



Convention on the Rights of Persons with Disabilities

Distr.: General
30 September 2024

Original: English

Committee on the Rights of Persons with Disabilities

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

I. Introduction

1. The Committee considered the combined second and third periodic reports of Belgium¹ at its 735th and 736th meetings,² held on 22 August 2024. It adopted the present concluding observations at its 750th meeting, held on 2 September 2024.
2. The Committee welcomes the combined second and third periodic reports of Belgium, which were prepared in accordance with the Committee's reporting guidelines, in response to the list of issues prior to reporting prepared by the Committee.³
3. The Committee appreciates the constructive dialogue held with the State party's delegation and commends the State party for the strength of its delegation, which included government representatives of the relevant regions and communities and their respective administrations. The Committee also appreciates the active participation of the Interfederal Centre for Equal Opportunities in its capacity as the national human rights institution and independent monitoring mechanism pursuant to article 33 (2) of the Convention.

II. Positive aspects

4. The Committee welcomes the progress achieved by the State party since the consideration, in 2014, of its initial report with regard to constitutional, legislative and policy reforms, in particular the following:
 - (a) The introduction in the Flemish Region of a new decree regarding learning support for pupils with specific educational requirements in the mainstream education system;
 - (b) The insertion of a new provision, article 22 ter, in the State party's Constitution, guaranteeing the right to reasonable accommodation, in 2021;
 - (c) The adoption of the Act of 17 March 2013, by which only the person concerned, and not a legal guardian, may give consent to sterilization;
 - (d) The introduction in the Brussels-Capital Region of a new employment subsidy to encourage employers to recruit persons with disabilities, in 2024;
 - (e) The adoption in the Walloon Region of a strategy for integrated life-course pathways for independent living, in 2022;

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

¹ [CRPD/C/BEL/2-3](#).

² See [CRPD/C/SR.735](#) and [CRPD/C/SR.736](#).

³ [CRPD/C/BEL/QPR/2-3](#).



(f) The adoption in 2021 of the Federal Disability Action Plan 2021–2024 and in 2024 of the Interfederal Disability Strategy 2022–2030, aimed at reducing institutional barriers in order to guarantee the rights of people with disabilities;

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

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

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

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

(c) The launch of the Interministerial Conference on Disability, in 2022;

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

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

(f) The creation in the Flemish Community and the Flemish Region of Inter, an agency for accessibility, in 2015;

(g) The application of the principle of individualized funding for adults with disabilities, and increased financial support for children with disabilities and their networks, including for personal assistance.

III. Principal areas of concern and recommendations

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

6. The Committee is concerned about:

(a) The State party’s failure to adequately promote and disseminate information in accessible formats on the Convention, the Committee’s general comments and guidelines, disability policies and the mandates and competencies of authorities concerning the rights of persons with disabilities;

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

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

(d) Recently adopted legislation, such as the Act of 28 March 2023 amending electoral law, that makes it easier for a judge to declare persons with intellectual and/or psychosocial disabilities incapable to exercise their political rights.

7. **Reiterating its previous recommendations,⁴ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

⁴ CRPD/C/BEL/CO/1, paras. 5 and 6.

(a) **Promote and disseminate information, including in accessible formats, on the Convention, the Committee's general comments and guidelines, disability policies and the mandates and competencies of authorities concerning the rights of persons with disabilities;**

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

(c) **Revise its systems of disability assessment by replacing the medical model of disability with the human rights model of disability, and establish systems to assess the legal and environmental barriers faced by persons with disabilities and the support and assistance necessary to promote their rights to live independently and be fully included in society;**

(d) **Remove all provisions in the Civil Code and electoral law that deny persons with disabilities their political rights or prevent them from exercising those rights on an equal basis with others.**

8. The Committee is concerned about:

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

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

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

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

(b) **Ensure that the organizations participating in advisory councils at the various levels of government meet the requirements defined by the Committee in its general comment No. 7 (2018).**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

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

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

(b) Procedural barriers to the implementation of anti-discrimination legislation due to the complexity of establishing whether different types of protection against discrimination are federal or regional matters.

11. **Recalling its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Enhance protection against discrimination, including multiple and intersecting discrimination, by revising and implementing legislation at the federal and regional levels;**

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

(c) **Establish a single point of contact, covering the federal, regional, community and municipal levels, for victims of discrimination, including multiple and intersecting discrimination, to file complaints.**

Women with disabilities (art. 6)

12. The Committee notes with concern:

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

(b) The limited information on statistics on the barriers that women and girls with disabilities encounter in the exercise of their rights under the Convention, which renders impossible a reliable understanding of the current situation of women and girls with disabilities.

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

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

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

Children with disabilities (art. 7)

14. The Committee notes with concern that:

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

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

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

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

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

Awareness-raising (art. 8)

16. The Committee notes with concern;

(a) The persistence of the medical model of disability, reports that persons with disabilities are widely perceived as recipients of society's generosity and the insufficient

awareness-raising measures to promote the recognition of persons with disabilities as rights holders, on an equal basis with others, at all levels of government;

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

17. The Committee recommends that the State party:

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

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

Accessibility (art. 9)

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

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

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

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

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

(e) There is no guarantee of autonomous accessibility of transport by rail, bus or sea.

19. Recalling its general comment No. 2 (2014) and reiterating its previous recommendations,⁵ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

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

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

⁵ Ibid., paras. 21 and 22.

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

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

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

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

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

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

Right to life (art. 10)

20. The Committee is concerned about:

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

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

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

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

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

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

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

Situations of risk and humanitarian emergencies (art. 11)

22. The coronavirus disease (COVID-19) pandemic and the floods in 2021 resulted in a notable increase in deaths and suffering among persons with disabilities, as a result of the absence of an adequate and coordinated framework for the protection and safety of persons with disabilities and a lack of disability-inclusive and coordinated measures for prevention and response across the federal, regional and community levels. The Committee is concerned that:

(a) Evacuation plans often do not include persons with disabilities, including persons with mobility impairments, and there is insufficient coordination among existing plans;

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

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

23. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action and its guidelines on deinstitutionalization, including in emergencies,⁶ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

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

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

Equal recognition before the law (art. 12)

24. The Committee acknowledges that the State party has carried out some reforms of its guardianship law with the intention of ensuring that assistance takes precedence over representation. However, recalling its previous recommendations,⁷ the Committee is concerned:

(a) That, despite legislative reforms, such as the Act of 8 November 2023, current legislation continues to contain substituted decision-making regimes for persons with disabilities, including provisions allowing justices of the peace to select administrators for persons with disabilities;

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

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

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

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

⁶ CRPD/C/5.

⁷ CRPD/C/BEL/CO/1, paras. 23 and 24.

(b) **Until such measures and strategies are in place, gather statistical data on the number of persons under guardianship (“judicial protection”), disaggregated by type of guardianship, impairment, gender, race, sex, age and other relevant status;**

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

Access to justice (art. 13)

26. The Committee is concerned that:

(a) Age-, disability- and gender-responsive procedural accommodation to ensure effective participation in all legal processes is not sufficiently provided;

(b) Deaf or hard-of-hearing persons have no guaranteed legal right to the provision of sign language interpretation free of charge in all processes applying law;

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

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

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

(a) **Put in place and make the procedural changes necessary to provide age- and gender-responsive procedural accommodation for persons with disabilities free of charge in all judicial and administrative proceedings, whether civil, criminal or administrative in nature, including access to certified sign language interpreters, so that persons with disabilities are able to participate effectively, including as judges, clerks, lawyers or witnesses;**

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

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

Liberty and security of person (art. 14)

28. The Committee is concerned that:

(a) Persons with disabilities can be lawfully deprived of their liberty because of their impairment, and, despite legal reforms that attempt to limit such deprivation of liberty to the most serious cases, the number of persons detained on this basis has risen to more than 4,000 in the State party;

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

29. **Recalling its guidelines on the right to liberty and security of persons with disabilities,⁸ its guidelines on deinstitutionalization, including in emergencies, and its general comment No. 1 (2014), the Committee recommends that the State party, in close**

⁸ [A/72/55](#), annex.

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

(a) Amend or repeal all laws and abolish all practices that allow for deprivation of liberty on the basis of impairment, harsher measures against persons with disabilities than others convicted of the same crimes, and indefinite detention, and guarantee access for persons with disabilities to justice on an equal basis with others throughout judicial proceedings;

(b) Ensure that detained persons, including detained persons with disabilities, who do not have residence permits have access to external care and support to enable them, when eligible to do so, to leave the prisons, psychiatric annexes or other placement facilities in which they are being held to live in the community;

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

(d) Recognize the Committee's joint open letter with the Special Rapporteur on the rights of persons with disabilities to the Council of Europe, dated June 2021,⁹ and, in its future participation in any process towards the adoption of an additional protocol to or recommendation concerning the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, aim to move away from coercive measures and build up a non-coercive framework on mental health, as required under the Convention.

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

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

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

(b) No provision is made at the regional level for the practical execution of visits by the preventive mechanism to places where persons are deprived of their liberty, including institutions for persons with disabilities, psychiatric institutions and nursing homes, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

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

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

(b) **Devise an action plan, including at the regional level, for the practical execution of visits by the preventive mechanism to places where persons with disabilities are deprived of their liberty, in collaboration with the Interfederal Centre for Equal Opportunities and the Flemish Human Rights Institute, to enable the preventive mechanism to monitor all places of detention in the State party, in accordance with the standards set out by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its general comment No. 1 (2024), on the definition and scope of places of deprivation of liberty; and raise awareness of the rights of persons with disabilities among all staff, including police personnel, who work with persons with disabilities.**

⁹ See <https://www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations>.

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

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

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

(b) That there is no guarantee of accessibility of support measures, sexual-assault centres and emergency shelters for women and girls with disabilities who are victims of gender-based violence;

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

33. **Recalling its statement of 25 November 2021 on the elimination of gender-based violence against women and girls with disabilities, issued jointly with the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Special Rapporteur on the rights of persons with disabilities,¹⁰ the Committee recommends that the State party, in close consultation with and with active involvement of persons with disabilities, including women and girls with disabilities, through their representative organizations:**

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

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

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

Protecting the integrity of the person (art. 17)

34. The Committee is concerned:

(a) About reports that women with disabilities, in particular women and girls with intellectual and/or psychosocial disabilities, residing in collective living centres or placed in facilities and institutions are often required to undergo sterilization procedures and forced to use contraception, and that if their consent is obtained, it is often not properly informed;

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

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

35. **Recalling its joint statement with the Committee on the Elimination of All Forms of Discrimination against Women and its general comment No. 3 (2016), the Committee**

¹⁰ Available at https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf.

recommends that the State party, in accordance with the human rights model of disability and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and in close consultation with and with the active involvement of persons with disabilities, in particular women and girls with disabilities, through their representative organizations:

(a) Take all the legislative, policy and administrative measures necessary to ensure that the use of sterilization and contraception among all women and girls with disabilities, in all settings, is based on their free and informed personal consent, respecting the dignity and autonomy of women and girls with disabilities, and that institutions or facilities do not require their residents to undergo sterilization or use contraceptives as a precondition for being accepted into the institution, for as long as deinstitutionalization is not fully implemented;

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

(c) Expedite the adoption and implementation of a legislative framework covering the whole of the State party to explicitly prohibit the performance of medically unnecessary and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex minors, and provide criminal, civil and administrative remedies, healthcare and psychosocial support for intersex persons who have been subjected to intersex genital mutilation.

Liberty of movement and nationality (art. 18)

36. The Committee is concerned about:

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

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

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

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

38. The Committee notes with concern:

(a) That there is no sustained effort to promote the right of persons with disabilities to live independent and be included in the community, and that the Walloon authorities, the Common Community Commission and the German-speaking authorities have failed to implement any plans for deinstitutionalization;

(b) That while the Flemish and Walloon Regions have introduced personal assistance for adults with disabilities, the lack of sufficient funding has resulted in applicants being put on inordinately long waiting lists that effectively pre-empt the enjoyment of the right to live independently and be included in the community;

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

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

39. Recalling its general comment No. 5 (2017), its guidelines on deinstitutionalization, including in emergencies, and the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities,¹¹ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

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

(b) **Ensure sufficient administrative and financial resources for personal assistance to live independently and be included in society in order to abolish waiting lists in all regions, and provide information in accessible formats on how to obtain access to personal assistance;**

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

(d) **Cease the practice of actively promoting the placement in psychiatric hospitals and other institutions in the State party of persons with disabilities who reside in France.**

Personal mobility (art. 20)

40. The Committee is concerned:

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

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

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

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

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

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

(c) **Fundamentally reorient its systems for assessing disability by replacing the elements of the medical model of disability with the principles of the human rights model of disability, establishing systems aimed at assessing legal and environmental**

¹¹ [A/HRC/52/32](#).

barriers faced by persons with disabilities, and providing the support and assistance necessary to realize the right of persons with disabilities to live independently and be included in society.

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

42. The Committee is concerned about:

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

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

(c) The limited accessibility of public sector websites and mobile applications, and the absence of a legal obligation for the private sector to render its websites or applications accessible;

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

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

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

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

(c) **Monitor the implementation of the Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, at the federal, regional and community levels, by adopting the necessary legal framework, extend this obligation to the private sector and provide remedies in the event of non-compliance, and extend the implementing legislation to websites and mobile applications not covered by the Directive.**

Respect for privacy (art. 22)

44. The Committee is concerned about the low level of protection of privacy of personal, health and rehabilitation records of persons with disabilities declared incompetent under the Act of 22 August 2002 on patients' rights.

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

(a) **Ensure that personal, health and rehabilitation data is protected from any use other than for the purposes for which it was obtained, is updated and validated at regular intervals and is deleted once the purposes have been achieved;**

(b) **Incorporate Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 (Artificial Intelligence Act) into national law and establish a monitoring body with expertise in the rights enshrined in the Convention and in data protection and privacy to oversee its implementation.**

Respect for home and the family (art. 23)

46. The Committee is concerned about:

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

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

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

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

(a) Take measures to train and raise awareness among health personnel on the rights of persons with disabilities and on how to provide unbiased guidance and support to prospective parents following a prenatal diagnosis of Down syndrome or other impairment in order to allow them to make fully informed decisions on the pregnancy;

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

(c) Ensure access for persons with disabilities to the services of personal assistants, and not informal supporters or caregivers, to exercise their rights to family life and to live independently and be included in the community, and, to this end, review the Act of 17 May 2019 on the recognition of informal caregivers and explicitly recognize the support requirements of persons with disabilities;

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

Education (art. 24)

48. The Committee is concerned that:

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

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

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

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

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

(a) Remove the barriers and address the challenges that have prevented effective transition from special education to inclusive mainstream education, by, inter alia, raising awareness of the right to inclusive education, combating negative attitudes

towards and low expectations of students with disabilities, promoting research on inclusive education methodologies and defining best practices for inclusive educational facilities in the State party;

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

(c) **Make training on inclusive education and its implementation mandatory for all teaching and non-teaching personnel in all schools, and train and employ a sufficient number of qualified professionals to support students with disabilities, including students with intellectual and/or psychosocial disabilities;**

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

Health (art. 25)

50. The Committee is concerned about:

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

(b) Reports that persons with disabilities are often unable to provide their free and informed personal consent with regard to medical procedures or interventions, in part owing to a lack of accessible information on health services and treatments;

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

(d) The lack of training of medical and healthcare professionals on the rights of persons with disabilities, to ensure that existing dependence of persons with disabilities on medical and healthcare experts does not deteriorate into abuse and violence.

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

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

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

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

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

Habilitation and rehabilitation (art. 26)

52. The Committee is concerned that:

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

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

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

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

(a) **Develop a clear national strategy and implementation plan to ensure that habilitation and rehabilitation programmes and services are comprehensive and designed to promote and support the right of persons with disabilities to live independently and be included in the community, and that they are provided free of charge and close to the place of residence;**

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

Work and employment (art. 27)

54. The Committee is concerned:

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

(b) That the position of women with disabilities in the employment market is weak, with only 45 per cent of women with disabilities in full-time employment and a general underrepresentation of women with disabilities in employment;

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

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

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

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

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

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

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

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

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

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

57. The Committee recommends the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, provide accessible information on the measures available to facilitate return to regular employment, on reasonable accommodation, on available benefits and on associations that specialize in specific areas of work, at all levels of government, and take structural measures to ensure effective cooperation between all entities involved in supporting persons with disabilities in the labour market.

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

58. The Committee is concerned:

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

(b) That disability has not been sufficiently mainstreamed into the next federal anti-poverty plan, and that there appear to be no regional action plans to combat poverty among persons with disabilities.

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

(a) **Ensure that the income of persons with disabilities is sufficient to lead their life with dignity, including by maintaining the full allowance covering disability-related costs when they enter employment;**

(b) **Mainstream disability into poverty and homelessness reduction strategies in the next federal anti-poverty plan, and adopt regional action plans to combat poverty, in particular to address the situation of women and children with disabilities and older persons with disabilities, and set up monitoring mechanisms to ensure their effective implementation.**

Participation in political and public life (art. 29)

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

(a) That article 7 of the Electoral Code provides for the suspension of voting rights on the basis of impairment;

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

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

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

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

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

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

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

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

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

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

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

International cooperation (art. 32)

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

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

National implementation and monitoring (art. 33)

66. The Committee notes with concern that the Interfederal Centre for Equal Opportunities, in its role as an independent body monitoring the implementation of the Convention, does not have the independence and authority required by the principles relating to the status of national institutions for the promotion and protection of human rights (the

Paris Principles) and has therefore not been accredited with A status by the Global Alliance of National Human Rights Institutions. It further notes with concern that, since the establishment of the Flemish Human Rights Institute – a new monitoring body in the Flemish Region – the Interfederal Centre for Equal Opportunities no longer has a mandate in matters under the competence of the Flemish Region.

67. **Recalling its general comment No. 7 (2018) and reiterating its previous recommendations that the State party complete the process to ensure the compliance the Interfederal Centre for Equal Opportunities with the Paris Principles,¹² the Committee recommends that the State party apply for the accreditation with A status of all bodies monitoring the implementation of the Convention by the Global Alliance of National Human Rights Institutions, and that it adapt the organizational framework of such bodies, if necessary, to that end. It also recommends that the State party establish clear procedures for the involvement and full participation of persons with disabilities, through their representative organizations, in all bodies monitoring the implementation of the Convention. The Committee recommends that the Interfederal Centre for Equal Opportunities and the Flemish Human Rights Institute build a constructive partnership for the purposes of monitoring implementation of the Convention.**

IV. Follow-up

Dissemination of information

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

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

70. **The Committee strongly encourages the State party to involve civil society organisations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

71. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.**

Next periodic report

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

¹² CRPD/C/BEL/CO/1, para. 49.