Enquête de santé 2018*, September 2019, available online at: https://his.wiv-isp.be/fr/Documents%20partages/IC_FR_2018.pdf

¹⁰¹ Myria, *La migration en chiffres et en droits 2017*, Chapitre 5: le droit à une vie familiale. 3. Analyse: le droit à la vie familiale pour les personnes handicapées, pp. 129- 133, https://www.myria.be/files/MIGRA2017_FR_AS.pdf.

¹⁰² See in particular: Council of State, 12 February 2019, n° 243.676

¹⁰³ Contribution of Myria.

¹⁰⁴ OSTBELGIEN, SCHÜLERZAHLEN 2020-2021, [SCHÜLERZAHLEN 2016 - 2017 \(ostbelgienbildung.be\)](#), see slide 9, line “Förderschule” (specialist school).

¹⁰⁵ OSTBELGIEN, SCHÜLERZAHLEN 2023-2024, [SCHÜLERZAHLEN 2016 - 2017 \(ostbelgienstatistik.be\)](#), p.6.

¹⁰⁶ FÉDÉRATION WALLONIE-BRUXELLES, *Les indicateurs de l’enseignement 2023*, 18th edition, February 2024, p. 33, tableau 9.3, available online at: [les-indicateurs-de-l-enseignement-2023-m-j-du-05-03-2024-.PDF](#)

¹⁰⁷ FÉDÉRATION WALLONIE-BRUXELLES, *Les indicateurs de l’enseignement 2020*, 15th edition, November 2020, available online at: <http://www.enseignement.be/index.php?page=28344&navi=4706>

¹⁰⁸ FÉDÉRATION WALLONIE-BRUXELLES, *Les indicateurs de l’enseignement 2023*, 18th edition, February 2024, p. 56, available online at: [les-indicateurs-de-l-enseignement-2023-m-j-du-05-03-2024-.PDF](#)

¹⁰⁹ Constitutional Court, 01/06/2023, [arrêt n° 85/2023](#). See also the Court's press release: [2023-085f-info 7720 \(const-court.be\)](#) and Unia’s website : [Cour constitutionnelle, 1er juin 2023 | Unia](#).

¹¹⁰ Decree on the reception, support and maintenance in ordinary basic and secondary education of students with specific needs, December 7, 2017, article 4. The provisions referred to have been inserted into the new [Education Code of May 2019](#), article 1.7.8.1 11, §1 par. 1 and § 4, par. 4.

¹¹¹ C.E.D.S., Centre de Défense des Droits Des Personnes Handicapées Mentale (Mental Disability Advocacy Centre or MDAC) v. Belgium, October 16, 2017, complaint n°109/2014.

¹¹² C.E.D.S., International Federation for Human Rights (FIDH) and Inclusion Europe v. Belgium, September 9, 2020, complaint n°141/2017.

¹¹³ Teacher training reform begun in 2019, implemented since 2023. See: [RFIE \(ares-ac.be\)](#) and: [RFIE - Bases légales \(ares-ac.be\)](#).

¹¹⁴ <https://publicaties.vlaanderen.be/view-file/39319>

¹¹⁵ CAP 48, *Les projets financés. Dossier de presse*, May 2024, [CAP48-Dossier-de-presse-2024-05-14-WEB.pdf](#)

¹¹⁶ See in particular the « Plan d’Investissement exceptionnel » (PIE) 1 billion and the « Plan de relance européen » (PRR) 269 millions., [Bâtiments scolaires - DGI \(cfwb.be\)](#)

¹¹⁷ Unia and C.E.S.I. (Commission for Inclusive Higher Education), *Plaidoyer pour la mise en place d’un enseignement supérieur inclusif 2.0*, January 2024, [Plaidoyer pour la mise en place d’un enseignement supérieur inclusif 2.0 \(ares-ac.be\)](#) and [Plaidoyer pour un enseignement supérieur inclusif 2.0 | Unia](#)

¹¹⁸ RICOUR Céline, DESOMER Anja, DAUVIRIN Marie, DEVOS Carl., *Comment améliorer l’accès aux soins de santé des personnes en situation de handicap intellectuel ?*. Health Services Research (HSR). Brussels. Centre Fédéral d’Expertise des Soins de Santé (KCE). 2022. KCE Reports 361BS. D/2017/10.273/62, available online at: <https://kce.fgov.be/fr/publications/tous-les-rapports/comment-ameliorer-laccès-aux-soins-de-santé-des-personnes-en-situation-de-handicap-intellectuel>

¹¹⁹ UNIA, *Pour une meilleure accessibilité des hôpitaux aux personnes malentendantes et sourdes - Rapport d’étude avec recommandations*, June 2019, available online at: <https://www.unia.be/fr/legislation-et-recommandations/recommandations-dunia/rapport-detude-accessibilite-hopitaux>

¹²⁰ ASPH, *Les barrières face à l’accès aux soins de santé: plus nombreuses qu’on ne le pense*

pour les personnes en situation de handicap, 2019, available online at: <https://www.asph.be/wp-content/uploads/2021/02/Analyse-ASPH-27-2019-les-barrieres-face-%C3%A0-lacc%C3%A8s-aux-soins-de-sant%C3%A9.pdf>

¹²¹ These are material, human or animal aids necessary for the inclusion of the disabled person. These aids relate specifically to home improvements, assistance products (also called technical aids), as well as some individual services (human aids).

¹²² STATBEL, 3 December, *Journée internationale des personnes handicapées*, December 2022, available online at: <https://statbel.fgov.be/fr/nouvelles/3-decembre-journee-internationale-des-personnes-handicapees-1>

¹²³ CONSEIL SUPERIEUR DE L'EMPLOI, *Incapacité de travail et réintégration des salariés sur le marché de l'emploi*, March 2024, available online at: <https://cse.belgique.be/fr/accueil/rapports-avis/rapports-2024/incapacite-de-travail-et-reintegration-des-salaries-sur-le-marche-de-lemploi-March-2024>

¹²⁴ UNIA, *Gand réalise ses premiers tests de discrimination à l'emploi et ne compte pas s'arrêter là*, July 2021, article available online at: <https://www.unia.be/fr/articles/gand-realise-ses-premiers-tests-de-discrimination-a-lemploi-et-ne-compte-pas-sarreter-la>

¹²⁵ PHARE, Annual report 2019, available online at: <https://phare.irisnet.be/app/download/8050018362/RA+PHARE+2019+-+D%C3%A9finitif.pdf?t=1625647371>

¹²⁶ AVIQ, Annual report 2019, available online at: https://www.aviq.be/fichiers/rapport_annuel_AVIQ_2019.pdf

¹²⁷ <https://www.unia.be/fr/articles/recherche-durgence-amenagements-raisonnables-parcours-de-reintegration>

¹²⁸ CONSEIL SUPERIEUR DE L'EMPLOI, *Incapacité de travail et réintégration des salariés sur le marché de l'emploi*, March 2024, available online at: <https://cse.belgique.be/fr/accueil/rapports-avis/rapports-2024/incapacite-de-travail-et-reintegration-des-salaries-sur-le-marche-de-lemploi-March-2024>

¹²⁹ STICHTING INNOVATIE & ARBEID, *Arbeidshandicap en werkbaar werk bij werknemers -*

Analyse op de Vlaamse werkbaarheidsmonitor werknemers 2007-2019, March 2021, available online at: https://serv.be/sites/default/files/documenten/STIA_20210224_Arbeidshandicap_WKN_RAP.pdf p.24.

¹³⁰ FPS SOCIAL SECURITY, *Pauvreté et handicap en Belgique*, 2019, available online at: <https://socialsecurity.belgium.be/sites/default/files/content/docs/fr/publications/livre-pauvrete-et-handicap-en-belgique-2019-fr.pdf>

¹³¹ Eurostat (EU-SILC 2022) quoted in CONSEIL SUPÉRIEUR DE L'EMPLOI, *Incapacité de travail et réintégration des salariés*, March 2024.

¹³² Income Replacement Allowance (*L'allocation de remplacement de revenus* or ARR) is granted to disabled people who, due to their physical or mental situation, can earn at most 1/3 of what an able-bodied person can earn in the labour market.

¹³³ Art. 23 of the law of March 26, 2018 on the strengthening of economic growth and social cohesion.

¹³⁴ Constitutional Court, n° 41/2020, 12 March 2020.

¹³⁵ Constitutional Court, n° 3/2012, 11 January 2012; Constitutional Court, n° 108/2012, 9 August 2012; Constitutional Court, n° 114/2012, 4 October 2012.

¹³⁶ Contribution of Myria.

¹³⁷ Contribution of Myria.

¹³⁸ UNIA, *Rapport sur la participation aux élections des personnes en situation de handicap*, 2020, available online at: https://www.unia.be/files/Documenten/Publicaties_docs/Rapport_droit_de_vote_2020.pdf

¹³⁹ For the 2018 communal elections in the Walloon Region: <http://electionslocales.wallonie.be/actualites/syntheseenquête-accessibilite-bureau-vote>; For the 2018 communal elections in the Brussels Region: <http://pouvoirs-locaux.brussels/fichiers/rapport-accessibilite-des-elections-communales.pdf>

¹⁴⁰ UNIA, *La loi du 28 March 2023 met en difficulté l'exercice du droit de vote pour les personnes en situation de handicap*, January 2024, available online at: [La loi du 28 March 2023 met en péril le vote pour tous | Unia](#)

¹⁴¹ [Report 'Improving Equality Data Collection in Belgium II' - disability, state of health, physical characteristics | Unia](#)

¹⁴² PLATEFORME JUSTICE POUR TOUS, *Rapport pour l'Examen périodique universel de la Belgique*, 2020, p. 2 ; available online at : https://www.upr-info.org/sites/default/files/document/belgium/session_38_-_may_2021/pjpt_upr38_bel_f_main.pdf

¹⁴³ The 'standstill principle' (or 'ratchet effect') prohibits the authorities from adopting legislation that runs counter to the guaranteed rights and therefore from lowering the level of protection acquired (in a judgment of the Council of State against the Walloon Region, Administrative Litigation Section, VIth Chamber, judgment no. 243.760 of 20 February 2019).