



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities Twelfth session

Summary record of the 150th meeting

Held at the Palais Wilson, Geneva, on Friday, 19 September 2014, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (continued)

Initial report of Belgium (continued) (CRPD/C/BEL/1; CRPD/C/BEL/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Belgium took places at the Committee table.*

Articles 11–20 (continued)

2. **Ms. Van Gool** (Belgium) said that the term “handstreaming”, modelled on the term “gender mainstreaming”, referred to the consideration of disability in all areas and policies affecting society. The Federal Government had produced a brochure explaining how to implement “handstreaming”, which had been distributed to public officials and other stakeholders.

3. **Mr. Heinen** (Belgium) said that his country had made a clear decision to include persons with disabilities, rather than integrate them. The German, Flemish and French versions of the Convention all used the term “inclusion”. Moreover, the Parliament of the German-speaking Community had, unlike the German-speaking countries (Austria, Germany and German-speaking Switzerland), opted to use “inclusion” instead of “integration” and “autonomous life” instead of “independent life”.

4. **Ms. Vandebossche** (Belgium) said that Flanders took the visibility and representation of persons with disabilities very seriously, as was reflected by the various campaigns organized as part of its equal opportunities policy and by the expert database created so that persons with disabilities would more often be presented in the media in a non-stereotypical way, with more emphasis on their talents and skills than on their functional limitations.

5. **Mr. Heinen** (Belgium) said that in the German-speaking Community, a technical team of persons with various disabilities, assisted by a professional, engaged in ongoing interaction with prominent members of society to raise awareness of persons with disabilities, their capacities and their needs in terms of adaptation and support. Training in attending to persons with disabilities was given to some categories of workers, such as receptionists and bus drivers.

6. **Mr. Foubert** (Belgium) said that in the Brussels-Capital Region the regional placement office had piloted a project to improve recruitment and job retention prospects for persons with disabilities by providing front-line advice. Additionally, a campaign held each year as part of the Equal Opportunities and Diversity Fortnight aimed to increase the visibility of the activities carried out, enhance the population’s awareness of the role played by the public authorities in the employment of persons with disabilities, provide up-to-date information, and promote and fund exchanges between the different stakeholders.

7. **Ms. Van Gool** (Belgium), referring to article 11 of the Convention, said that, as part of the implementation of a European directive, Belgium had made it possible for persons with disabilities to alert the relevant services by text messaging in emergency situations. The “BE-Alert” measure implemented by the crisis centre of the Federal Public Service for Home Affairs provided text alerts during disasters and other emergencies to persons with disabilities who had signed up to the scheme. Belgium was currently presiding over the Council of Europe, and on 4 and 5 December 2014 a conference would be held in Brussels at which good crisis management practices of European countries would be examined.

8. **Ms. Gallant** (Belgium), reiterating the main principles of the new law of 17 March 2013, said that the law had entered into force on 1 September 2014 and had reformed the disability system and established a new protection status consistent with human dignity, which had been deemed to be in line with article 12 of the Convention by the Interfederal Centre for Equal Opportunities and Opposition to Discrimination and Racism and the National Higher Council for Persons with Disabilities. Regarding the participation of stakeholders in implementing the new law, the Order of Physicians, the Royal Belgian Notary Federation, the Royal Union of District Judges and Police, the Union of Chief Court Clerks, the Flemish- and French-speaking bar associations and the National Higher Council for Persons with Disabilities had been involved in negotiations surrounding the three implementing royal decrees published in the country's official gazette on 2 September 2014.

9. The principle of equality for persons with disabilities had been at the heart of the new law's drafting process, and the legal situation of persons with mental illnesses and those with mental disabilities had been deemed the same, both groups being incapable of expressing their wishes. Adults who, because of their health status, were totally or partially unable to manage their pecuniary and non-pecuniary interests without assistance or other protective measures could henceforth be placed under protection. However, the new system took individual situations into account, and the framework proposed by the district judge should be adapted to the situation. The principle of the autonomy of a person who was unfit because of his or her mental status had been enshrined in the law. In any case, judges always had discretion in particular cases. In general, the new law prioritized assistance over representation. Patients' enjoyment of their rights was one of the points that district judges were required to consider in their decisions regarding legal protection measures.

10. A convention adopted by the three Communities and the Federal State on 19 July 2007 contained a common definition of reasonable accommodation. Structural improvements to that effect had been made in Belgian prisons, and other forms of accommodation had been implemented on a case-by-case basis. Courses relating specifically to human rights, diversity and persons with disabilities were provided for prison staff.

11. **Ms. Grisard** (Belgium) said that the new law on involuntary confinement in an institution, which had been adopted on 5 May 2014 after meetings and consultation with civil society and was due to enter into force on 1 January 2016, had repealed the 1964 moral defence law. Involuntary confinement was a safety measure that, by nature, was of indefinite duration, but was reviewed periodically by a social protection commission. Individuals were always assisted by a lawyer, whether of their choosing or one assigned to them, in all decisions taken by the commission and by the various courts that decided on involuntary committal.

12. The current mental health care reforms were accompanied by a multi-year plan on involuntary committal whose objective was to optimize social integration. Persons in the target groups were classified according to whether the risk that they presented was high, moderate or low. The measure prioritized traditional care, which was provided through a network with the aim of providing continuous services and improve the range and quality of care through the integration of users in the community and society. A person's mental health was evaluated by a psychiatrist, who reached a conclusion after taking into account the opinions of all parties. The evaluation could also be carried out by a panel of behavioural science experts. Furthermore, the law provided for a national register of legal experts and a code of ethics.

13. **Mr. Monceau** (Belgium) said that, as part of a plan to prevent abuse, a telephone number, 103, had been in operation since 2005 allowing young people, including those with disabilities, to contact a counsellor. The telephone service was the subject of regular information campaigns. In the Walloon Region, also since 2005, the Walloon Agency for

the Integration of Persons with Disabilities (AWIPH) had offered a service comprising four counsellors who responded to all enquiries regarding disability and had handled 8,300 enquiries in 2012.

14. **Ms. Van Gool** (Belgium) said that the law on patients' rights required practitioners to obtain patients' free and informed consent before proceeding with any intervention or administering any treatment. In emergencies and when a patient's wishes could not be ascertained, the practitioner intervened but was required to mention that fact in the patient's case file. Regarding sterilization and reproductive rights, the National Council of the Order of Physicians had on several occasions emphasized that the systematic sterilization of persons with mental disabilities was unacceptable. Each case should be examined according to stringent criteria, and the decision was taken by a minimum of three doctors. Legislation provided for very strict conditions for the use of measures such as involuntary treatment or institutionalization, which could only be ordered by a judge.

15. **Ms. Vandenbossche** (Belgium) said that the Flemish Ministry of Social Protection, Public Health and the Family had established "support circles" for developing personal support plans adapted to persons' specific needs, with their cooperation. Two levels of funding to support persons with disabilities had been established; the first allowed them to acquire the material resources they needed and the second to engage the necessary specialist services.

16. The term "institution" did not refer to closed establishments, but to establishments offering various services, including support for the families of persons with disabilities and for persons with disabilities living autonomously. All persons with disabilities had the right to a certain number of hours of assistance. The Flemish Agency for Persons with Disabilities was responsible for adapting homes and purchasing equipment that allowed persons with disabilities to live autonomously at home.

17. Between 2010 and 2014, almost €47 million had been allocated to create more places in institutions, and a further €29 million to finance support for persons with disabilities. All institutionalized persons had the right to participate in activities taking place outside the institution, to the extent that their disability permitted it.

18. **Mr. Hurdebise** (Belgium) said that in Wallonia, of 1,800 requests for personalized assistance received, 1,325 were pending and 350 related to persons who did not receive institutional support and whose families could not keep assisting them indefinitely. AWIPH was responsible for adapting homes and for providing services that allowed persons with disabilities to keep living at home. It undertook numerous activities to integrate persons with disabilities into mainstream society through specialized support.

19. **Mr. Heinen** (Belgium) said that in the German-speaking Community 35 per cent of persons with disabilities lived in independent housing (alone, as members of a couple or in cohabitation), 27 per cent lived in family-type housing and 29 per cent lived in residences with a maximum of 20 persons. In 2013, almost half of the young people with disabilities who were registered with the public services had participated in leisure activities. In 2013 all requests for respite care had been met.

20. **Mr. Hurdebise** (Belgium) said that the places created to accommodate French residents with disabilities in Belgium were funded entirely by the French authorities. The increase in the number of French residents in Wallonia was mostly explained by the lack of suitable solutions in France and the fact that the services model in Wallonia prioritized daytime activities. Around 7,500 French nationals with disabilities lived in accommodation facilities in the Walloon Region. A complaints system had been created within AWIPH and 15 complaints had been made in 2012. In December 2011, a memorandum of understanding had been concluded with the French authorities with a view to enhancing cooperation.

Articles 21 to 33

21. **Ms. Degener** asked how many children with disabilities received inclusive education. Welcoming the decree adopted on 19 April 2004 by the Parliament of the German-speaking Community increasing funding for sports clubs and federations, competition facilities and local sports boards that incorporated sports for persons with disabilities, she asked whether a similar decree existed for cultural activities. She also wished to know whether, as part of its international cooperation activities, the State party supported projects specifically for persons with disabilities and supported the integration of a disability component into other projects.

22. **Ms. Mulligan** asked what measures were in place to support children with mental disabilities in preschool education. She asked whether disability would be included in international development and cooperation policies after 2015.

23. **Ms. Peláez Narváez** said that it was regrettable that teachers were not trained in inclusive education, thus guaranteeing the equal opportunities provided for in the decree of 28 June 2002, and that the parents of children with disabilities did not have a real choice concerning their child's educational establishment. If the establishment of their choice did not have the resources to accept their child, parents were required to enrol them in the specialized educational establishment offered to them.

24. **Mr. Tatić** asked the delegation to provide specific data on the measures implemented to allow inclusive education through reasonable accommodation. He asked whether studies had been carried out on the balance between the training received by persons with disabilities and the needs of the labour market, and whether the State party planned to include the concept of "handstreaming" in its international cooperation activities.

25. **Mr. Langvad** asked whether the education provided in specialized establishments had been evaluated. He wished to know why there were no quotas for the employment of persons with disabilities in the private sector, while such quotas did exist in the public sector. He requested additional information on the effects of unemployment benefit reforms on persons with disabilities.

26. **Mr. Ríos Espinosa** asked what steps had been taken to recognize the support provided by families in caring for persons with disabilities.

27. **Ms. Maina** asked how health care professionals were trained in the provisions of the Convention and how those provisions had been incorporated into Belgian legislation, particularly in terms of reducing the placement in seclusion of persons with psychosocial disabilities.

28. **Mr. Kim Hyung Shik** asked how the projects and policies for the employment of persons with disabilities mentioned in paragraphs 142 and 143 of the State party's report were evaluated.

29. **Mr. Buntan** asked whether the State party had adopted a comprehensive plan to provide equal access to information for persons with disabilities through sign language and subtitling, and what percentage of the total volume of information disseminated was available in those formats.

30. **Mr. McCallum**, referring to article 5, paragraph 4, of the Convention, said that the State party could adopt specific measures to promote and safeguard de facto equality for persons with disabilities. That would enable a business owner to adapt the working hours of an employee with a disability without the risk of being accused of discrimination by another employee who did not benefit from a similar arrangement. The State party could provide for such a possibility in a royal decree.

31. **Mr. Lovászy** asked whether, in order to guarantee the equal right to a family life for children with disabilities, the State party had adopted measures promoting their adoption or their placement with foster families so as to prevent their institutionalization. He wished to know whether deaf persons using sign language had equal access to public services, particularly higher education and justice at the investigative and questioning stages.

32. **Mr. Ben Lallahom** (Country Rapporteur) asked to what extent deaf children, children with hearing impairments, blind children and children with visual impairments were enrolled in mainstream schools; whether it was true that it was often families, rather than the State, who paid for sign language interpreters in those schools; and, if so, why the State party did not assume those costs.

33. **The Chairperson**, speaking as a member of the Committee, asked what measures the State party intended to adopt to eradicate poverty among children with disabilities, who were often reduced to begging, and whether it was true that the accessibility of polling stations and the principle of the secret ballot had left much to be desired during the May 2014 elections. She also wished to know whether patients were aware of the existence of the complaints mechanism through which they could report a violation of their right not to be forced to submit to chemical or mechanical restraint.

The meeting was suspended at 11.55 a.m. and resumed at 12.20 p.m.

34. **Mr. de Crombrughe** (Belgium) said that over the previous two years Belgium had taken an active role in discussions regarding the post-2015 development agenda, and that it was conducting an awareness-raising campaign to highlight the specific needs of persons with disabilities in that regard.

35. **Mr. Mardulier** (Belgium) said that in Flanders a quarter of children with special educational needs were schooled in mainstream educational establishments, while the remaining three quarters were enrolled in specialized establishments. The decree adopted by the Flemish Parliament in March 2014 should lead to the placement of fewer children in specialized establishments, in which case more funding would be allocated for teaching them in mainstream establishments, which would employ more specialized teachers. Children with mental disabilities could currently be enrolled in mainstream establishments, but few used that option. Parents whose children were forced to attend specialized establishments because of their disability could appeal that decision before the Commission on Pupils' Rights. Under the new decree, the Commission included persons with disabilities so that cases and reasons for refusal could be examined in greater depth.

36. Each year, €4 million was allocated to purchasing technical devices such as Braille display systems. An additional €900 million was allocated to sign language interpretation, but only a tiny part of that amount, less than €1 million, went to mainstream educational establishments. The quality of the education provided in specialized establishments was evaluated regularly. Deaf children could currently benefit from sign language interpretation at all levels of education. At the beginning of the school year, their parents must specify the number of hours of interpretation that their child would require over the year.

37. **Mr. Gérard** (Belgium) said that the claim that some students in the French Community were not admitted to mainstream educational establishments because of their disability was false. In any event, if their child was refused admission, parents could appeal to the Directorate-General of Compulsory Education or the Centre for Equal Opportunities and Action to Combat Racism, which had published a brochure promoting inclusive education and describing the reasonable accommodation that mainstream establishments should make to promote the integration of children with specific needs, as well as the grants that they could access.

38. Students were placed in specialized education only following the non-binding decision of a therapist recognized by the Community. The final decision regarding a child's enrolment in a mainstream or specialized educational establishment lay with the parents. It was true that teachers did not receive sufficient training in inclusive teaching methods and different types of disability.

39. To promote their integration in mainstream classes, children with special educational needs received 4 hours of support per week in primary education and the first two cycles of secondary education, and 16 hours in the third cycle. That support was individualized, was reviewed annually and took different forms, such as assistance from a teacher specializing in a given disability; information for parents, teachers and the student's peers; the services of speech therapists and sign language interpreters; and transcription into Braille. It demonstrated that the French Community was moving towards greater inclusion of students with special educational needs. Sign language was recognized as an entirely separate language, taught up to the master's degree level, and was used daily in establishments specializing in services for students with hearing impairments. Similar reasonable accommodation was made for students with other disabilities, such as blindness and dyslexia.

40. The Education Inspectorate regularly monitored the quality of specialized teaching and the suitability of the courses taught as part of the programmes approved by the French Community. Professional training was of high quality and focused on sectors offering good employment prospects, thereby making it easier for young people to find work. The integration of students with special educational needs in mainstream classes had many advantages that benefited all students and allowed common misconceptions surrounding disability to be dispelled.

41. **Ms. Reip** (Belgium) said that in the German-speaking Community, almost all schools had made the legally required modifications to become accessible to children with disabilities. The project to universalize inclusive education was still far from completion, although campuses had been created that promoted coexistence and collective learning between children with special educational needs and those receiving regular instruction. Over the coming years, €1 million would be allocated to training specialized teachers who provided support to teachers delivering regular instruction, and basic training for primary teachers in specialized teaching methods would be strengthened. Since 2009, the budgetary funding allocated to specialized teaching had increased continuously.

42. Parents could choose to enrol their children in specialized or mainstream educational establishments. They could appeal the administrative authorities' decision to place their child in a specialized establishment in a juvenile court. Children with visual or hearing impairments enrolled in specialized educational establishments benefited from financial assistance when purchasing necessary technical resources, and students with hearing impairments could learn sign language.

43. **Mr. de Crombrughe** (Belgium) thanked the Committee members for taking the diversity of Belgium into account during its consideration of the country's initial report, and for bringing to the delegation's attention both the strengths and weaknesses of the country's policy on persons with disabilities.

44. **The Chairperson** thanked the Belgian delegation for its replies and invited the State party to give the Committee's concluding observations due attention with a view to the full implementation of the Convention.

The meeting rose at 12.55 p.m.