**Questionnaire on article 8 of the Convention on the Rights of Persons with Disabilities**

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| Submission by Unia (Interfederal Centre for Equal Opportunities), Belgium  *Uniais an interfederal public service, specialised in equal opportunities and non-discrimination.*  *Unia is responsible for assisting victims of discrimination based on different grounds (one of which is disability), protected by the anti-discrimination laws that transpose European directives 2000/43 and 2000/78 into national law.*  *Unia is also responsible, as national independent mechanism, for promoting, protecting and monitoring the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in Belgium.*  Contact person: Marijke De Pauw, [marijke.depauw@unia.be](mailto:marijke.depauw@unia.be) |

1. **(a) Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities, in particular initiatives to:**

* **Foster respect for the rights and dignity of persons with disabilities;**
* **Combat stereotypes, prejudices and harmful practices relating to persons with disabilities; or**
* **Promote awareness of the contributions of persons with disabilities?**

Laws, policies, plans, strategies or guidelines relating to raising awareness of contributions of persons with disabilities and to combat stereotypes remain very limited.

No Government action was taken to raise awareness of the rights of persons with disabiltiies and foster respect for the CRPD. Existing campaigns were set up by Unia and civil society.

The Convention and the general comments have not been translated into accessible formats and there has been no funding made available to that end.[[1]](#footnote-2)

**FEDERAL LEVEL**

At the federal level, policies and plans to combat stereotyping of persons with disabilities are focused on employment. In 2013, the Selection bureau of the Federal Government (SELOR) launched a campaign to improve opportunities for persons with disabilities on the labour market.[[2]](#footnote-3) posters and banners with the positive message “Handiknap!/Handicapable!” to inform persons with disabilities as well as (potential) employers about existing measures to promote their employment with the Government.

**FLANDERS**

In 2013, a campaign was launched by the Flemish Government on the perception of persons with disabilities (“People with Disabilities are just people, don’t view them differently”).[[3]](#footnote-4) Three videos were provided to raise awareness about stereotypes surrounding people with disabilities.

The Flemish governmental agreement of 2014-2019 included that “the Flemish Government is committed to breaking through stereotypes about (…) disability (…) and the division of roles through awareness-raising and information campaigns.” (p. 127, § 1) Actions adopted by the Department of Equal Opportunities include:

* Funding of a doctoral research project on the representation of persons with disabilities in the Flemish media[[4]](#footnote-5) and launch of the “without borders” website.[[5]](#footnote-6)
* An adapted and interpretative translation of the CRPD in Flemish sign language.
* The campaign “Art of Parking” (parkeerkunst) to raise awareness on wrongful use of parking spaces for persons with disabilities.
* Handiwatch: The Handiwatch website, set by representative organisation GRIP, is an interactive forum for media analysis and imaging of disability. It aims at a more correct image of persons with disabilities by detecting, analysing and responding to media messages. witnesses in schools.
* Clichékillers: a competition for journalistm students, who were asked to cover a story that showed a nuanced perception and was linked to one of the competition themes, including disability.
* Expert database: see below under question 3 (a).

**FRENCHSPEAKING REGION AND BRUSSELS**

The 2014-2019 governmental agreement of the Fédération Wallonie-Bruxelles[[6]](#footnote-7) refers to the goal of combating stereotypes, but this does not include disability (pp. 48-49).

**(b) What are the challenges to implementing the above?**

Overall, it seems the concrete actions to implement awareness raising policies remain limited in practice. Disability is not considered a priority, no (or insufficient) budget is allocated for awareness raising on the rights of persons with disabilities, and there is a significant lack of coordination between the different levels of government as well across departments.

As regards employment of persons with disabilities at federal government bodies specifically, the main issue is a lack of monitoring and sanctions.

1. **(a) What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?**

**Hate Crimes**

For certain criminal acts, the penalty is increased when the victim is a person with a disability.

For example, art. 377bis of the Penal Code regarding voyeurism, indecent assault and rape provides:

“In the cases provided for in this chapter, the minimum of the penalties provided for in those articles may be doubled in the case of imprisonment and increased by two years in the case of imprisonment, where one of the reasons for the crime or offence consists of hatred, contempt or hostility towards a person on account of (…) a disability (…).”

Similar provisions apply to penalties for intentional killing and inflicting bodily harm (art. 405quater); culpable omission (art. 422quater); attack on personal liberty and the inviolability of the home (art. 438bis); stalking (art. 442ter); defamation and grave robbery (art. 453bis); arson (art. 514bis); destruction of buildings, demolition of machines (art. 525bis); destruction of or damage to food, merchandise or other movable property (art. 532bis).

**Hate Speech**

Article 22 of the federal Non-Discrimiantion Act of 2007 also includes criminal law provisions regarding hate speech (referring to Article 444 of the Penal Code). Criminal penalties are provided for

* incitement to discrimination of persons with disabilities,
* incitement to hatred or violence towards persons with disabilties,
* discrimination or segegation of a group or members thereof based on disability,
* incitement of hate or violence against a group or members thereof based on disability.[[7]](#footnote-8)

In order for a public statement to qualify as prohibited under the anti-discrimination act, it must be proven that the author had the express intention to use it to incite others to hatred, discrimination or violence.

The Belgian Constitutional Court further specified that to qualify as “incitement to hatred”, the following elements are required:

* statements that “incite or encourage” hatred, violence, discrimination or segregation in relation to a person or a population group characterised by a protected criterion (in this case disability).
* statements that could have harmful effects on others
* statements/publications in which there is a special will to incite others to hate the population/individual being targeted when they are disseminated.[[8]](#footnote-9)

**(b) In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation? Are there legal provisions to sanction perpetrators including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities).**

As regards sanctions for perpetrators, see the criminal law provisions in the previous paragraphs under (a).

The Ministerial Circular 13/2013[[9]](#footnote-10) on policies of investigation and prosecution of discrimination and hate crimes aims to standardise the investigation and prosecution policy for these offences. A uniform framework and criteria are provided for the homogeneous implementation of this policy in the field. Particular attention is to be paid to crime committed on the Internet and social networks, including online hate speech against persons with disabilities.

In June 2019, five persons between the ages of 18 and 23 were severely punished for the murder of an 18-year-old boy with a mild intellectual disability. Two of them were sentenced to life imprisonment by the Court of Assize(Cour d'Assises) in Liège , while the other three were sentenced to 25, 27 and 29 years of imprisonment respectively. The perpetrators were found guilty of murder, torture, inhumane treatment, assault on the integrity, imprisonment and death threats and assault, and rape.[[10]](#footnote-11)

1. **(a) What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons wih disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?**

As regards representation of persons with disabilities in media and broadcasting, no target numbers nor quota exist.

**FLANDERS**

The management agreement of the public service broadcasting (Flemish Radio and Television, VRT)[[11]](#footnote-12) includes six diversity themes to which the VRT pays particular attention, including disability. No clear targets are set in this regard, however.

Each year, the VRT commissions an independent research institute to examine the balanced representation and nuanced image of different population groups in its offer. This results in the annual diversity monitor.[[12]](#footnote-13) These measurements help VRT to draw up its annual action plans.

In 2011, the Flemish Department of Equal Opportunities published a brochure “Beyond the cliché, on nuanced representation”.[[13]](#footnote-14) The brochure encourages journalists to deal critically with clichés and offers concrete tips for a nuanced portrayal of certain groups, such as persons with disabilities.

One of the actions to implement the equal opportunities policy is theexpert database, lanched in 2013.[[14]](#footnote-15) The database is an instrument for journalists and journalism students to bring experts from certain disadvantaged groups to the attention of the media on the basis of their expertise and in a non-stereotypical context. All the experts in the database are women, of foreign origin or persons with a disability. On 31 July 2017, the expert database contained the expertise and contact details of 1103 experts and 206 organisations.[[15]](#footnote-16)

**FRENCH SPEAKING REGION**

The Equal Opportunities Department analyses the extent to which the media discourse, through certain programmes, influences viewers' stereotypes.[[16]](#footnote-17)

A Action plan for diversity and equality in the audiovisual media was launched in March 2010 by the Minister for Culture, Audiovisual Media, Health and Equal Opportunities of the Wallonia-Brussels Federation. Funded over a period of three years, the plan entrusted the Conseil supérieur de l’audiovisuel (CSA), the regulatory authority for audiovisual media in French-speaking Belgium, with the task of implementing and co-ordinating the annual publication of a Barometer of equality and diversity and the annual publication of an Inventory of good practices in the audiovisual media.[[17]](#footnote-18) The Barometer clarifies the serious lack of representation of persons with disabilities in the media.[[18]](#footnote-19)

**(b) In addition, what legal framework, measures or good practices exist to regulate social media in accordance with article 8 and human rights standards on freedom of expression?**

Unia is not aware of a specific legal framework or other measures to regulate social media in this sense. In march 2019, the current minister of Justice has expressed his intention to take measure in this regard.[[19]](#footnote-20)

1. **(a) Please provide information on the existence and implementation of the programmes and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of:**

* **Training, including human rights education;**
* **Research, including studies on perception and attitudes;**
* **Surveys and data collection.**

**FEDERAL LEVEL**

For the 10 year anniversary of the CRPD, Unia launched an awareness-raising campaign on the Convention and the rights of persons with disabilities.[[20]](#footnote-21) The campaign consisted of actions, flyers, posters and a campaign video. Awareness raising tools were distributed through social media and DPO’s.[[21]](#footnote-22) One of the actions consisted of placing hundreds of pairs of shoes in different public places, to symbolize the invisibility of persons with disability.

**FLANDERS**

As noted above, one of the actions by the Flemish Government was the funding of a doctoral research project on the representation of persons with disabilities in the Flemish media.[[22]](#footnote-23)

**WALLOON REGION AND BRUSSELS**

In the Walloon region and Brussels, the BADF (Belgian Assistance Dog Federation) organised an awareness raising event in September 2017 in the Belgian Senate. The aim was to the issue of accessibility of public places for persons with disabtilities and their assistance dogs to the attention of parliamentarians, as well as the wider public.[[23]](#footnote-24) The Brussels and Walloon authorities followed-up on the event through the implementation of awareness-raising campaigns on the same issue, in consultation with BADF.

In December 2018, the Brussels Secretary of State for Equal Opportunities and equal.brussels launched a campaign on the issue of access for persons with disabilities and their assistance dogs, with the support of Unia.[[24]](#footnote-25) The Secretary of State also signed a Charter to allow assistance dogs in all public places, together with organisations, such as the trade federation Comeos, taxi federation Febe, and the Federal Agency for the Safety of the Food Chain.[[25]](#footnote-26) The campaign materials included a video[[26]](#footnote-27) and the distribution of free stickers that said “Welcome Assistance Dogs”.[[27]](#footnote-28)

In May 2019, AViQ (the Walloon Agency for Quality of Life) launched its campaign to raise awareness on the importance of assistance dogs and the obligation to allow them access into taxis, hotels, restaurants and bars, and hospitals. Broadcasts on radio and television but also on social networks and in Walloon cinemas, aimed to raise awareness of this issue. Free “Welcome Assistance Dogs” sticker were also distributed.[[28]](#footnote-29)

**(b) Please indicate their objective, scope, target audience, impact (including available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organisations, and any key factors of success.**

The Unia campaign was targeted at a very broad audience. It was conceived and implemented by a team of persons with disabilities. The campaign video also features persons with disabilities explain themselves what their rights are and what they mean in practice. Unia’s website also features photo’s of the making of the video. The campaign was implemented with the logistical support of Oxfam Solidariteit.

The goal of the Brussels and Walloon Region campaign on assistance dogs was to raise public awareness and encourage business owners to open their doors to people with an assistance dog (qualified or in training). This targeted supermarkets, taxis, restaurants, etc. Unia supported the campaign.[[29]](#footnote-30)

1. **Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).**

Unia is not aware of any structural measures taken by the Government in this regard .

1. With the exception of the translation of most of the articles of the Convention into Flemish sign language by the Flemish Community. [↑](#footnote-ref-2)
2. <https://www.selor.be/fr/nouvelles/2013/12/02/selor-lance-la-campagne-%E2%80%98handicapable!%E2%80%99-pour-cr%C3%A9er-davantage-dopportunit%C3%A9s-sur-le-march%C3%A9-du-travail-pour-les-personnes-handicap%C3%A9es/> [↑](#footnote-ref-3)
3. <http://gelijkekansen.be/praktisch/campagnes/mensen-met-een-handicap> [↑](#footnote-ref-4)
4. T. Goethals, ‘Inclusie en Participatie van personen met een beperking in Vlaanderen; De representatie van mensen met een beperking in de Vlaamse media 2012‐2016’, Tina Goethals, Steunpunt Gelijkekansenbeleid, 2016. [↑](#footnote-ref-5)
5. <http://sgkb.zondergrenzen.be/> The website offers a collection of video stories of persons with disabilities sharing their personal experiences on participation, inclusion and borders. [↑](#footnote-ref-6)
6. <http://www.federation-wallonie-bruxelles.be/index.php?id=dpc2014-2019> [↑](#footnote-ref-7)
7. Article 22, Act of 10 May 2007 to combat certain forms of discrimination, Official Journal 30/05/2007. [↑](#footnote-ref-8)
8. Belgian Constitutional Court, Arrest nr.17/2009, 12 February 2009. [↑](#footnote-ref-9)
9. <https://www.unia.be/files/Z_ARCHIEF/getfile.pdf> [↑](#footnote-ref-10)
10. <https://www.rtl.be/info/belgique/faits-divers/proces-valentin-le-direct-les-avocats-demandent-aux-jures-de-prendre-le-temps-de-la-reflexion-1133884.aspx> [↑](#footnote-ref-11)
11. <https://www.vrt.be/nl/over-de-vrt/beheersovereenkomst/> [↑](#footnote-ref-12)
12. <http://integratiebeleid.vlaanderen.be/monitor-diversiteit-vrt> [↑](#footnote-ref-13)
13. <https://www.vlaanderen.be/publicaties/voorbij-het-clich-over-een-genuanceerde-beeldvorming> [↑](#footnote-ref-14)
14. <https://www.expertendatabank.be/nl> [↑](#footnote-ref-15)
15. Beleidsbrief 2017-2018, <http://docs.vlaamsparlement.be/pfile?id=1340559> [↑](#footnote-ref-16)
16. <http://www.egalite.cfwb.be/index.php?id=12457> [↑](#footnote-ref-17)
17. <http://www.csa.be/pages/show/242> [↑](#footnote-ref-18)
18. The 2017 Barometer showed that the way persons with disabilities are represented on screen has not changed from 2011 to 2017. They continune to be systematically concentrated in the passive role of “extra’s” and the affective role of vox populi. They are excluded from the roles of expert and candidate to a game. According to the analyses, they are regularly associated with the social disability marker: in nearly 4 out of 10 cases (39.96%), people with disabilities are cited precisely as people with disabilities in a disability issue. Finally, they are more frequently passive on the screen than people without visible disabilities. See Conseil Supérieur de l’Audiovisuel, Baromètre Diversité & Égalité 2017, p. 8. [↑](#footnote-ref-19)
19. <https://www.koengeens.be/news/2019/03/15/justitieminister-geens-cd-v-wil-online-hate-speech-strenger-aanpakken-qua-strafbaarheid-z> [↑](#footnote-ref-20)
20. https://www.unia.be/fr/articles/campagne-pour-et-par-des-personnes-handicapees [↑](#footnote-ref-21)
21. https://www.unia.be/fr/sensibilisation-et-prevention/campagnes/jai-des-droits [↑](#footnote-ref-22)
22. T. Goethals, ‘Inclusie en Participatie van personen met een beperking in Vlaanderen; De representatie van mensen met een beperking in de Vlaamse media 2012‐2016’, Tina Goethals, Steunpunt Gelijkekansenbeleid, 2016. [↑](#footnote-ref-23)
23. <https://www.amisdesaveugles.org/senat-sensibilisation-chien-1.html> ; [↑](#footnote-ref-24)
24. <https://www.unia.be/fr/sensibilisation-et-prevention/campagnes/campagne-de-promotion-en-faveur-de-lacces-des-chiens-dassistances-aux-lieux> [↑](#footnote-ref-25)
25. <https://www.cdenv.be/actua/assistentiehonden-en-hun-baasjes-krijgen-steun-van-brussels-gewest-en-comeos/> [↑](#footnote-ref-26)
26. <https://www.youtube.com/watch?v=yn4S_VoBG5A> [↑](#footnote-ref-27)
27. <https://www.bruzz.be/samenleving/assistentiehonden-mogen-overal-binnen-brussel-2018-12-05> [↑](#footnote-ref-28)
28. <https://www.aviq.be/handicap/AWIPH/projets_nationaux/accessibilite/chiens-assistance.html> [↑](#footnote-ref-29)
29. <https://www.unia.be/fr/sensibilisation-et-prevention/campagnes/campagne-de-promotion-en-faveur-de-lacces-des-chiens-dassistances-aux-lieux> [↑](#footnote-ref-30)