

DOTCOM: The Disability Online Tool of the Commission

Belgium

A. UN Convention status

A1. Ratification or conclusion of the UN Convention

In Belgium the statement of the reasons was finalised on 21 March 2008. It was presented to the meeting of the Council of Ministers by mid-2008. The Council of Ministers addressed it to the State Council before presenting the file to the Parliament for a vote. The same procedure was followed at eight various levels of competent authority (federal state, the Communities and the Regions). Belgium ratified the Convention on 2 July 2009 and it became executive on 1 August 2009.

Links

EU ratifies the UN Convention about the rights of Persons with a Disability, 2011

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/4&format=HTML&aged=1&language=NL&guiLanguage=en>

A2. Ratification or accession to the Optional Protocol

In Belgium the statement of the reasons was finalised on 21 March 2008. It was presented to the meeting of the Council of Ministers by mid-2008. The Council of Ministers addressed it to the State Council before presenting the file to the Parliament for a vote. The same procedure was followed at eight various levels of competent authority (federal state, the Communities and the Regions). Belgium ratified the Convention and the Optional Protocol on 2 July 2009. They became executive on 1 August 2009. The first report from Belgium is due at the UN on 1 August 2011 at the latest (see A3).

Links

EU ratifies the UN Convention about the rights of Persons with a Disability, 2011

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/4&format=HTML&aged=1&language=NL&guiLanguage=en>

A3. Declarations, Reservations and Objections

Belgium has submitted its first report in July 2011 on the implementation of the UN Convention on the Rights of Persons with Disabilities to the UN Committee on the Rights of Persons with Disabilities. The report focuses on the measures taken for persons with disability in Belgium, the respect for their rights, and their participation in society on an equal basis with other citizens.

Links

First Belgian report - Implementation of UN Convention on the Rights of Persons with Disabilities

<https://socialsecurity.belgium.be/sites/default/files/1ste-verslag-belgie-uncrpd-nl.pdf>

First progress report

<https://socialsecurity.belgium.be/sites/default/files/1ste-rapport-uncrpd-nl.pdf>

Second progress report (16 July 2013)

<https://socialsecurity.belgium.be/sites/default/files/2de-rapport-uncrpd-nl.pdf>

Third progress report (24 February 2014)

<https://socialsecurity.belgium.be/sites/default/files/3de-rapport-uncrpd-nl.pdf>

A4. Comprehensive review

There is no comprehensive review of the existing legislation in light of the Convention on the Rights of Persons with Disabilities in Belgium. The federal government gives information and an overview of the legislation on its website. Both the Flemish Agency for Persons with a Disability and the Walloon Agency for the Integration of Persons with a Disability give an overview of regional legislation on their websites.

Links

Publications by the Federal Government: Social Security, Persons with disability

<https://socialsecurity.belgium.be/en/publications>

Flemish Agency for Persons with Disability

[https://www.vaph.be/documenten?f\[\]=field_doccat_ret:16](https://www.vaph.be/documenten?f[]=field_doccat_ret:16)

Walloon Agency for the Integration of Persons with Disability

<http://www.awiph.be/documentation/legislation/index.html>

A5. Focal point

In Belgium there are eight focal points at different governance levels:

- Federal: the Federal Public Service (FPS) Social Security
- Flanders: Service for Equal Chances in Flanders
- Wallonia: Walloon Agency for the Integration of People with Disabilities
- Brussels' Metropolitan Region: Ministry of Brussels' Metropolitan Region, Board of External Relations
- French Community: Wallonia-Brussels International (WBI) Global Multilateral Service
- German speaking Community: the Service for Persons with Disability (Dienststelle für Personen mit Behinderung)
- French Community Committee: the Brussels Service for Persons with Disability Finding Autonomy (Service Bruxellois-Phare)
- Brussels Joint Community Committee: administration of the Joint Community Committee.

Links

The Federal Public Service (FPS) Social Security

<https://socialsecurity.belgium.be/nl/sociaal-beleid-mee-vorm-geven>

Service for Equal Chances in Flanders

<http://gelijkekansen.be/Home.aspx>

Walloon Agency for the Integration of People with Disabilities

<https://www.avig.be/handicap/>

The Brussels' Service for Persons with a Handicap Finding Autonomy (Service Bruxellois-PHARE)

<https://phare.irisnet.be>

German speaking Community: the Service for Persons with a Disability (Dienststelle für Personen mit Behinderung)

<http://selbstbestimmt.be>

Focal points

<http://bdf.belgium.be/media/static/files/focal-points.pdf>

A6. Coordination mechanism

In Belgium the UN Convention became effective in July 2009. The coordination mechanism has been established within the following federal administration: Federal Public Service Social Security, Directorate General Strategy and Research. In addition to this mechanism, the Centre for Equal Opportunities and Opposition to Racism (CGKR/CECLR), called 'Unia', is an independent Federal institution on the Rights of Persons with disability and inter alia monitors the rights of persons with disability.

Links

Coordination mechanism

<http://bdf.belgium.be/media/static/files/coordination-mechanism.pdf>

A7. Independent mechanism

On 12 July 2011 the federal state level and the Communities and Regions designated the Inter-federal Centre for Equal Opportunities (called 'Unia' since February 2016) as independent mechanism to promote, protect and monitor the implementation of the UN CRPD. The operation of the independent mechanism has been defined through individual agreements between the Centre and the federal state and the seven federated entities. This includes the establishment of a UN CRPD Unit and of a UN CRPD Commission. On the one hand, the UN CRPD Unit, a permanent expertise and administrative unit composed of five persons, amongst whom the Head of the unit has been appointed to promote, protect and monitor the implementation of the UN CRPD. On the other hand, the Disability Commission is a non-permanent body composed of 23 members chosen due to their knowledge, experience and interest in the disability sector, among which the President is elected by his/her peers.

Links

Inter-federal Centre for Equal Opportunities: Unia

<http://unia.be/en/grounds-of-discrimination/disability>

Website Centre for Equal Opportunities and Opposition to Racism: Unia

<http://unia.be/en/about-unia>

A8. Official reporting

The Initial Belgian report on the implementation of the UN Convention on the Rights of Persons with Disabilities was submitted on schedule in 2011 and published in the UN Treaty database in December 2013. The initial report (CRPD/C/BEL/1) has been examined by the UN Committee on the Rights of Persons with Disabilities. In November 2014, the UN Committee

formulated significant issues, observations and recommendations (CRPD/C/BEL/CO/1).

The federal government also provides information and an overview of the legislation on its website. Both the Flemish Agency for People with a Disability (VAPH) and the Walloon Agency for the Integration of Persons with Disabilities provide an overview of regional legislation on their websites.

According to the findings of the UN Committee on the Rights of Persons with Disabilities, Belgium's next interim report is due to be issued in August 2019.

Links

State reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fBEL%2f1&Lang=en

Publications by the Federal Government - Social Security, Persons with disability

<http://handicap.belgium.be/nl/contact/publicaties/index.htm>

Flemish Agency for People with Disabilities (VAPH)

[https://www.vaph.be/documenten?f\[\]=field_doccat_ret:16](https://www.vaph.be/documenten?f[]=field_doccat_ret:16)

Walloon Agency for the Integration of Persons with Disabilities

<https://www.aviq.be/handicap/documentation/legislation/index.html>

UN CRPD: Significant issues, observations and recommendations

http://bdf.belgium.be/resource/static/files/pdf_uncrpd/2014-12-19-uncrpd-aanbevelingen-officieuse-vertaling-door-fod-sociale-zekerheid-version-bdf.pdf

Link to all UN reporting cycle documentation

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=17

A9. Shadow reporting

Three organisations submitted shadow reports to the UN Committee on the Rights of Persons with Disabilities: Equal Rights for Every Person with a Disability (GRIP) - in December 2011, the Belgian Disability Forum (BDF) - in December 2014, and the Interfederal Centre for Equal Opportunities (renamed 'Unia' in February 2016). The reports provide a critical reflection with the necessary attention for pressure points and points for improvement. Many concrete recommendations for the regional and Belgian governments are also provided.

The shadow report by GRIP was set up in collaboration with a 'project group'. This project group consisted of people with 'lived experience', academics and organisations for people with disabilities.

In 2019, Belgium will submit a new report. In this report Belgium has to indicate progress and in what way the suggestions and recommendations are taken into account.

Links

Civil society reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=17&DocTypeID=14

The Shadow report by the organisation for Equal Rights for Every Person with a Disability

(GRIP)

https://cdn.digisecure.be/grip/2017817154534258_2012-schaduwrapport.pdf

The Shadow report by the Belgian Disability Forum (BDF)

http://bdf.belgium.be/resource/static/files/pdf_uncrpd/2014-02-20---alternatief-verslag---belgian-disability-forum.pdf

The Shadow report (Parallel report) by Unia

http://unia.be/files/Z_ARCHIEF/parallel_rapport_crpdpdf

B. General legal framework

B1. Anti-discrimination legislation

In Belgium there is a general legislative framework concerning anti-discrimination rather than a specific one for persons with disability. The equality of persons with disabilities and the protection against discrimination is regulated in the Belgian constitution and in the legislation of different government levels. At the federal level a law is set to suppress discrimination in the three anti-discrimination laws of 10 May 2007: the general anti-discrimination law, the anti-racism law and the gender law. Persons with disabilities can appeal to these laws, just like any other persons. Under the act of 15 February 1993 to establishing the Centre for Equality of Chances and Racism control (CGKR/CECLR) (amended by the laws of 25 February 2003 and 10 May 2007), which is authorised to handle cases of discrimination, for example based on a disability. The anti-discrimination law is applied to many domains of the public life, e.g. the service sector, economic, social, cultural and political activities and social security.

The Belgian Constitution (article 22bis, § 4) also considers the interest of the child in every decision concerning the child. There is no distinction between children with or without a disability here (law of 8 April 1965 concerning juvenile protection).

In Flanders, in addition to a proactive and transversal equal chances policy, there is also a non-discrimination policy for the implementation of the 4 European Guidelines in the decree for Flemish equal chances and equal treatment policy of 10 July 2008. This decree forbids discrimination based on e.g. a disability involving work, education, health care, services, etc. The anti-discrimination policy contains action points on such aspects as employment policy, (special) education, etc.

In Wallonia, any form of direct or indirect discrimination based on a disability is forbidden (Decree of the Walloon Government of 6 November 2008, amended by the Decree of 19 March 2009). This legislation is set for the public and private sector concerning e.g. social and health care, social advantages, social-professional reintegration, social economy, education, housing, participation in social, cultural, economic and political public life. The French Community also approved the Decree of 12 December 2008 which is based on several European guidelines and is applicable on all authorities of the French Community.

The Brussels Metropolitan Region forbids discrimination based on a disability or the future health condition, in public and private sector concerning labour, education, employment, and housing by three edicts concerning the diversity and the fight against discrimination in the public and private sector.

Links

Antidiscrimination law of 10 May 2007

<http://www.ejustice.just.fgov.be/eli/wet/2007/05/10/2007002099/justel>

Federal law concerning juvenile protection of 8 April 1965

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&c n=1965040803

The Flemish decree for equal chances and equal treatment of 10 July 2008

<http://www.ejustice.just.fgov.be/eli/decreet/2008/07/10/2008203387/justel>

Walloon Decree of the general framework for fighting the discrimination based on a disability of 19 March 2009

<http://www.ejustice.just.fgov.be/eli/decreet/2009/03/19/2009201591/justel>

The French Community Decree concerning control of several forms of discrimination of 12 December 2008

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2009-01-13&numac=2008029672>

Order of the Brussels Capital Region of 7 November 2002, concerning the centres and assistance services to persons, including persons with disability

<http://www.ejustice.just.fgov.be/eli/ordonnantie/2002/11/07/2002031583/justel>

B2. Recognition of legal capacity

A new law was adopted reforming the regimes governing legal capacity and introducing a new safeguarding status to maintain human dignity on 14 June 2013. It replaced all the previous existing protection statuses (incapacity declaration, extended minority, etc.). The 'Juge de Paix' (Peace Judge) has to rule both on the person's capacity to manage themselves and on her capacity to manage her property. The judge can select the actions for which the person will be represented or receive assistance involving the person herself, those close to her as well as multidisciplinary team and taking that person's development into account.

B3. Accessibility of voting and elections

The last amendment of the Decree of 6 May 1980 sets the obligation of ensuring accessible polling booths for persons with disabilities. This Decree requires that one polling booth per five polling stations is adapted in accordance with several criteria. However, the Flemish Agency for People with a Disability considers these criteria too limited. For example, there is only a description about the accessibility of the polling booths, but not about the accessibility of the buildings. There is also the law of 1975 concerning accessibility of public buildings, but this law is again too limited and hardly used or inspected. 'The Accessibility Bureau' published a brochure about the accessibility of polling stations. They have the intention of advising the local authorities about making the polling stations more accessible for persons with a disability for local, regional and federal elections. Some politicians have introduced bills concerning this, but until now there have been no actual laws or decrees. Just before the elections, the government sends out a letter concerning the accessibility of the polling stations for persons with disabilities and broadens the criteria for polling stations.

In 2018 Unia launched a campaign by to encourage people with disabilities to vote. This campaign was set up in response to the forthcoming elections in October 2018. Unia was planning to evaluate to what extent people with disabilities use and are able to use their

voting rights.

A pilot project was set up for the elections in October 2018. In two cities in Flanders - Mechelen and Aalst, voice computers (audio) were made available for blind people.

Links

Brochure: Accessibility of the polling station

https://www.inter.vlaanderen/sites/default/files/Wenkenblad_toegankelijkheid_stemlokalen.pdf

Unia Campaign

https://www.unia.be/files/Beelden/Campagnes/Poster_NL.pdf

Pilot project of October 2018

<https://www.vlaanderenkiest.be/nieuws/toegankelijke-verkiezingen-audiomodule-voor-blinde-kiezers>

B4. Official recognition of sign language

Sign language is acknowledged at different state levels. The Flemish government and the French community acknowledge the use of sign language. In Flanders, a sign Language Centre was established in 1997 and acknowledged by the Flemish government in 2008. Since 2006, the Flemish Agency for Persons with a Disability (VAPH) has covered the costs of a sign language interpreter for deaf people or hearing impaired persons. In the Walloon region, the government foresees a co-subsidy for the interpreter service for the deaf in Wallonia (ABILS - Association of Interpreters of Sign Language in Wallonia). The Brussels Metropolitan Region subsidises the associations in the field that start projects in Equal Chances and Diversity.

Links

Flemish Decree concerning the acknowledgement of the Flemish sign language of 5 May 2006

<http://www.fevlado.be/upload/content/file/Fevlado/Dossiers/Decreet%20erkenning%20VGT.pdf>

Decision of the Flemish Government concerning the costs of a sign language interpreter for deaf people or hearing impaired persons of 7 July 2006

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2006070774&table_name=wet

The Centre for sign interpreters of Wallonia ABILS

<http://abils.net>

The Centre of Equal Chances and Diversity in the Brussels Metropolitan Region

<http://www.egalitedeschancesbruxelles.irisnet.be/fr/professionnal-area/>

French speaking Community Decree of 22 October 2003 acknowledging the sign language

<http://www.ejustice.just.fgov.be/eli/decreet/2003/10/22/2003029549/justel>

B5. National disability strategy and action plan

'Perspective 2020' is a new policy plan (adopted in 2010) to support people with disabilities. The main focus is to support people as much as possible in the community ('community care') and as least as possible in segregated environments. 'Shared responsibility' is the key. Recently, for the European Action Plan 'Disability 2016-2020', Belgium has engaged five experts (C-5 Council members) representing different regional administrations within the Committee of Experts on the Rights of Persons with Disabilities (DECS-RPD): VAPH (Flemish Region), AWIPH (Walloon Region), PHARE (Brussels region), DPB (German speaking Region)

and the Federal Service Social Affairs (with positive advice of the National High Council for Persons with Disabilities). This C-5 Council for Belgium established several priority domains for action for the period of 2016-2020. On 1 January 2017, the 'Person Following Finance (PVF)' was introduced that ensures a more person-centred budget approach to support persons with disabilities (see further D5).

On 19 October 2017 the European Disability Card, part of Belgium's action plan, was launched. People with disabilities represent more than 15% of the population in Belgium. The European Disability Card project that certifies that a person is disabled will enable these persons, without having to prove that they have a medical condition or the nature of any loss of autonomy, to benefit from a range of advantages in sport, culture and leisure. At a launch event that took place on 19 October 2017, the card was officially presented by the Federal State Secretary Zuhair Demir, the Flemish Minister Jo Vandeurzen, the Walloon Minister Alda Greoli, the French Community Commission (COCOF) Minister Céline Frémault, the German-speaking Community Minister Antonios Antoniadis and the European Commissioner Marianne Thyssen. From this date on, persons with a recognised disability or who receive assistance from one of five Belgian institutions responsible for integrating disabled people (FPS Social Security, AViQ, PHARE, VAPH and DSL) can apply for their personal card. The European Disability Card is a European pilot project, and Belgium is one of eight countries alongside with Cyprus, Estonia, Finland, Italy, Malta, Slovenia, Romania that participate in this project.

GRIP vzw (Gelijke Rechten voor Iedere Persoon met een handicap or as translated into English: Equal Rights to Every Person with a disability) wrote a Memorandum in the run-up to the elections in May 2019, which highlighted the need to commit to inclusion and de-institutionalisation in all policy domains. In this Memorandum, 12 specific measures are put forward, with firstly an urgent request for a Flemish and Belgian strategy and action plan for de-institutionalisation and inclusion.

Links

Perspective 2020

<https://www.vaph.be/sites/default/files/documents/perspectiefplan-2020-nieuw-ondersteuningsplan-voor-personen-met-een-handicap-9-juli-2010/perspectiefplan-2020-nieuw-ondersteuningsbeleid-voor-pmh.pdf>

Person Following Finance

<https://www.vlaanderen.be/nl/gezin-welzijn-en-gezondheid/handicap/persoonsvolgende-financiering-pvf-basisondersteuningsbudget-bob-en-persoonsvolgende-budget-pvb-voor>

Person Following Finance - transition period

<https://www.vaph.be/nieuws/pvf-update-over-de-omschakeling-van-zorg-natura-naar-persoonsvolgende-financiering>

European Disability Card Belgium (information in English)

<https://eudisabilitycard.be/en/news/launch-european-disability-card-belgium>

European Disability Card Belgium (brochure)

https://www.vaph.be/sites/default/files/documents/european-disability-card/20171130_edc_citoyens_nl_web.pdf

GRIP Memorandum

https://cdn.digisecure.be/grip/2019121171814380_politiek-memorandum-grip--versie-najaar-2018.pdf

C. Accessibility

C1. Transport accessibility

On the legislative level a few measures have been taken concerning adapting the transport infrastructure to the needs of persons with disability and persons with limited mobility (stations, platforms, entrance zones)) and sanctions are foreseen so that the rights and duties of the train traveller are not violated. There is a contract between the Federal state and the three National Associations of the Belgian Railways (NMBS Group), which concerns personal mobility of persons with disability. The NMBS Group also offers other advantages such as price discounts.

The Ordinance (EC nr. 1107/2006) of the European Parliament and the Council of the EU of 5 July 2006 concerning the rights of persons with disability and persons with reduced mobility when travelling by air, is converted in a Belgian law. It protects persons with disability or with reduced mobility who travel by air transport. The Belgian maritime and inland shipping law states that a person with disability or reduced mobility should enjoy a non-discriminatory treatment on board of a ship. They foresee a minimum prescription concerning informing all passengers during their travel and concerning the general rights of persons with disability or reduced mobility in the terminal and on board ship.

The regional transport companies also need to control the accessibility for persons with disability:

- The Flemish government is committing itself to making public transport (De Lijn) more accessible, physically as well as psychologically. Besides this, the Flemish government finances transport services for persons with disability who cannot use regular public transport
- The Flemish Minister of mobility points out that there is a shortage of adapted public transport for persons with disability or severely reduced mobility. The Flemish government has taken some initiatives in the form of pilot projects but there is not yet a decree to develop the system of services of adapted transport.
- The policy contract of 2005-2010 which the Walloon Region, and the public transport (the SRWT and TEC) agreed to, had several specific goals such as: to arrange lower floors in busses and platforms adapted to persons with disabilities and reduced mobility.
- The policy contract of public transport in Brussels (MIVB) has developed a strategy concerning the accessibility for persons with disabilities and reduced mobility.

In 2012 'MeerMobiel' was introduced by the Flemish Minister of Mobility and Public works, Hilde Crevits. It applies to Flanders and the Brussels-capital-region. It is some kind of a database with an overview of all alternatives of transportation means. This ranges from public transport (stop-to-stop) by train, bus, tram, metro to taxi, voluntary transport (door-to-

door), etc.

Links

Ordinance (EC nr. 1107/2006) European Parliament and the Council of the EU of 5 July, 2006 concerning the rights of persons with disability and persons with reduced mobility when travelling by air

<http://eur-lex.europa.eu/eli/reg/2006/1107/oj>

MeerMobiel Mobility

<http://www.meermobiel.be/mobiliteitsbeleid>

C2. Built environment accessibility

With the programme 'Metropolitan policy' (GBS) the federal government set contracts with the cities and the municipalities of the three regions to develop local projects concerning social cohesion and to decrease the ecological footprint and the aura of the cities. The organisation 'Equal Chances in Flanders' organises awareness raising and information campaigns, specifically for the construction sector. This is in the context of Decree of 10 July 2008 that regulates the structural cooperation of relevant partners in society.

The Walloon Government supports programmes concerned with improving the accessibility of persons with disability or reduced mobility to e.g. public institutions (Article 8 of the Decree of 6 April 1995) concerning the integration of persons with disability). In the French speaking Community there is a general framework for fighting the disability-based discrimination (Decree of 12 December 2008 concerning combating forms of discrimination). In the Brussels Metropolitan Region a regional coordinator for accessibility in the office of 'Equal Chances and Diversity' of the Ministry of the Brussels Metropolitan Region has the task of disseminating information and coordinating necessary actions. The government of the German speaking Community sets out the basic concept of accessibility of the buildings on their territory in the Decree of 12 July 2007. It sets the accessibility of subsidised infrastructure for people with disabilities. The Order of the Brussels-capital-region of 18 December 2008 acknowledges assistance dogs and sets requirements for the accessibility of public places. The Decree of 9 July 2010 by the French community concerning the battle against several forms of discrimination and the concept of equal treatment sets the definition of 'reasonable adaptations'. The Decision of 28 May 2009 concerning specialised services for accessing society for persons with disability sets the technical, architectural, functional and behavioural aspects of the accessibility of social spaces.

Concerning the technical prescriptions and guidelines of accessibility, several measures were also taken:

- The Flemish Decree of 5 June 2009: regionally urban development regulation concerning the accessibility of public buildings.
- The Walloon Code (1995) of Land Management, Urban Planning, Heritage and Energy (CWATUPE); more specifically article 414 and article 415 guarantee the accessibility to public and private buildings for persons with disability or reduced mobility.

- In the Brussels Metropolitan Region there are rules concerning the adaptation of public spaces, set in the Regionally Urban Development Regulation.

Links

The Flemish Government equal chances policy of 10 July 2008

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2008071056

Decree by the French community for fighting the discrimination based on disability of 9 July 2010

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2010070928

Decision by the French community committee concerning the specialised services for accessible society for persons with disability of 28 May 2009

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2009052824&table_name=wet

Decree by the Walloon government concerning accessibility for persons with disability or reduced mobility of 6 April 1995

https://www.aviq.be/handicap/pdf/awiph/handicap_belgique/decret_6_avril_1995.pdf

Order by the Brussels-capital-region concerning the assistance dogs and the accessibility of public places of 18 December 2008

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2008121842&table_name=wet

German speaking Community basic concept of accessibility of the buildings on their territory

<http://selbstbestimmt.be/barrierefreiheit/>

The Flemish Decree of 5 June 2009

<http://toegankelijkgebouw.be/Portals/handboek/Documenten/De%20geco%F6rdineerde%20verordening.pdf>

C3. ICT and Web accessibility

'AnySurfer' is the quality label assigned for accessible websites in Belgium despite the fact that there is no law in Belgium which obliges companies to ensure the accessibility of their websites to persons with disability. There is, however, the Law of 10 May 2007, which defines the lack of reasonable adaptations for persons with disability as equivalent to discrimination. Any form of direct or indirect discrimination is prohibited when providing public services. In the Belgian ratification (July 2009) of the UN Convention, the right to access to information on the internet is emphasised. The Flemish government wants all websites to be labelled 'AnySurfer'. The Equal Chances in Flanders Group wants to stimulate organisations in the private sector and in the media to make their information more accessible for persons with disability. Since 2002 the Walloon government has been working on the National Action Plan to close up the digital gap and realise the label of 'AnySurfer' for their websites. Furthermore, the Brussels Metropolitan Region is trying to realise this label for all its websites. The French Community states in their Declaration concerning the community policy (2009-2014) that they want to realise an increase in the number of labelled websites.

The European directive (EU 2016/2102) on making the websites and mobile apps of public sector bodies more accessible was published on 2 December 2016 and entered into force on 22 December 2016. People with disabilities – especially persons with vision or hearing impairments – will have better access to the websites and mobile applications of public services. Member States, including Belgium, had until 23 September 2018 to transpose the text into their national legislation.

By September 2019 all new websites need to meet the guidelines of accessibility, and by September 2020 all remaining websites of the public sector need to be accessible.

For Belgium in general, Law of the Federal Government concerning the accessibility of websites and applications of the federal public service of 19 July 2018 is applicable.

Links

'Anysurfer' quality label for accessible websites in Belgium

<http://www.anysurfer.be/en>

International guidelines for the accessibility of web content

http://europa.eu/geninfo/accessibility_policy_nl.htm

EU directive 2016/2102

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L2102&from=EN>

Web accessibility EU

<https://ec.europa.eu/digital-single-market/en/web-accessibility>

EU directive 2016/2102 in Flanders

<http://www.gelijkekansen.be/Praktisch/Toegankelijkewebsitesbijlokalebesturen.aspx>

E-accessibility monitoring

<http://www.eaccessibility-monitoring.eu/researchResult.aspx>

Law of the Federal Government of 19 July 2018

http://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=18-09-03&numac=2018040577

D. Independent living

D1. Choice of living arrangements

In Belgium forced admission into an institution is set by law and is only possible for mentally ill persons who are a danger to themselves or others and refuse treatment. There is no law that obligates persons with a disability to live in an institution, but neither is there a law about the legal right to live independently in the community. The decentralised governments are aware of the importance for persons with a disability to live independently and to participate at all facets of life on an equal basis with others. This aspect is still subject to improvement e.g. there are several measures being taken for the reduction of long waiting lists concerning access to services. The Communities have taken several measures on the subject of support schemes concerning independent living, next to a serious set of home care services. For example in Flanders the Flemish Agency for Persons with a Disability (VAPH) offers a Personal Assistance Budget (PAB). Thanks to assistance in daily activities, persons with a disability can live independently. On 1 January 2011 there were 1,808 persons with a PAB. The VAPH further foresees a contribution to persons with a disability who want to adapt their home. The level of this contribution depends on the type and level of the disability.

Because the VAPH wants to broaden their supply of services to support independent living for persons with a disability, they approved of the plan 'Perspective 2020' in 2011. They want better rights for the persons with a disability and more power of decision wherein a fundamental option for personal budgets is proposed. In this context, the PAB is replaced (since 1 January 2017) by a Person Following Finance (PVF) divided into a basis support budget for every person with a disability and a person following budget for those for whom the basis support budget is not enough to cover the costs. The Walloon government has also recently started to provide personal assistance budgets (budget d'assistance personnelle or BAP) for persons with disability. The conditions of attribution are set in the Decision by the Walloon Government of 14 May 2009. It should give the persons with disability the chance to live in their personal environment, organise their daily life and improve their family, social or professional integration. In October 2011 there were 115 persons with a disability using the BAP.

Links

Law on protection of the mentally ill persons of 26 June 1990

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1990062632&table_name=wet

Ministerial Decision (Flemish Government) concerning the acknowledgement of the PAB of 11 December 2009

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=fr&pd=2010-01-25&numac=2010200172>

Flemish Perspective Plan 2020

<https://www.vaph.be/sites/default/files/documents/perspectiefplan-2020-nieuw-ondersteuningsplan-voor-personen-met-een-handicap-9-juli-2010/perspectiefplan-2020-nieuw-ondersteuningsbeleid-voor-pmh.pdf>

Decision of the Walloon Government concerning the personal assistance budgets of 14 May 2009

https://www.aviq.be/handicap/pdf/integration/etre_autonome/bap/bap-arrete-14-02-2009-ACCOK.pdf

Person Following Finance concept note

<http://www.jovandeurzen.be/sites/jvandeurzen/files/conceptnota%20PVF.pdf>

Person Following Finance (description)

<https://www.vlaanderen.be/nl/gezin-welzijn-en-gezondheid/handicap/persoonsvolgende-financiering-pvf-basisondersteuningsbudget-bob-en-persoonsvolgende-budget-pvb-voor>

D2. De-institutionalisation

The government in Belgium is aware of the fact that it is important for persons with disability , to live independently and to participate in all aspects of life on an equal basis with other citizens. Concerning the support scheme of independent living, the communities have taken some important measures. In Flanders, many ambulatory services provide support to persons with disabilities living at home, such as: psychosocial support, aid with daily living activities, financial management, etc. Apart from these care services, independent living of person with disabilities can also be supported by such aids as technological instruments and adjustments in the house. The Flemish Agency for Persons with Disabilities (VAPH) offered a Personal Assistance Budget (PAB). Since 1 January 2017, this is replaced by the Person Following Finance (PVF). This is a personal budget that can be used to 'buy' support within your own

network, volunteers, professional care, institutions, etc. This support can be used for household, during daily activities or during the night. This is part of the 'Perspective Plan 2020' which stands for more 'person-centred care' and 'community care'. The Walloon Region authorises and subsidises assistance services provided by a team of professionals to persons with disabilities and also foresees a Personal Assistance Budget to help a person with disability to stay longer in his/her environment.

Throughout different Belgian regions we see that the motto “regular when possible, special when needed” is promoted as a support model for persons with disability. 'Regular' services such as home keeping services, home nursing, and informal help from within the informal network such as family, friends, neighbours are to be installed first, before persons with disabilities can apply for disability-specific care. In Flanders, a specific organisation, subsidised by VAPH, exists to map out together with persons with disabilities and their close network (free of charge), how different services can be activated to accomplish a personal support plan.

In respect to housing for persons with disability, we see social housing with the option being either small housing projects co-funded by groups of parents or housing projects set up by larger institutions.

Links

VAPH: Living Support

<https://www.vaph.be/zorg-ondersteuning/meerderjarigen>

VAPH: Aid tools

<https://www.vaph.be/hulpmiddelen/tegemoetkomingen>

Decision of the Walloon Government on providing individual help to persons with disability

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2009051434&table_name=wet

D3. Quality of social services

There are a number of different initiatives of the decentralised governments on the level of independent institutions that establish the protection of the integrity of persons with disabilities. The Decision of the Flemish government as of 15 December 2000 concerning the quality of care in institutions for social inclusion of persons with disabilities gives a list of quality criteria that the institutions must respect.

The Decree of the Flemish Community as of 17 October 2003 concerning the quality of health and social care organisations states that every health and care institution has to deliver adequate care. This means that care delivery needs to be efficient, continuous, socially acceptable and user-friendly. Quality management needs to be part of the management of the care organisation. Every organisation needs to install a quality management system, carry out an annual self-evaluation and deliver the results to the Flemish authorities.

An intern agency was established in response to the Decision of the Flemish Government (as of 26 March 2004). The Agency is called 'Care inspection' and is responsible for checking the quality and support in care institutions. As of 1 January 2019, a 'monitoring decree' was put in place. This decree sets out clear rules for inspectors within the policy domains: welfare,

public health and family, and outlines what has to be inspected in these domains.

The Walloon Agency for the Integration of Persons with Disability (AVIQ) can take measures in relation to authorised and subsidised agencies for persons with disabilities. Once a year, the Walloon Government does a 'Walloon Advisory of the social action and Health' concerning the complaints they receive.

In 2017, a new plan by the Minister of Welfare, Public Health and Family Jo Vandeurzen was put forward. The concept 'An integrated care in primary health care' proposed by the Minister Jo Vandeurzen was approved by the Flemish Government on 17 February 2017. This concept outlines the reformation of the primary health care in Flanders and aims to provide more accessible quality care.

Links

Decree of the Flemish Community concerning the quality of health and social care organisations of 17 October 2003

http://www.vlaamswelzijnsverbond.be/files/page/kwaliteit/kwaliteitsdecreet%2017%2010%202003_2.pdf

Decision of the Flemish Government concerning the general conditions of recognition and quality care of 4 February 2011

<http://www.ejustice.just.fgov.be/eli/besluit/2011/02/04/2011201540/justel>

Care inspection of the Flemish Government

<https://www.departementwvg.be/zorginspectie>

The concept 'An integrated care in primary health care'

<https://www.zorg-en-gezondheid.be/sites/default/files/atoms/files/CELZ%20beleidstekst%20hervorming%20eerstelijnszorg.pdf>

Decree of the Flemish Government, concerning the monitoring related to welfare and health of 1 January 2019

<https://www.departementwvg.be/sites/default/files/media/2018%2001%2019%20Decreet%20houdende%20het%20overheidstoezicht%20in%20het%20kader%20van%20het%20gezondheids-%20en%20welzijnsbeleid.pdf>

D4. Provision of assistive devices at home

In Flanders, persons with disability can count on the care provision and finances of the Flemish Agency for Persons with Disability (VAPH) until the age of 65. In the Walloon region, these people can count on the care provision and financial support of the Walloon Agency AVIQ (Agency for the Quality Life; formerly known as AWIPH). They can appeal on several services that support them in their ADL and IADL activities of ambulatory basis in their own environment as mentioned above. Besides these services, technical devices and home adjustments can also be provided as additional supports to persons with disabilities. Among these can be, for example, a telecom emergency system, the installation of a stairway elevator, a wheelchair and so on.

In Flanders and the Brussels capital region, persons with disabilities can get a support plan with the help of the Department of Welfare, Public Health and Family. The 'support plan service' will provide help in search of assistance.

Links

VAPH: aid tools

<https://www.vaph.be/ondersteuning-op-maat/hulpmiddelen/welke>

AVIQ: aid tools

https://www.aviq.be/handicap/vosbesoins/etre_autonome/aides-materielles.html

Support plan service (DOP)

<https://www.vlaanderen.be/nl/gezin-welzijn-en-gezondheid/handicap/hulp-zoeken-voor-uw-handicap-de-diensten-ondersteuningsplan-dop>

D5. Availability of personal assistance schemes

In Flanders and in the Walloon Region Persons with a Disability can take up a Personal Assistance Budget (PAB) to put together a care package to live as independently as possible with support in their ADL and IADL activities. Because the VAPH (Flanders) wants to broaden their services supply to support independent living for persons with disabilities, they approved of the plan 'Perspective 2020' in 2011. They want better rights for persons with disabilities and more decision power wherein a fundamental option for personal budgets is proposed. In this context, since 1 January 2017, the PAB is replaced by a Person Following Finance (PVF) divided into a 'basis support budget' for each person with a disability and a 'personal additional budget' for those for whom the basis support budget is not enough to cover the costs:

- Level 1: BOB = basic support budget: This is a budget of EUR 300 per month.
- Level 2: PVB = personal additional budget: This is an extra budget, depending on the person's support needs, when the budget of EUR 300 is not sufficient to pay for the care needed. This budget is allocated to the person when the person makes use of the care provided by VAPH institutions.

This cash for care is an alternative form of in-kind care. This is a step to a more independent life and greater social integration. This cash for care provides care to persons with disabilities with needs such as: getting dressed, cooking, eating, cleaning up, doing groceries, transportation and remedial support.

Links

VAPH: Personal Assistant Budget

<https://www.vaph.be/ondersteuning-op-maat/pab/wat>

VAPH: from PAB tot PFV

<https://www.vaph.be/ondersteuning-op-maat/pvf/pab-pqb-naar-pvb>

AVIQ: Personal Assistant Budget

https://www.aviq.be/handicap/vosbesoins/etre_autonome/bap.html

Decision of the Walloon Government concerning the personal assistance budgets of 14 May 2009

https://www.avig.be/handicap/pdf/integration/etre_autonome/bap/bap-arrete-14-02-2009-ACCOK.pdf

Personal Additional Budget

<https://www.vlaanderen.be/nl/gezin-welzijn-en-gezondheid/handicap/persoonsvolgende-financiering-pvf-basisondersteuningsbudget-bob-en-persoonsvolgende-budget-pvb-voor>

D6. Income maintenance

The Income Replacement Allowance is intended for persons who are not able to participate in the regular labour market and therefore have a loss of at least one third of their earning capacity in comparison with a non-disabled person in the labour market. The calculation of this allowance is means-tested on a household level and the person needs to be at an active labour age (21-65 years old) and be a resident of Belgium.

Links

The Income Replacement Allowance

<http://handicap.belgium.be/nl/mijn-rechten/inkomensvervangende-tegemoetkoming.htm>

The Income Replacement Allowance Flanders

<https://www.vlaanderen.be/nl/gezin-welzijn-en-gezondheid/handicap/inkomensvervangende-tegemoetkoming-voor-personen-met-een-handicap>

D7. Additional costs

The federal government provides, as well as income allowance, an Integration Allowance that covers the additional costs of living independently. An Integration Allowance is meant for improving the daily life of persons with disabilities, because it often involves making costly arrangements: a motorised wheelchair, ergonomically design kitchen utensils, special bathroom equipment, etc. are just a few examples of this.

This allowance is means tested on a household level. The person with disability needs to be between 21 and 65 years of age and an actual resident of Belgium. This allowance can also be granted after 65 years of age, but only when the person with disability has already received this allowance before the age of 65. After 65 years of age, persons with disabilities may apply to the cash system of the Allowance for Care to Elderly Persons following a medical assessment that determines the severity of their care needs. Eligibility for the allowance is means-tested, and the amount of the benefit depends on the severity of the care needs and on the financial situation of the applicant, taking into account the current income, financial and non-financial assets. At the regional level, only Flanders, more specifically the Flemish care Insurance, provides an Additional Allowance. This is a separate long-term care insurance scheme that pays a monthly allowance to persons who score at least 35 points on the BEL scale or who can prove their need for care by other means. The monthly allowance, which used to differ between home care and residential care recipients, is not means-tested. There is no age limit, but eligibility is restricted to Flemish residents and the co-paying residents of the Brussels Capital Region.

Links

The Integration Allowance

https://www.belgium.be/en/health/persons_with_a_handicap

Federal Allowance for Care to Elderly Persons

<http://handicap.belgium.be/nl/mijn-rechten/tegemoetkoming-hulp-bejaarden.htm>

Flemish Decree concerning the organisation of the Flemish Care Insurance of 30 March 1999

[http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=nl&la=N&cn=1999033040&table_name=wet&&caller=list&N&fromtab=wet&tri=dd+AS+RANK&rech=1&numero=1&sql=\(text+contains+\(''\)\)](http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=nl&la=N&cn=1999033040&table_name=wet&&caller=list&N&fromtab=wet&tri=dd+AS+RANK&rech=1&numero=1&sql=(text+contains+('')))

D8. Retirement income

For people with disability in Belgium the 'Income replacement allowance' is the main income. This allowance is intended for persons who have never been able to participate in the mainstream labour market and who have a loss of at least one third of their earning capacity in comparison with a non-disabled person in the labour market. These persons receive an Income Replacement Allowance during their active age, until the age of 65.

After the age of 65, a general measure is set up by The Public Service for Retirement. This is an additional retirement income for the elderly, including the elderly with disabilities. This Guaranteed Income for the Elderly (IGO) is an extra financial help to elderly persons. The Public Service for Retirement automatically checks if an elderly person can appeal for such financial help, e.g. at the time of application for a retirement income.

Specifically for the elderly with a need of care, the Flemish social protection provides an additional 'care budget'. There are five categories in which a person can be classified in order to decide on the budget. This classification depends on the self-management of the person.

Links

The Income Replacement Allowance

<http://handicap.belgium.be/nl/mijn-rechten/inkomensvervangende-tegemoetkoming.htm>

Social and financial procedures

https://www.belgium.be/en/family/social_security_in_belgium

The Public Service for Retirement: Guaranteed Income for Elderly (IGO)

<http://www.onprvp.fgov.be/NL/profes/benefits/igo/paginas/default.aspx>

The Flemish social protection 'care budget' for the elderly with care needs

<http://www.vlaamsesocialebescherming.be/zorgbudget-voor-ouderen-met-een-zorgnood>

E. Education

E1. Special schools

The Belgian Constitution concerning freedom of education and the decree on primary education (1997) states that parents are free to choose the school for their child(ren). Special education is organised according to the nature and the severity of the disability and psycho-educational abilities of children with disabilities. In Flanders, it covers eight different types of special education and is characterised by coordination between education and remedial education, medical, paramedical, psychological and social actions on the one hand and the continuous cooperation of the institution charged with the support and supervision on the other hand. Of the Flemish school population 4.6% was attending special education. In primary education, 28,481 pupils out of a total of 420,832 were attending special school (2013). In secondary education, 20,177 students out of a total of 418,817 were attending

special schools (2013). Of the French speaking Community population 3.61% was attending special education. In primary and secondary education taken together, 31,317 pupils of a total of 867,466 were attending special school (2008-2009).

Links

Belgian Constitution concerning freedom of education (art.24)

http://www.senate.be/doc/const_nl.html

Special Education in Flanders

<https://www.vlaanderen.be/nl/onderwijs-en-wetenschap/onderwijsaanbod/buitengewoon-basisonderwijs>

Statistics and publications of the Flemish and Walloon education

<https://onderwijs.vlaanderen.be/nl/onderwijsstatistieken>

Flemish Decree concerning measures for pupils with specific support needs (12 March 2014)

<https://codex.vlaanderen.be/Portals/Codex/documenten/1024474.html>

E2. Mainstream schools

According to the Flemish Decree of 6 July 1970 concerning special education, children with disabilities can register in mainstream schools with support from the special education institutions. Schools may however refuse to have disabled pupils registered if they had not the capacity to welcome them. Recently, the Flemish authority adopted the Flemish Decree of 12 March 2014 (M-decree) on measures to benefit pupils with special needs in education which provides that the schools have to ensure reasonable accommodation to children with disabilities. The Decree of the French speaking community and the Walloon Region of 3 March 2004 states that adaptations to e.g. class rooms are authorised to meet the needs of children with disabilities.

In the French speaking community, several meetings (in May and November 2017) were set up between all parties. A new proposal for decree was made. This resulted in the Decree of 7 December 2017 which was published on 1 February 2018.

One year after the implementation of the M-decree that introduced new support systems in the Flemish schools some evaluations were conducted. There were a lot critics, namely that the implementation was rushed and was not well-thought-out.

Links

Flemish Decree concerning measures for pupils with special support needs of 12 March 2014

<http://www.ejustice.just.fgov.be/eli/decreet/2014/03/21/2014035613/justel>

Statistics and publications of the Flemish and Walloon education

<https://onderwijs.vlaanderen.be/nl/onderwijsstatistieken>

Proposal of Decree of the French speaking community concerning education for pupils with special needs - May 2017

<http://www.apeda.be/wp-content/uploads/2017/06/dcret-depose-CDH-mai-2017.pdf>

Decree of the French speaking community concerning special education of 3 March 2004

http://www.gallilex.cfwb.be/document/pdf/28737_027.pdf

Decree of the French speaking community concerning education for pupils with special needs 7 December 2017

<http://www.ejustice.just.fgov.be/eli/decret/2017/12/07/2018010181/moniteur>

Official report December 2017 - Evaluation of the M-decree and implementation of the new support system in schools for children with support needs

http://onderwijs.vlaanderen.be/sites/default/files/atoms/files/Rapport_opstart_ondersteunings_model.pdf

E3. Sign language and Braille in school

The Flemish Ministry of Education and Training supports pupils and students in mainstream education through support in the provision of special education means. The well-known 'M-decree' (Measures for pupils with special support needs) is a major step towards increasing inclusion in the mainstream system. From September 2015 onwards, every child, including those with special needs, has the right to enrol in a mainstream school, provided this is possible with reasonable adaptations. These include Flemish sign language interpreters and writing interpreters, translation in Braille and large printing, dyslexia software and digitalisation of textbooks. The French speaking Community acknowledges sign language for the regular and special education in the French speaking part of Belgium as an official language in the Decree of 22 October 2003. Therefore, the regional governments support and subsidise but do not mandate the provision of sign language and Braille in schools.

Links

Decree of the French speaking community and the Walloon Region concerning the school integration of youth with disability

<http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2004-01-23&numac=2004200103>

Decree of the French speaking Community concerning the acknowledgement of sign language

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2003102246&table_name=loi

Flemish Decree concerning measures for pupils with special support needs of 21 March 2014

<http://www.ejustice.just.fgov.be/eli/decreet/2014/03/21/2014035613/justel>

E4. Vocational training

The Belgian ratification of the UN Convention (on 2 July 2009) states in art. 24 that the government guarantees that persons with disabilities can be admitted to vocational training and adult education based on equal chances and non-discrimination. The government guarantees that reasonable adjustments will be made for persons with disabilities. In the Flemish region, the Flemish Employment and Vocational Training Service (VDAB) has an anti-discrimination policy and has set up some extra support for persons with disabilities in their search for a job. In the Walloon Region, FOREM is known as the Public Service of Employment and Education. Since 1 July 2017 a big reformation has occurred in relation to 'employment aid'. FOREM is no more responsible for this matter, but the AVIQ (Agency for a qualitative life; formerly known as AWIPH) is responsible for job coaching, helping with the request for adapted work, etc.

Links

The Flemish Employment and Vocational Training Service (VDAB)

<https://www.vdab.be/arbeidsbeperking/werkzoekend>

Walloon Agency for a qualitative life, AVIQ

https://www.aviq.be/handicap/vosbesoins/se_former_travailler/index.html

E5. Higher education

The regional governments support and subsidise provisions. Since the Flemish 'M-decree', colleges or universities need to provide 'reasonable adjustments' including learning resources, interpreters, or individual support ('ondersteuningsmodel').

In Flanders the support of students with a disability in higher education is based on four pillars:

- A suitable assessment for the distribution of means;
- A premium to encourage development of an equal chances and diversity policy;
- The subsidising of the Support Centre of Inclusive Higher Education (SIHO);
- A social allowance to improve the student equipment and the educational preconditions.

The French speaking government also seeks to stimulate the higher education of persons with disabilities by:

- Making all educational programmes accessible for persons with disabilities;
- Monitoring the needs and the most important obstacles and planning basic adjustments of facilities and assessment methods;
- Developing training for teachers in sign language.

Since the academic year 2017-2018 a new support system exists for students in higher education (Flanders).

Links

Higher education for persons with disabilities

<https://onderwijs.vlaanderen.be/nl/studeren-met-een-functiebeperking-hoger-onderwijs>

Support Centre of Inclusive Higher Education

<http://www.siho.be/siho/>

New support system 2017-2018 higher education (Flanders)

<https://onderwijs.vlaanderen.be/nl/ondersteuning-voor-studenten-met-een-functiebeperking>

F. Employment

F1. Non-discrimination in employment

Efforts to tackle discrimination against persons are governed by the Anti-Discrimination Act of 10 May 2007 on combating certain forms of discrimination. It is applicable for discrimination in relation to work positions and employment, conditions of accessibility to the work place and the redundancy scheme in the public and the private sectors, for all levels of

the labour hierarchy and for all levels of activities.

This Act prohibits all forms of discrimination: direct and indirect discrimination, incitement to discrimination, harassment and denial of reasonable accommodation for persons with disabilities (art. 14). The Act is not disability-specific. It prohibits discrimination based on age, gender, race, religion, sexual orientation and also disability.

On 8 May 2002 Flanders approved a Decree that foresees equal participation in the labour market. Necessary measures were taken to support equality and diversity in the labour market and the better integration of risk groups (including persons with disabilities).

On 1 October 2008 the Decision by the Flemish Government concerning the professional integration of persons with disabilities in the labour market was made. On 1 July 2016 this Decision by the Flemish government was slightly amended.

The Decision by the Walloon Government of 29 November 2007 concerning the equal chances of persons with disabilities in the labour market was set by determining several measures in relation to fair adjustments in different forms of technical and financial support. The Walloon Decision was slightly amended as of 15 January 2009.

Links

The Anti-Discrimination Act of 10 May 2007

<http://www.ejustice.just.fgov.be/eli/wet/2007/05/10/2007002099/justel>

Flemish Decree concerning equal participation in the labour market of 8 May 2002

http://www.gelijkekansen.be/Portals/GelijkeKansen/wetgeving/Decreet_van_de_Vlaamse_Raad_van_8_mei_2002_11pg%5B1%5D.pdf

Decision by the Flemish Government concerning the professional integration of persons with disabilities of 1 October 2008

<http://www.ejustice.just.fgov.be/eli/besluit/2008/11/07/2008204305/justel>

Decision of the Walloon Government concerning the equal chances of a person with disability in the labour market of 29 November 2007

<https://wallex.wallonie.be/PdfLoader.php?type=doc&linkpdf=9411-8559-4152>

F2. Public employment services

At the public office of all the different state levels, measures are taken in favour of the employment of persons with disabilities, such as:

- The Federal Royal Decree of 5 March 2007 concerning the organisation of the recruitment of persons with disabilities states that 3% of all federal employees should be persons with disabilities in all federal departments. Since 2009, The Committee for the recruitment of persons with disabilities to public office (BCAPH) controls the applications of this 3% quota objective. This is evaluated annually. In 2016, the employment rate of persons with disabilities was 1.44%. Only six of all federal organisations achieved the 3% quota. In 2017 the employment rate was 1,37%.

- The Decision by the Flemish government of 24 December 2004 was set concerning the measures to stimulate and support the equal chances and diversity policy in the Flemish administration.
- The Decision by the Walloon government of 27 May 2009 was set concerning the provinces, municipalities and associations of municipalities which are required to employ persons with disabilities on part-time positions.
- In the Brussels-Capital region, Order of 4 September 2008 on promoting diversity and prohibiting discrimination in the Brussels Regional public office sets out equal treatment regarding employment at this public office and forbids discrimination based on disability.
- The Decision of the Walloon Government was adopted on 7 February 2013 concerning professional integration of persons with disabilities in provinces and communities, in social and public services.

Links

Federal Royal Decree on the organisation of the recruitment of persons with disabilities in federal public services of 5 March 2007

https://fedweb.belgium.be/nl/over_de_organisatie/over_de_federale_overheid/missie_visie_waarden/gelijke_kansen_en_diversiteit/personen_met_handicap/bcaph

Decision by the Flemish government of 24 December 2004

http://www.etaamb.be/nl/besluit-van-de-vlaamse-regering-van-24-december-2004_n2005035356.html

Decision by the Walloon government of 27 May 2009

http://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=09-07-09&numac=2009202884

Decision of the Walloon Government concerning the professional integration of persons with disabilities in provinces and communities, in social and public services of 7 February 2013

https://www.aviq.be/handicap/professionnels/cpas/fichiers/AGW_du_7_fevrier_2013-ACCOK.pdf

Legislative framework in Belgium

https://fedweb.belgium.be/sites/default/files/downloads/Wetgevend%20kader_NL_Fedweb.pdf

BCAPH 2017

<https://fedweb.belgium.be/sites/default/files/downloads/Verslag%20BCAPH%202017.pdf>

F3. Workplace adaptations

The employer is responsible for the wellbeing of his employees and needs to take some preventive measures on the ground of the law of 4 August 1996, to prevent risky situations and to reduce the chance of damage. These measures concern the workplace, the design and adaptation of the workplace, the choice of the material, the use of individual protection gear. The employer needs to consider the impairment of the employee(s) in mind when setting preventive measures to protect the health and security of the employees.

Moreover, the adaptation of workstations is a right conferred by the Anti-Discrimination Act

of 10 May 2007. Refusal of providing workplace adaptations is seen as discrimination. In Belgium a protocol concerning the concept of 'reasonable adjustments' was approved on 19 July 2007 that provided the definition and characteristics of 'reasonable adjustments'.

The Flemish Decree of 8 May 2002 concerning equal participation in private labour market sets out some measures for improving the workplace, e.g. the adaptation of the workspace and working clothes, the arrangement of a sign language interpreter. In addition, the Flemish Decree of 3 July 2013 on customisation with collective involvement created a support package (WOP) that persons with disabilities can take with them in the mainstream labour market.

The Decision of the Walloon Government of 29 November 2007, concerning equal chances of persons with a disabilities in the labour market was set by determining several measures in relation to reasonable adjustments in different forms of technical and financial support. The Walloon Decree was slightly amended as of 15 January 2009.

The legislation does not, however, foresee a specific procedure to provide reasonable adjustments. The initiative can come from the employee or the employer if the employer notices support needs. The (company) doctor/prevention advisor can also suggest reasonable adjustments.

Some examples of workplace adaptations are noted in the manual 'Disability management in Belgian companies', part of the DM@work project by Prevent:

- Adapted chair
- Tools
- Inclined plane for wheelchair users
- Flexible working hours to combine (for example) work and physiotherapy
- Support by a colleague
- Flexible breaks to eat
- Office near a bathroom
- Parking lot near the entrance of the building
- Flexible breaks to intake medicines

Links

The law concerning the health of the employees in their labour

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=1996080400

Flemish Decree concerning equal participation in the labour market of 8 May 2002

http://www.gelijkekansen.be/Portals/GelijkeKansen/wetgeving/Decreet_van_de_Vlaamse_Raad_van_8_mei_2002_11pg%5B1%5D.pdf

Flemish Decree on customisation with collective involvement of 3 July 2013

<http://docs.vlaamsparlement.be/docs/stukken/2012-2013/g2065-1.pdf>

Decision of the Walloon Government concerning the equal chances of a person with disability in the labour market of 29 November 2007

<https://wallex.wallonie.be/PdfLoader.php?type=doc&linkpdf=9411-8559-4152>

Unia (2017) Reasonable adjustments at work

http://www.unia.be/files/Documenten/Publicaties_docs/1147-UNIA_brochure_Werk_NL_VERSION_VOOR_DRUK_EN_WEBSITE.pdf

Disability management in Belgian companies - Prevent

<http://www.dejuistestoel.be/sites/default/files/uploads/toolbox/disability%20management%20dm%40work.pdf>

F4. Financial incentives

The employment of persons with disabilities is authorised and financed at the regional level:

- The Flemish Service for Employment and Vocational Training (VDAB)
- The Walloon Agency for a Life of Quality (AVIQ)
- The Brussels Service for Persons with Disabilities Finding Autonomy (Service Bruxellois-Phare)
- The Service for Persons with Disabilities in the German speaking Community

In Flanders, several premiums and measures exist to support the professional integration of persons with a disability. Since 1 October 2008, these are called 'Bijzondere tewerkstellingsondersteunende maatregelen' (BTOM's) or 'Special employment support measures'. Firstly, the disability has to be acknowledged as a 'labour disability' by the VDAB, the Flemish Service for Employment and Vocational Training. There are five specific measures:

1. Compensation in costs such as work clothing, work tools
2. Compensation in travel expenses from and to work
3. Support of deaf interpreters
4. 'Vlaamse Ondersteuningspremie' (VOP) or Flemish Support Premium
5. Employment in sheltered workshops

The Work and Social Economy Department administers a special premium for employers of employees with disabilities. This premium is called 'Vlaamse Ondersteuningspremie' (VOP) or Flemish Support Premium. The employer receives compensation in the salary cost.

In the Walloon Region, the AVIQ also provides a range of premiums for employing persons with disabilities, e.g. adaptations to the workplace, etc.

Links

Decision of the Flemish Government concerning the professional integration of persons with disabilities 7 November 2008

<http://www.ejustice.just.fgov.be/eli/bsluit/2008/11/07/2008204305/justel>

G. Statistics and data collection

G1. Official research

In Belgium, the policy for persons with disability is a shared responsibility between the federal level and the decentralised levels and there is no uniform definition of disability. This leads to a lack of coordinated statistics about the UN-Convention topics. Statistics about several domains can be found on a central platform 'Statbel'. For example, for housing, employment rate, and education there are no disability specific statistics yet.

In 2011, an ad-hoc module about the employment of persons with disabilities was added to the research portfolio of the Federal Government, Department of Economics (ADSEI). The Interfederal Centre for Equal Opportunities (UNIA) has introduced an electronic system for the registration and management of notifications and individual files concerning the anti-discrimination law. These figures are presented in its annual activity reports. In addition, the Flemish equal chances policy and the French Community work with an electronic system for registration and handling of the notifications and files (METIS, a central registration system). In this way, the notifications of discrimination in Belgium are centralised.

In 2016, several reports were published: the GRIP Inclusion Mirror Flanders, the UNIA annual report, and the GRIP advice report "Fighting barriers, realising inclusion, implementing the UN CRPD".

Links

GRIP Inclusion Mirror Flanders 2016

<http://www.gripvzw.be/gelijkekansenbeleid/1197-inclusiespiegel-vlaanderen-2016-on-line-beschikbaar.html>

UNIA annual report 2016

[http://unia.be/files/Documenten/Jaarrapport/Cijferverslag_2016_def_\(2\).pdf](http://unia.be/files/Documenten/Jaarrapport/Cijferverslag_2016_def_(2).pdf)

'Statbel' employment rate of persons with disabilities

https://statbel.fgov.be/sites/default/files/files/documents/Analyse/NL/analyse%20adhocNL_tcm325-255487.pdf

UNIA annual report 2016 - Inclusion in Belgium

https://www.unia.be/files/Documenten/Jaarrapport/1209-Unia_Rapport_Egalite_2016_NL_AS.pdf

Disability and employment statistics update (March 2015)

https://www.vaph.be/sites/default/files/documents/handicap-en-arbeid-maart-2015/onderzoek_2015-03-xx_handicap-en-arbeid.pdf

Grip advice report 2016 "Fighting barriers, realising inclusion, implementing the UNCRPD"

https://cdn.digisecure.be/grip/2017821143416645_grip-advies-ocm-2016-2017.pdf.pdf

G2. Census data

Belgium has a long tradition of population counts since 1846. This count of the population has also an important socio-economic aspect and scientific value. Since 1991 this population count has also contained some information about socio-economic variables and was established by the Public Office of Registration, so since 2001 this was called the General Socio-economic Survey. Since 2011 the population count has been called 'Census'. The population was no longer investigated by surveys. The Census was based on databases such as the Public Office of Registration of Natural Persons, Database of Labour Market and Social

Protection of the Social Security (KSZ), etc., and a random sample survey is done to gain additional information. The Census 2011 in Belgium was based on 38 indicators. Disability was not one of the indicators.

Links

Census 2011

<http://census2011.fgov.be/presse/PERSBERICHT%20Census%202011.pdf>

Census 2011 – 38 indicators

http://census2011.fgov.be/data/fresult/fresults_nl.html

G3. Labour Force Survey

The Labour Force Survey in Belgium is a social-economic survey in the households. The survey tries to distinguish and describe three groups of the active population (15 years of age or older) into employed, unemployed and non-active persons. This survey is a part of the EU-sample survey on the active population examined by the statistical service of the European Union's EUROSTAT. Persons with disabilities are identified in this survey in the section for persons with disabilities or chronic health problems. The question asks if the person experiences any discomfort in his daily activities at his workplace. And if so, which adaptations to his workplace could give him/her the necessary support.

The Department of Employment and Social Security of the Flemish government also generates disability and employment statistics. These are partly based on the Labour Force Survey (EAK – Enquête naar de Arbeidskrachten), but also on other surveys such as EU-SILC, ESS.

Links

The Labour Force Survey

<https://statbel.fgov.be/nl/enquete/enquete-naar-de-arbeidskrachten-eak>

Employment Statbel

<https://statbel.fgov.be/nl/themas/werk-opleiding/arbeidsmarkt/werkgelegenheid-en-werkloosheid>

Disability and employment statistics (March 2015)

https://www.vaph.be/sites/default/files/documents/handicap-en-arbeid-maart-2015/onderzoek_2015-03-xx_handicap-en-arbeid.pdf

Disability and employment statistics (October 2016)

https://www.werk.be/sites/default/files/rapporten/handicaparbeid_defenstat_update_okt2016.pdf

G4. Disability equality indicators

In 2006 the association 'Equal Rights for Every Person with Disability' (GRIP) mapped out the inclusion of persons with a disability in Flanders by the 'Inclusion mirror'. The data has been collected from different research reports to identify whether or not persons with disabilities experience discomfort due to the limitations in their daily life. In 2016 GRIP introduced the new Inclusion Mirror Flanders 2016.

Links

GRIP Inclusion Mirror Flanders 2016

https://cdn.digisecure.be/grip/20178914185011_inclusiespiegel-2016.pdf

H. Awareness and external action

H1. Awareness raising programs

The media is the most important player who has an impact on the process of disability conceptualisation. For this reason, the Equal Chances in Flanders developed 'The Experts database', where contact information from persons of at-risk groups are collected, including persons with disabilities. This way, they can be presented in a non-stereotyped way in the media emphasising their expertise and not their disability. This database may be consulted by journalists and journalist students. In 2011, Equal Rights for Every Person with a Disability (GRIP) and Equal Chances in Flanders started a campaign to raise awareness about the rights of persons with disabilities. In 2013 a campaign was set up called 'My disability, my rights' to raise awareness about the UN CRPD. The VAPH creates awareness for the social integration of persons with disabilities, e.g. via the three-monthly service magazine for and from persons with disabilities 'Sterk'. Personal stories from people with disabilities are brought forward in this magazine. Based on the Walloon Decree of 6 April 1995 concerning the integration of persons with disabilities, AWIPH sets up information sessions and awareness raising campaigns about persons with disabilities for the general public. Besides this, the regional TV-station RTBF has launched a massive awareness raising campaign 'Cap 48' to attract attention about persons with disabilities.

In 2016 UNIA (The Interfederal Centre for Equal Opportunities) set up a campaign 'I have a disability and I have rights'. Many people with disabilities are not aware of their human rights. Through a campaign video, posters and an awareness raising action, UNIA wants to change that. The action was organised on 3 December 2016 – the International Day of Persons with Disabilities, in the form of a 'shoe statement'. Hundreds of pairs of shoes were laid out in seven Belgian cities that represented a protest against the invisibility of persons with disabilities. In such a way, it was a call for more efforts to allow persons with disabilities to exercise their rights.

In 2017 the campaign 'Awel ja' was introduced, and in 2018 this campaign was repeated for the second time. This campaign promotes personal assistance for people with disabilities. Everyone can register himself on the website to be an assistant for one day. People with a disability can upload their daily questions for assistance such as "doing groceries", "cooking", "travelling by train", and so on.

Links

The Experts database

<http://www.expertendatabank.be/>

VAPH: awareness for the social integration of persons with a disability

<https://www.vlaanderen.be/nl/publicaties/detail/sterk-sterke-verhalen-van-mensen-met-een-handicap>

Regional TV-station RTBF 'Cap 48'

<http://www.rtbef.be/cap48/>

Campaign GRIP 2013, follow up on the campaign of 2011

https://cdn.digisecure.be/grip/2017810182344878_def-artikel-voor-publicatie.pdf

2016 Unia campaign 'I have a disability and I have rights'

<https://www.unia.be/en/awareness-prevention/campaigns/i-have-rights>

2017-2018 campaign 'Awel ja'

<https://www.awelja.be/>

H2. Training for teachers

In Flanders, in the initial teacher training, no specific courses for pupils with disabilities exist. After successfully finishing their training to become a teacher in a pre-school, primary school or/and secondary school, students can choose to specialise in the advanced study of 'special education'. This is a Bachelor-after-Bachelor in education. This diploma, however, is not a requirement to be employed as a teacher in special education.

In the Walloon region, several higher education institutions provide a bachelor in special education ('bachelier éducateur spécialisé').

Links

Flanders: Teachers in special education

https://www.onderwijskiezer.be/v2/hoger/hoger_detail.php?richting=985

H3. Training for lawyers

As far as it is possible to check, in all Law Faculties' under- and graduate programmes there are many courses where the legal position of disabled persons is covered, e.g. in courses like 'Family Law', 'Labour Law' or 'Social Security Law'. However, there are no specific courses as 'Law of the Disabled', whereas such courses do exist for other emancipating groups (e.g. 'Gender Rights' or 'Children's Rights'). Every practicing lawyer at the Bar and court magistrates has to enrol during their careers into 'Permanent Legal Training' courses which cover a variety of law domains and themes. Disability rights is one of these.

H4. Training for doctors

One specialisation that a medical student can choose is 'physical medicine and rehabilitation'. Some Universities or Colleges give post academic training about care provision for persons with disabilities. UNIA has published 10 brochures about reasonable adaptations for persons with disabilities in different domains of life including health care. In this way, the Centre wants to inform the goods and services suppliers about the concept of 'reasonable adaptation'.

Links

UNIA Brochures on reasonable adaptations

<http://unia.be/nl/publicaties-statistieken/publicaties/redelijke-aanpassingen-in-10-brochures>

Master in medicine: 'physical medicine and rehabilitation'

<http://med.kuleuven.be/nl/specmed/fys>

Example of post academic training about care provision for persons with disabilities

<http://www.ua.ac.be/main.aspx?c=.HANDICAP&n=68713>

H5. Training for engineers

No specific information about educational programmes or trainings for engineers or designers is found.

An initiative, linked to this, is the CERA Award. This is an award for students in 'industrial engineering' or 'architectural engineering' who develop a technologic innovation for the social sector and for people with specific needs to promote their quality of life.

Among the projects selected for this award, for example, are the following: a cooking app for adolescents with Autism Spectrum Disorder, a voice assistant used in hospitals, an adaptive family table for a person in a wheelchair.

Links

The CERA Award

<https://www.cera-award.be/default.aspx#walloffame>

H6. International development aid

The Belgian implementation report (2011) states that the Belgian government bears in mind the human rights situation, more specifically the rights of persons with disabilities, within their development aid cooperation with 18 partner countries. Between 2009 and 2010, the Belgian development aid provided EUR 7,585,000 and EUR 7,071,000 for projects to improve the rights of persons with disabilities. These projects were implemented by NGOs and are mainly focused on the reintegration of persons with disabilities in society. The Belgian government also supports raising awareness activities targeting the general public about persons with disabilities in Southern countries.

The International Disability and Development Consortium (IDDC) is a global consortium of disability and development non-governmental organisations (NGOs), mainstream development NGOs and Disabled People's Organisations (DPOs) supporting disability and development work in more than 100 countries around the world.

The aim of IDDC is to promote inclusive development internationally, with a special focus on promoting the full and effective enjoyment of human rights by all persons with disabilities living in economically poor communities in lower and middle-income countries.

In Belgium, the following NGOs are member of the IDDC:

- CBM
- EU-CORD
- Humanity & Inclusion
- IF (The International Federation for Spina Bifida and Hydrocephalus)
- LIGHT FOR THE WORLD Belgium

Links

The Belgian report on the implementation of the UN CRPD (2011)

<https://socialsecurity.belgium.be/nl/verdrag-van-de-verenigde-naties-inzake-rechten-van-personen-met-een-handicap>

IDDC

<https://www.iddcconsortium.net/who-we-are/members>

IDDC members

https://iddcconsortium.net/sites/default/files/pages/files/20180627_iddc_member_organisations_listed_by_country.pdf