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Belgium

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European Disability Expertise (EDE) provides independent scientific support to the Commission's policy Unit responsible for disability issues. It aims to mainstream disability equality in EU policy processes, including implementation of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD).

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¹ For an introduction to the Semester process, see:
<https://www.consilium.europa.eu/en/policies/european-semester/how-european-semester-works/>.

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1 Executive summary and recommendations

1.1 Key points and main challenges for Belgium in 2022

The many measures to promote the inclusion of people with disabilities in regular employment, society and education are producing limited positive results. Public funding is still mainly directed towards employment in sheltered workshops, segregated living arrangements and special education.

Disability and the labour market

The indications based on EU-SIULC show a disability employment gap reaching 36.3 percentage points in 2020, which was well above the EU average of 24.3 percentage points. The 2021 Belgian statistics show an employment rate of people with disabilities of 41.1 % and a disability employment gap of 28.3 percentage points.

Disability, social policies and healthcare

The disability gap on the risk of poverty was reduced in 2021, but the disability gap for unmet medical needs has increased with more than 1 percentage point. Persons with disabilities were disproportionately affected by the COVID-19 crisis. There is no real quantified plan for deinstitutionalisation with a phased reduction in the number of people with disabilities residing in institutions.

Disability, education and skills

Disability equality gaps in early school leaving rates and in completion rate of tertiary education remain high. One out of three young adults with disabilities do not finish secondary education and youth with disabilities (aged 18-24) tend to leave school significantly more than peers without disabilities of the same age groups. The school population in special (segregated) education continues to increase in all regions.

Investment priorities for inclusion and accessibility

Belgium's recovery and resilience plan contains only a few measures targeting people with disabilities, and their specific needs are hardly taken into account in the major investment projects for energy transformation and digitisation.

1.2 Recommendations for Belgium

To bring about a real turnaround, a global plan of deinstitutionalisation is needed with strict deadlines for shifting investment in the segregated systems of work, housing and education towards supporting persons with disabilities in mainstream society, with close monitoring of the results.

Recommendation: Make the employment measures, such as the reintegration procedures for the long-term sick, the subsidisation of employers, and the quota obligations in the public sector more effective.

Rationale: Existing arrangements retain investment in segregated provision but the large labour shortages in the open labour market create new momentum for effectiveness of the existing or planned measures to promote the inclusive employment of people with disabilities.

Recommendation: Maximise the possibilities offered by the sixth state reform to extend additional subsidy channels to persons with disabilities who are not covered by unemployment insurance.

Rationale: Important improvements in the specific benefit system for persons with disabilities, such as the exemption from employment income for the calculation of the integration allowance, will only take full effect with a higher employment rate.

Recommendation: Develop further alternatives within provision of long-term care, such as personal assistance and support for informal carers.

Rationale: Although the COVID-19 crisis has magnified the violations of basic human rights of people with disabilities receiving long-term care, additional investment is still mainly in institutionalised care.

Recommendation: Educational investment should be aimed at the most efficient possible support for students with disabilities who follow lessons in inclusive settings.

Rationale: Existing investments still largely go to special education settings. Although initiatives have been taken in all regions of the country to improve support for pupils with disabilities in mainstream education, these have proved to be ineffective to achieve a real turnaround to inclusive education.

Recommendation: Introduce a 'disability test' when drawing up mainstream investment projects.

Rationale: A disability mainstreaming approach is needed when designing new major public investment projects. Opportunities should not be missed again to give a financial boost to policies that support the inclusion of people with disabilities.

2 Mainstreaming disability equality in the 2022 Semester documents

2.1 Country Report (CR) and Country Specific Recommendation (CSR)

The following key points highlight where a disability perspective was considered, or should be considered, in the Country Report (CR) / Country Specific Recommendations (CSR). We address the most relevant of these in the next chapters.

The CR observes ‘Poor labour market outcomes, especially for vulnerable groups’, such as people with disabilities, which are linked to financial disincentives to work, limited effectiveness of activation measures to help the jobless find work, lack of appropriate skills, low attractiveness of some low-skilled professions in terms of working conditions, discrimination and a low effective pension age.²

The CSR mentions disability in reference to strengthening the social and labour market integration of vulnerable groups, and secondary educational attainment. There are a number of recommendations that do not mention disability specifically, but they may be of high disability relevance in future monitoring. For example, there are recommendations on targeted support to households vulnerable to energy price hikes, improving the sustainability of long-term care, reducing disincentives to work, address labour shortages, inclusiveness of the education and training system, and labour market relevance of vocational education and training. The summary table on the progress in the implementation of country-specific recommendations 2019, 2020 and 2021 CSR mentions little progress in the performance and inclusiveness of the education and training systems.³

More specifically for people with disabilities, the following observations are made in the Country Report Belgium 2022 and its Annex 12 on Employment, skills and social policy challenges in light of the European Pillar of Social Rights.

The disability employment gap had increased, reaching 36.3 percentage points in 2020, which was well above the EU average of 24.3 percentage points.⁴

The share of people at risk of poverty or social exclusion in 2020 was significantly higher for persons with disabilities (31.9 %) relative to the overall population (20.3 %), suggesting a strong correlation between lower employment rates and the prevalence of poverty.⁵

More than one out of three young adults with disabilities do not finish secondary education and their limited participation in higher education is one of the reasons for their low employment rate.⁶

² European Commission, 2022 Country Report Belgium, p. 4, <https://ec.europa.eu>.

³ European Commission, 2022 Country Report Belgium, p. 28 (Annex 4), <https://ec.europa.eu>.

⁴ European Commission, 2022 Country Report Belgium, p. 47 (Annex 12), <https://ec.europa.eu>.

⁵ European Commission, 2022 Country Report Belgium, p. 48 (Annex 12), <https://ec.europa.eu>.

⁶ European Commission, 2022 Country Report Belgium, p. 11, <https://ec.europa.eu>.

2.2 National Reform Programme (NRP) and Recovery and Resilience Plan (RRP)

The following key points highlight where the situation of people with disabilities or disability policies is relevant to the National Reform Programme (NRP) / Recovery Resilience Plan (RRP). We analyse the most relevant of these in the next chapters.

From 2022 onwards, coordinators will be in charge of providing quick and active support to citizens who have been declared unfit for work.⁷

The Brussels Region will develop a new legal framework for a specific premium scheme to support employers in the recruitment of jobseekers with disabilities.⁸

The Flemish government promised a new Decree on Learning Support.⁹

Important investments are planned for renovation of buildings, including social housing, improving railway infrastructure, and digitising public administration.¹⁰

2.3 Semester links to CRPD and national disability action plans

It is important that Semester plans align with national disability strategy. In Belgium, this refers to the Federal disability action plan 2021-2024, that was adopted by the Council of Ministers on 16 July 2021.¹¹ The plan includes 145 measures covering all aspects of life, and is mentioned in the 2022 NRP.

Relevant recommendations arising from participation in the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) are highlighted in the following chapters. The last UN CRPD Committee recommendations to Belgium were in 2014,¹² the most recent response from the Committee was the 2019 List of Issues,¹³ the most recent submission by Belgium was on 17 April 2020.¹⁴ A shadow report on this combined second and third periodic State report was published in December 2021 by Unia.¹⁵

⁷ Belgium, National Reform Programme, May 2022, p. 18, <https://ec.europa.eu>.

⁸ Belgium, National Reform Programme, May 2022, p. 37, <https://ec.europa.eu>.

⁹ Belgium, National Reform Programme, May 2022, p. 21, <https://ec.europa.eu>.

¹⁰ European Commission. Belgium's Recovery and Resilience Plan, adopted by the European Commission on 23 June 2021, COM (2021) 349 final. Analysis of the Recovery and Resilience Plan of Belgium Accompanying the document Proposal for a Council implementing decision on the approval of the assessment of the Recovery and Resilience Plan for Belgium, p. 38, <https://ec.europa.eu>.

¹¹ *Federaal actieplan handicap 2021-2024, Plan d'action fédéral Handicap 2021-2024*, <https://socialsecurity.belgium.be>.

¹² UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Belgium, 28 October 2014, <https://tbinternet.ohchr.org>.

¹³ UN Committee on the Rights of Persons with Disabilities, List of issues (LOI) prior to the submission of the combined second and third periodic reports of Belgium, 30 April 2019, <https://tbinternet.ohchr.org>.

¹⁴ For the original French version of the second and third periodic reports submitted by Belgium, see the United Nations website: <https://tbinternet.ohchr.org>.

¹⁵ Unia, independent Belgian mechanism under article 33.2 UN CRPD. Parallel report on the second and third periodic reports submitted by Belgium, 3 December 2021, <https://www.unia.be>.

3 Disability and the labour market – analysis of the situation and the effectiveness of policies

In 2014, the UN CRPD Committee made the following recommendations to Belgium:

[Article 27 UN CRPD](#) addresses Work and Employment.

'39. The Committee recommends that the State party take all necessary regulatory measures and incentives to guarantee the right of persons with disabilities to employment, in both the private sector and the public sector. It should ensure that they have effective protection against discrimination, vocational training, adequate accessibility and the necessary reasonable accommodation.'

The most recent CRPD developments are the 2019 List of Issues, the State's submission in 2020 and the UNIA Shadow report in 2021.

3.1 Summary of the labour market situation of persons with disabilities

According to the Social Scoreboard indicator, cited in the Semester package, the disability employment gap in Belgium is considered 'Critical situation'.

Data from EU-SILC indicate an employment rate for persons with disabilities in Belgium of 41.6 % in 2020, compared to 77.5 % for other persons. This results in an estimated disability employment gap of approximately 36 percentage points (estimated EU27 average gap 24.5, see Tables 2-4) or an employment chances ratio of 0.5. Statistics published on the Eurostat database indicate a disability employment gap of 36.3 percentage points in 2020, using a slightly different methodology, and 38 points in 2021.¹⁶

The same data indicate unemployment rates of 16.5 % and 6.0 %, respectively in 2020 (see Tables 5-7) and the economic activity rate for persons with disabilities in Belgium was 49.8 %, compared to 82.5 % for other persons (see Tables 8-10). These indications are broken down by gender and age in the respective tables in Annex.

Due to the impact of the COVID-19 crisis on employment in 2020-2021, some caution is needed when interpreting trend data.

The 2021 Belgian statistics however show slightly better results. National Labour Force Survey (LFS) data indicate an employment rate of people without disabilities of working age (15-64 years) of 69.4 %, while this percentage is 23 % and 54.4 %, respectively for people who experience severe and only minor inconvenience as a result of a disability or long-term health problem. It is not specified how many of these persons are employed part-time, or are employed in sheltered workshops.¹⁷

¹⁶ Eurostat, Disability employment gap by level of activity limitation and sex (source EU-SILC), 2022 https://ec.europa.eu/eurostat/databrowser/view/hlth_dlm200/default/table.

¹⁷ See Table 2a in the Annex. A new European framework regulation came into effect in 2021 (EU Regulation 2019/1700). The EAK questionnaire has been thoroughly revised, including to bring it into line with the revised operational definitions of employment and unemployment from the International Labour Office (IAB). The employment rate of 2021 cannot therefore simply be compared with the figures before 2021, <https://statbel.fgov.be/en/changes-labour-force-survey-lfs-2021>.

On the basis of the LFS data, the employment rate of people with disabilities has grown slowly over the past decade from 34.6 % in 2011 to 41.1 % in 2021.¹⁸ Thus, the gap with the employment rate of the population without disabilities which evolved to 69.4 % in 2021,¹⁹ was reduced to 28.3 percentage points, on this basis, which is somewhat different to the indications based on EU-SILC (population 20-64 years).

The 2021 Belgian LFS shows an unemployment rate of persons without disabilities of working age (15-64 years) of 6.2 %, while this percentage was 6.3 % and 8.2 %, respectively for persons with severe and minor disabilities²⁰ and an activity rate of persons without disabilities of working age (15-64 years) of 73.9 %, while this percentage is 24.5 % and 59.3 %, respectively for persons with severe and minor disabilities.²¹

The vast majority of persons with disabilities who are not at work are inactive: they do not have a job, are not looking for one or are not available for work.

Not only do the employment opportunities in the open economy remain substandard for persons with a disability compared to the population without disabilities of working age. Moreover, the few who do have a job experience great difficulties. A study by the Innovation and Labour Foundation reveals that in Flanders the percentage of 'workable jobs' is significantly lower among employees with a work disability. In 2019, 15.2 % of employees with a serious work disability, 32.9 % of employees with a limited work disability and 54.1 % of employees without a work disability, had a 'workable job'.²²

Too few resources are directed towards job search and employment support in the mainstream. Public funding is still mainly directed towards employment in sheltered workshops. In Flanders and Brussels, there is three times as much budget going towards sheltered workshops than towards inclusive employment. In Wallonia, 67 % of the budget devoted to the employment and training of people with disabilities is intended for sheltered workshops.²³

¹⁸ See Table 10a in Annex under Section 7.1.3. Evolution 2011-2021 of the employment rate of people with a disability 15-64 years old. Taken from the website 'Steunpunt Werk', <https://www.steunpuntwerk.be>, that relies on the data of Statbel.

¹⁹ In the 2021 figures, those who have been temporarily unemployed for more than three months, e.g. due to the measures to combat the COVID-19 epidemic, are no longer registered as employed, but are counted among the unemployed or inactive, depending on the answers to the questions about looking for a job and being available.

²⁰ See Table 5a in Annex: under Section 7.1.3. Labour Force Survey (LFS) 2021, Table 1.007Y, <https://statbel.fgov.be>.

²¹ See Table 8a in Annex: under Section 7.1.3. Labour Force Survey (LFS) 2021, Table 1.007Y, <https://statbel.fgov.be>.

²² Bourdeaud'hui R., Janssens F., Vanderhaeghe S., Report Work disability and workable work among employees. Analysis of the Flemish workability monitor for employees 2007-2019, Brussels, March 2021, p. 43, www.werkbaarwerk.be.

²³ Unia. Parallel report on the second and third periodic reports submitted by Belgium, 3 December 2021, p. 20, <https://www.unia.be>.

3.2 Analysis of labour market policies relevant to the Semester

Already in 2014, the UN Committee on the Rights of Persons with Disabilities noted with concern the low number of persons with disabilities in regular employment. The Committee also noted the Government's failure to reach targets for the employment of persons with disabilities within its own agencies, as well as the lack of a quota in the private sector.²⁴ In the 2019 List of Issues the Committee asked Belgium to provide information on measures to increase the employment rate of persons with disabilities, particularly women with disabilities, in both the private and the public sectors.²⁵ The disability employment gap has diminished in 2021, but is still above the EU average. At the same time, increasing labour demand is reflected in the currently record high vacancy rate. Disincentives to work, stemming from the tax and benefit systems, and low effectiveness of activation measures, in particular for vulnerable groups, hold back labour market participation.²⁶

However, the chances of people with health problems returning to work are being improved. From 2022 onwards, coordinators will be in charge of providing quick and active support to citizens who have been declared unfit for work.²⁷ This measure entered into force on 1 January 2022.²⁸ Close monitoring of the results of this renewed reintegration procedure is recommended, as a previous procedure, which started up in 2017,²⁹ could not prevent the number of employees on long-term incapacity for work (of more than one year) from increasing further from 379 908 in 2017 to 420 504 in 2019.³⁰

Flanders is developing and implementing individual supported employment specifically for those who are at a great distance from the labour market, and in particular for people with a work-limiting disability. This reform within the social and mainstream economies will allow employers to hire target group employees who yield a lower return and / or need guidance.³¹ The legislative framework for this reform, which is scheduled to enter into force on 1 July 2023, has yet been finalised.³² The advice of the Flemish Disability Advisory Council of 9 May 2022 on the draft implementing decree argued in vain in favour of the possibility of a wage cost subsidy for a person with a disability employed within the Federal or State Government, and of the granting of a guidance allowance to the person with disabilities who is self-employed. There also criticised

²⁴ UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Belgium, 28 October 2014, p. 6: <https://tbinternet.ohchr.org>.

²⁵ UN Committee on the Rights of Persons with Disabilities, List of issues (LOI) prior to the submission of the combined second and third periodic reports of Belgium, p. 6, <https://tbinternet.ohchr.org>.

²⁶ European Commission, 2022 Country Report Belgium, p. 47 (Annex 12: Employment, skills and social policy challenges in light of the European Pillar of Social Rights), <https://ec.europa.eu>.

²⁷ Belgium, National Reform Programme, May 2022, p. 18, <https://ec.europa.eu>.

²⁸ Law of 12 December 2021 introducing the 'Back To Work Pathway' under the coordination of the 'Back To Work Coordinator' in Sickness Benefit Insurance for employees, *Belgian Official Journal* 17 December 2021, <https://www.ejustice.just.fgov.be>.

²⁹ Royal Decree of 8 November 2016 amending the Royal Decree of 3 July 1996 implementing the Law on compulsory insurance for medical care and benefits, coordinated on 14 July 1994, with regard to social-professional reintegration, *Belgian Official Journal* 24 November 2016, <https://www.ejustice.just.fgov.be>.

³⁰ National Institute for Health and Disability Insurance, <https://www.riziv.fgov.be>.

³¹ Belgium, National Reform Programme, May 2020, p. 17, <https://ec.europa.eu>.

³² Decree of 14 January 2022 on tailor-made solutions for individual integration, *Belgian Official Journal* 11 March 2022, <https://www.ejustice.just.fgov.be>, and executive order, approved on 15 July 2022 by the Flemish Council of Ministers, <https://beslissingenvlaamseregering.vlaanderen.be>.

other gaps, such as the impossibility for employers in the Brussels-Capital Region to qualify for a guidance allowance. The Social Economic Council of Flanders emphasised in its advice of 9 May 2022 that employee involvement is crucial to make the process a success, and expressed its concern about the ‘closed-end’ financing for the guidance component.³³ Neither has the recommendation of the Council of State³⁴ to provide concrete clarity in the implementing decree as to what will happen when the credits are used up been implemented in the final version of the Regulation. Partly due to the expansion of the target group that qualifies for the employment support measures from ‘people with a work disability’ to other groups of ‘people with a work limitation’, such as people whose chances for labour participation are limited due to psychosocial factors, it is however not obvious that the existing budgetary envelopes will suffice.

The Brussels Region will develop a new legal framework for a specific premium scheme to support employers in the recruitment of jobseekers with disabilities.³⁵ The already existing fragmentary measures should be framed in such a legislative framework. For residents of the Brussels-Capital Region with limited employment opportunities due to health problems and who are registered as jobseekers with the regional employment service ACTIRIS, there is a specific wage subsidy for 36 months when recruited with an employment contract by a company or a public administration,³⁶ as well as recruitment, tutorial and compensation premiums awarded by PHARE.³⁷ In this context, overly stringent territorial residence and workplace requirements should not hinder the interregional mobility of jobseekers with disabilities.

Quota obligations for employment of persons with disabilities exist only in the public sector, but these are hardly met. Public administrations still fail to meet their own quotas or quantified targets.³⁸ The Federal Disability Action Plan 2021-2024 contains a whole series of measures to reverse the underemployment of people with disabilities in the federal public sector, mostly for additional study work and awareness campaigns.³⁹ The Flemish Government Equal Opportunities and Diversity Plan 2020 also contains a multitude of measures.⁴⁰ Because a new Strategic Multi-Year Plan for the Equal Opportunities and Diversity Policy of the Flemish Government 2021-2025 was delayed, the Diversity Committee of the Social Economic Council of Flanders formulated an opinion on its own initiative to the Minister of Equal Opportunities, stating

³³ The two aforementioned advice are attached to the Draft Regulation of the Flemish Government implementing the Decree of 14 January 2022 on tailor-made solutions for individual integration, approved on 20 May 2022 by the Flemish Council of Ministers, <https://beslissingenvlaamseregering.vlaanderen.be>.

³⁴ Council of State, Department of legislation, Advice 71.579/1 of 22 June 2022, <http://www.raadvst-consetat.be>.

³⁵ Belgium, National Reform Programme (NRP), May 2022, p. 37, <https://ec.europa.eu>.

³⁶ ‘Activa Brussels limited capacity’. Article 7-8 Regulation of the Government of the Brussels-Capital Region of 14 September 2017 on the activation measures of the jobseekers, <https://www.ejustice.just.fgov.be>.

³⁷ The PHARE service (*Personne Handicapée Autonomie Recherchée*) is an administrative department of the French Community Commission in Brussels.

³⁸ The last Evaluation report 2020 of the Guidance Commission for the recruitment of people with disabilities in the federal public office states a rate of employment of people with disabilities in the federal public sector of 1.22 %. Only 2 of all federal organisations achieved the 3 % quota in 2020, www.fedweb.belgium.be.

³⁹ *Federaal actieplan handicap 2021-2024, Plan d'action fédéral Handicap 2021-2024*, pp. 23-27, <https://socialsecurity.belgium.be>.

⁴⁰ *Het Gelijkekansen- en Diversiteitsplan Vlaamse overheid 2020*, (The Equal Opportunities and Diversity Plan of the Flemish Government 2020), <https://www.vlaanderen.be/>.

that ‘the structural support of persons with disabilities or chronic illness should continue with actions beyond awareness and promotion’ and it recommended, among other things, to ‘focus on retention and the possibility of part-time employment as a form of reasonable accommodation for persons with disabilities or chronic illnesses’.⁴¹

⁴¹ *Commissie Diversiteit SERV, Advies Strategisch Gelijkekansen- en Diversiteitsplan Vlaamse overheid 2021-2025*, (Diversity Committee, of the Social and Economic Council of Flanders, Advice on the Strategic Equal Opportunities and Diversity Plan of the Flemish Government 2021-2025), 12 January 2021, <https://www.serv.be>.

4 Disability, social policies and healthcare – analysis of the situation and the effectiveness of policies

In 2014, the UN CRPD Committee made the following recommendations to Belgium:

[Article 28 UN CRPD](#) addresses Adequate standard of living and social protection.

‘There was no recommendation on Article 28.’

[Article 19 UN CRPD](#) addresses Living independently in the community.

‘33. The Committee recommends that the State party work towards deinstitutionalization by reducing investment in collective infrastructure and promoting personal choice. The Committee urges the State party to implement a disability action plan at all levels of the State to guarantee access to services and an independent life for persons with disabilities so that they are able to live in the community. The action plan must eliminate current waiting lists and ensure that persons with disabilities have access to sufficient financial resources and that communities are accessible for persons with disabilities. The Committee recommends that the State party devise international cooperation programmes that respect the right of persons with disabilities to live in the community and involve disabled persons’ representatives and their families in their preparation.’

[Article 25 UN CRPD](#) addresses Health.

‘No observation was made on health.’

The most recent CRPD developments are the 2019 List of Issues, the State’s submission in 2020, and the UNIA Shadow report in 2021.

4.1 Summary of the social situation of persons with disabilities

Data from EU-SILC indicate the poverty risk rate for working age persons with disabilities in Belgium was 20.3 % in 2020, compared to 10.4 % for other persons of similar age – an estimated disability poverty gap of approximately 10 percentage points (see Table 14). For people aged over 65, the disability poverty gap was 6.9 points (22.7 % for older persons with disabilities and 15.8 % for other persons of similar age). The tables in Annex also indicate the respective rates of risk of poverty or social exclusion and break these down by gender as well age. Recently updated data from Eurostat indicate that this relative risk remained static for the working age disabled population (20.1 %) and decreased for the older age group (18.6 %) in 2021.⁴²

For persons with disabilities of working age in Belgium (aged 18-64) the risk of poverty before social transfers was 57.4 % and 20.3 % after transfers. The in-work poverty rate for persons with disabilities in this age range was 4.9 %, rising to 6.8 % in 2021.⁴³

Of interest to health policy are the data on self-reported unmet needs for medical examination (too expensive or too far to travel or waiting list). Disability equality gaps

⁴² Eurostat, People at risk of poverty by level of activity limitation, sex and age, 2022, https://ec.europa.eu/eurostat/databrowser/view/HLTH_DPE020_custom_3348056.

⁴³ Eurostat, In-work at-risk-of-poverty rate by level of activity limitation, sex and age, 2022, https://ec.europa.eu/eurostat/databrowser/view/HLTH_DPE050_custom_3394174.

are evident here too and, on this basis, the rate for persons with disabilities in Belgium was 3 %, compared to 0.7 % for other persons.

National data for 2021 from the national statistical office, revised on 19 September 2022, show significantly better result, except for unmet medical need.

The figures on the risk of poverty (AROP) for the entire Belgian population in 2021 show a reduction from 11.3 % in 2020 to 10.1 % in 2021 for people who do not experience limitations in their activities due to health problems, and from 21.2 % in 2020 to 18.8 % for people who do so. The disability gap was therefore reduced from almost 10 to less than 9 percentage point.⁴⁴

The figures on the risk of poverty or social exclusion (AROPE EU 2030)⁴⁵ for the entire Belgian population in 2021 show a reduction from 14.8 % in 2020 to 13.6 % in 2021 for people who do not experience limitations in their activities due to health problems, and from 35.5 % in 2020 to 33.3 % for people who do so. The disability gap was therefore reduced with 1 percentage point.⁴⁶

The figures on the risk of poverty or social exclusion (AROPE EU 2020) for the entire Belgian population in 2021 show a reduction from 14.3 % in 2020 to 13.2 % in 2021 for people who do not experience limitations in their activities due to health problems, and from 31.9 % in 2020 to 30.2 % for people who do so. The disability gap was therefore reduced with 0.6 percentage point.⁴⁷

The figures on the self-reported unmet need for medical care for the Belgian population aged 16 and over in 2021 show an increase from 1.5 % in 2020 to 2.2 % in 2021 for people who do not experience limitations in their activities due to health problems, and from 5.8 % in 2020 to 7.7 % for people who do so. The disability gap has therefore increased with more than 1 percentage point, although the trend is not very reliable between years.⁴⁸

⁴⁴ See Table 14a in Annex. Statbel, AROP – Monetary Poverty Risk, Figures 2020-2021, <https://statbel.fgov.be>.

⁴⁵ The AROPE was adapted to better measure deprivation and take into account the social exclusion situation of people of working age in response to the Europe 2030 targets (under the European Pillar of Social Rights). The AROPE revision as a result of 'EU 2030' applies to the indicators of SILC 2021 and subsequent years, SILC Definitions, <https://statbel.fgov.be>.

⁴⁶ See Table 14b in Annex. Statbel, AROPE EU 2030 – Risk of poverty or social exclusion. Figures 2020-2021, <https://statbel.fgov.be>.

⁴⁷ See Table 14c in Annex. Statbel, AROPE EU 2020, Risk of poverty or social exclusion. Figures 2020-2021, <https://statbel.fgov.be>.

⁴⁸ See Table 15a in Annex. Statbel, Self-reported unmet need for medical care. Figures 2020-2021, <https://statbel.fgov.be>.

4.2 Analysis of social policies relevant to the Semester

The CSR 2022 for Belgium mentioned that for beneficiaries of social benefits with low earning potential, disincentives to take up work also remain as the options to combine income from work and social benefits are limited and complex.⁴⁹ But important steps have been taken in the specific benefit system for people with disabilities.

In the (combined) second and third report on its implementation of the CRPD,⁵⁰ Belgium stated that since 2018 the negative impact of a marriage or legal cohabitation on the amount of the benefits has already been partially reduced since 1 August 2018.⁵¹ The intention to completely abolish the ‘price of love’ by decoupling the level of the integration allowance for persons with disabilities from the income of the persons with whom they form a household has effectively been realised since 1 January 2021.⁵²

A reform of the calculation of the integration allowance through a higher exemption for income from work should enable people with disabilities to participate in the labour market.⁵³ This measure entered into force on 1 October 2021, with a exempt labour income of EUR 43 245.47.⁵⁴ Although this measure virtually eliminates the financial penalty for working people with disabilities, a sharp increase in the labour participation of this category of people, who are often very far removed from the labour market is, in the author’s opinion, by no means self-evident. The system of benefits for persons with disabilities does not require a willingness to work, and many measures of employment policy, such as reductions in social security contributions and the activation of benefits have traditionally focused primarily on the persons entitled to unemployment benefits. Now that the competence for these target group measures has largely been transferred to the regions, as a result of the sixth state reform, it is important to include those entitled to an allowance for people with disabilities in the scope of application when developing new employment support measures.

The above-mentioned measures help to eliminate inactivity traps in the disability benefit system. Even though these relaxations within the benefit system for people with disabilities are important steps towards their inclusion in society, they do not address the root causes of their excessive livelihood insecurity, such as their weak position in the labour market⁵⁵ and their high share of the single person population.⁵⁶ We know

⁴⁹ European Commission, 2022 Country Report Belgium, p. 10, <https://ec.europa.eu>.

⁵⁰ See on page 93 of the original French version of the second and third periodic reports submitted by Belgium, on the United Nations website, <https://tbinternet.ohchr.org>.

⁵¹ Law of 2 September 2018 limiting the consequences of the ‘price of love’, Belgian Official Journal, 18 September 2018, <https://www.ejustice.just.fgov.be>.

⁵² Royal Decree of 2 March 2021 amending the Royal Decree of 6 July 1987 on the income-replacing allowance and the integration allowance regarding the limitation of the consequences of the ‘price of love’, Belgian Official Journal, 23 March 2021, <https://www.ejustice.just.fgov.be>.

⁵³ *Federaal actieplan handicap 2021-2024, Plan d’action fédéral Handicap 2021-2024*, p. 21, <https://socialsecurity.belgium.be>.

⁵⁴ Royal Decree of 1 February 2022 amending the Royal Decree of 6 July 1987 on the income replacement allowance and the integration allowance with regard to limiting the consequences of the ‘price of labour’, Belgian Official Journal, 11 March 2022, <https://www.ejustice.just.fgov.be>.

⁵⁵ See above in Chapter 3: Disability and the labour market.

⁵⁶ People in long-term incapacity for work are relatively often single (37 % versus 20 % in the total population). See N. van Mechelen, *Profielschets van personen met een handicap* (Profile of persons with disabilities) in *FOD Sociale Zekerheid, Armoede en Handicap in België*, p. 146, <https://socialsecurity.belgium.be>.

that the risk of poverty and material deprivation among single people is particularly high.⁵⁷

The high score of unmet medical needs may be partly due to the COVID-19 crisis, which forced the postponement of medical and other care. But it is particularly bad that persons with disabilities were disproportionately affected. Already in November 2020, the human rights organisation Amnesty International published a shocking report on human rights violations in Belgian residential care centres as a result of the pandemic policy, which concluded that in the first period of the COVID-19 outbreak in Belgium (March – October 2020), 61.3 % of all deaths from COVID-19 in Belgium, that is 6 467 persons, were residents of residential care centres.⁵⁸

Based on successive reports on the impact of the crisis, UNIA made the following observations, among other things, regarding persons with disabilities:

‘Services for people with disabilities were sometimes shut down, such as primary care, assistance in public transport, deliveries of medical equipment by mutual funds or assistance with cooking, cleaning and shopping, institutions for people with disabilities were completely isolated from the outside. Residents were isolated in their rooms in the event of contamination. There were no more activities. Family weekends and visits were prohibited. These various measures had a very heavy impact on residents both in terms of their physical and psychological health. Monitoring was non-existent or insufficient. The situation in these living spaces has also shown the limitations of institutional models for the elderly and people with a disability.’

Consequently, Recommendation 26 of the UNIA Shadow report demands to ‘guarantee respect for the rights of persons with disabilities and decent living conditions in institutions in the event of a crisis’... (but also to) ... ‘rethink the institutional model which has shown its limitations during this crisis’.⁵⁹

Already on 15 July 2020, NOOZO, the Flemish Disability Advisory Council, published advice, stating that ‘Care facilities are faced with an assignment to keep their services afloat in the event of a next crisis. Reinforcing facilities must not lead to more people ending up in collective housing or daytime activities. On the contrary, more should be done on living at home and living normally’.⁶⁰

Recital 107 of the UN guidelines on deinstitutionalisation recommends that ‘during emergency situations, such as pandemics, natural disasters, or conflicts, States Parties should continue and accelerate efforts to close institutions’ and Recommendation 113 adds that ‘States Parties should ensure that institutions and other barriers to inclusion are not rebuilt or repopulated after emergencies’.⁶¹

⁵⁷ The figures on the risk of poverty for the entire Belgian population in 2021 show a risk of 22.1 % for singles, while this is 13.8 % for the total of households without children, Statbel, AROP – Risk of monetary poverty. Figures 2021, <https://statbel.fgov.be>.

⁵⁸ Amnesty International België, ‘Woonzorgcentra in de dode hoek’ (Residential care centres in the blind spot), www.amnesty-international.be.

⁵⁹ Unia. Parallel report on the second and third periodic reports submitted by Belgium, 3 December 2021, p. 9, <https://www.unia.be>.

⁶⁰ Noozo, COVID-19 and opportunities for the future, <https://www.noozo.be>.

⁶¹ UN Committee on the Rights of Persons with Disabilities, Guidelines on Deinstitutionalisation, including in emergencies, 9 September 2022, <https://www.ohchr.org>.

On the contrary, the federal and regional governments have compensated for loss of income from services not rendered during the COVID-19 crisis, for example by subsidising vacant beds, and have granted substantial expansions of staffing levels and paid increases to the healthcare staff of the institutions. In this way, the trend towards an ever-greater institutionalisation of care has been reinforced. Moreover, the measures taken offer hardly any solace for the chronic shortage of care personnel.⁶² On 22 July 2022, the federal Council of Ministers approved a number of additional emergency measures, such as a tax reduction on the income of students, pensioners and volunteers who temporarily deal with acute needs in the care sectors.⁶³ Insufficient attention is paid to community-based solutions, such as personal assistance, which enable support from a wider range of people, also outside the collectively organised care services.

With effect from 1 September 2020, a first implementation was granted to the 'status of the informal carer'.⁶⁴ A person recognised by their health insurance fund as a carer of a person with disabilities can claim a full or part-time career break with unemployment insurance benefits to compensate for the loss of wages. In May 2021, a total of 11 167 informal carers had applied for this federal informal care status.⁶⁵ In an opinion of 21 June 2011, the National High Council for Persons with Disabilities stated that the appliances for recognition remain limited compared to the situation on the ground.⁶⁶ The duration of one month of full suspension or two months of reduction in work performance per person in need of care was recently extended to three and six months respectively.⁶⁷ But this new career break system is of little help to all people with long-term care needs, and least for the many carers who have passed retirement age.

Already in 2014, the UN CRPD Committee urged Belgium to implement a disability action plan at all levels of the State to guarantee access to services and an independent life for persons with disabilities so that they are able to live in the community.⁶⁸ Belgium's second and third periodic report contains a multitude of

⁶² On 1 August 2022, the Flemish Employment and Vocational Training Service (VDAB), <https://www.vdab.be> counts 4 396 open vacancies for nurses, and the website <https://be.jobble.org> reports 4,835 vacancies for the whole of Belgium. In a Concept Note for new regulations that was submitted to the Flemish Parliament on 10 December 2021, Parl. St. 2021-2022, 1056/1, it is stated that for every vacancy for carer, the number of job seekers has fallen from 20 to 6 candidates in just three years (2018-2021), <https://www.vlaamsparlament.be/nl/parlementaire-werk/documenten/zoek-document>.

⁶³ FPS Chancellery of the Prime Minister, General Directorate External Communication, <https://news.belgium.be>.

⁶⁴ Royal Decree of 16 June 2020 implementing the Law of 12 May 2014 on the recognition of informal carers and the granting of social rights to informal carers, <https://www.ejustice.just.fgov.be>.

⁶⁵ Answer from the Minister of Social Affairs to Question no. 838 by Ms. deputy Evita Willaert of 30 June 2021, Belgian Chamber of Representatives, Written questions and answers, 4 November 2021 QRVA 55 068, p. 229, <https://www.dekamer.be/kvvcr/index.cfm>.

⁶⁶ Opinion No. 2021/21 of the National High Council for Persons with Disabilities (NHRPH) of 21 June 2021 on the evaluation of the Law of 17 May 2019 on the recognition of informal carers, <https://ph.belgium.be/>.

⁶⁷ Royal Decree of 20 July 2021 implementing article 100ter, § 3, second paragraph of the Restoration Act of 22 January 1985 on social provisions, Belgian Official Journal, 20 August 2021, <https://www.ejustice.just.fgov.be>.

⁶⁸ Recommendation 33 of the Concluding observations on the initial report of Belgium, <https://www.ohchr.org>.

measures, but again no real quantified plan for deinstitutionalisation with a phased reduction in the number of people with disabilities residing in institutions.⁶⁹

The European semester Country Report Belgium 2022 states that the ESF+ will complement investments in childcare and social housing, including for persons with disabilities with actions to support deinstitutionalisation of persons with disabilities in Wallonia.⁷⁰ Numerous initiatives aimed at inclusion have already been supported with European funds. For example, the ‘Caravelles’ project is helping children with special educational needs become more socially included by providing free support to kindergartens and nursery staff.⁷¹

For the longer term, in the author’s opinion, more fundamental developments are important, such as that of the Personal Assistance Budgets (*Budgets d’assistance personnelle* or ‘BAP’) which, both in Wallonia and in Brussels, only help a limited number of people, while huge investments in long-stay residential facilities continue, also to accommodate people with a disability from France.⁷²

⁶⁹ CRPD/C/BEL/2-3, only in French, <https://tbinternet.ohchr.org>.

⁷⁰ European Commission, 2022 Country Report Belgium, p. 48, <https://ec.europa.eu>.

⁷¹ See: <http://www.caravelles.be/>.

⁷² Unia. Parallel report on the second and third periodic reports submitted by Belgium, 3 December 2021, p. 13, <https://www.unia.be>.

5 Disability, education and skills – analysis of the situation and the effectiveness of policies

In 2014, the UN CRPD Committee made the following recommendations to Belgium:

[Article 24 UN CRPD](#) addresses Education.

'37. The Committee requests that the State party implement a coherent inclusive education strategy for children with disabilities in the mainstream system and ensure the provision of adequate financial, material and human resources. It recommends that the State party ensure that children with disabilities receive the educational support they need, in particular through the provision of accessible school environments, reasonable accommodation, individual learning plans, assistive technology in classrooms, and accessible and adapted materials and curricula, and guarantee that all teachers, including teachers with disabilities, receive comprehensive training on the use of Braille and sign language with a view to improving the education of all children with disabilities, including boys and girls who are blind, deaf-blind, deaf or hard of hearing. The Committee also recommends that inclusive education should form an integral part of teacher training at university and during continuing professional development.'

The most recent CRPD development is the 2019 List of Issues, the State's submission in 2020. and the UNIA Shadow report in 2021.

5.1 Summary of the educational situation of persons with disabilities

The EU-SILC 2020 estimates concerning educational attainment should be treated with caution due to relatively wide confidence intervals but they consistently indicate disability equality gaps (an average of 2-3 years provides a more stable indication). Table 16 indicates early school leaving rates disaggregated by disability status in Belgium. Youth with disabilities (aged 18-24) tend to leave school significantly more than peers without disabilities of the same age groups (and this is reinforced by widening the sample size to age 18-29). Table 17 shows completion rate of tertiary education disaggregated by disability and age group. Persons with disabilities (age 30-34) are less likely to complete tertiary education than their peers without disabilities (and this is reinforced in the wider age range 30-39).

Data from Statbel for school leavers are not disaggregated by disability. The European Agency for Special Needs and Inclusive Education published separate data tables for the Flemish, French and German communities up to 2018/19.⁷³

Finally, more than one out of three young adults with disabilities do not finish secondary education, and the reforms and investment measures under the Recovery and Resilience Plan (RRP) aim to improve the performance of the education system, but only few measures have as a specific objective to address the structural inequalities in the education system.⁷⁴

⁷³ For example: https://www.european-agency.org/data/belgium-flemish/datatable-overview#tab-all_children_learners.

⁷⁴ European Commission, 2022 Country Report Belgium 2022; p. 11 and p. 50, <https://ec.europa.eu>.

5.2 Analysis of education policies relevant to the Semester

To prevent pupils with special needs from being referred to special education too often, the Wallonia-Brussels Federation and the German-speaking Community have implemented a number of reforms.⁷⁵ The Decree of the French Community of 17 June 2021⁷⁶ created, with effect from 1 September 2021, the legal basis in primary and secondary education in French-speaking Belgium for the creation of territorial support points charged with supporting mainstream schools in the implementation of reasonable accommodation. Under the responsibility of the organising body of a school organised or subsidised by the French Community of Specialised Education, called ‘main school’, the territorial pole carries out tasks in the ‘collaborative’ schools of ordinary education, such as giving advice or providing individual guidance to pupils with special needs and, where appropriate, guide the pupil on referral to specialist education if reasonable accommodation is insufficient to ensure learning that is adapted to his specific needs. There are as yet no recent figures available to determine whether this will bring a reversal in the increasing share of special (segregated) education in the population of primary and secondary French-speaking education.⁷⁷ In the French Community 4.10 % of pupils attended special education during the 2018/19 school year compared to 3.67 % in 2008/09.⁷⁸ In German-speaking education, the increase in the share of pupils in special education has accelerated in the 2020/21 school year, reaching 2.57 % by September 2020.⁷⁹

In Flanders the school population in special (segregated) education continues to increase. In the 2021/22 school year, a record number of 52 000 students were enrolled in the Flemish special education primary and secondary schools.⁸⁰ An important increase again compared to the previous school year, where 26 110 and 22 071, respectively in special primary and secondary education, with a total of 48 181 pupils enrolled.⁸¹ To remedy the capacity problems at some schools of special education, the Flemish Minister of Education announced that another EUR 45 million is being earmarked for extra places in special primary and secondary education and an additional EUR 5 million to allow schools to recruit additional staff as early as next school year.⁸²

Partly as a result of this increase in the number of pupils, major problems in subsidised pupil transport to and from schools for special education have come to light.⁸³ After

⁷⁵ Belgium, National Reform Programme (NRP), May 2022, p. 22, <https://ec.europa.eu>.

⁷⁶ The Decree of the French Community of 17 June 2021 establishing territorial poles in charge of supporting mainstream schools in the implementation of reasonable accommodation and full permanent integration, <https://www.ejustice.just.fgov.be>.

⁷⁷ For the most recent figures published on the website of the Fédération Bruxelles-Wallonie, see ‘*Les indicateurs de l’enseignement 2020*’ (Teaching indicators 2020), 15th edition, November 2020, <http://www.enseignement.be>.

⁷⁸ Unia. Parallel report on the second and third periodic reports submitted by Belgium, 3 December 2021, p. 16, <https://www.unia.be>.

⁷⁹ *Ministerium der Deutschsprachigen Gemeinschaft Belgiens, Schülerzahlen 2020-2021*, <https://ostbelgienbildung.be>.

⁸⁰ Figures communicated by the Minister of Education in the plenary session of the Flemish Parliament on 29 June 2022, <https://www.vlaamsparlement.be>.

⁸¹ Ministry of Education and Training, <https://data-onderwijs.vlaanderen.be>.

⁸² Response to Parliamentary Question no. 611 of 10 June 2022 by Steve Vandenberghe, <https://www.vlaamsparlement.be/nl/parlementair-werk/documenten/zoek-document>.

⁸³ 28 438 and 19 360 pupils, respectively in primary and secondary education, made use of the subsidy scheme for transport to and from the school for special education on 30 September 2021.

media reports and further investigation showed that at 323 schools at least one pupil was on the bus for more than 90 minutes for a one-way trip from home to school, the Flemish Minister of Mobility announced in the Committee meeting of the Flemish Parliament on 10 February 2022 an amount of EUR 11 million extra for the current school year 2021/22 on top of the regular amount of subsidies for student transport for special education, which in recent years has continuously fluctuated around EUR 70 million.⁸⁴ And that while the Committee on the Rights of Persons with Disabilities states that 'it is not acceptable for children to have to travel far away from home to primary or secondary school. Their school should be within safe, physical distance of where they live'.⁸⁵

As it has been announced in the NRP,⁸⁶ the Flemish government approved a new Preliminary Draft Decree on Learning Support on 8 July 2022.⁸⁷ The explanatory note to the Flemish Government mentions that, with effect from the 2023/24 school year, this draft aims at bundling know-how in a limited number of learning support centres, whereby mainstream schools can choose to join to support their pupils with disabilities.⁸⁸ However, in the author's opinion, this draft also shows a lack of long-term vision and strategic plan to move towards one quality inclusive education system.

Although initiatives have thus been taken in all parts of the country to improve support for pupils with disabilities in mainstream education, these have proved to be too ineffective to achieve a real turnaround to inclusive education, and the UN Committee's concluding observations with the first report from Belgium are still relevant: 'The Committee is concerned at reports that many students with disabilities are referred to and obliged to attend special schools because of the lack of reasonable accommodation in the mainstream education system. As inclusive education is not guaranteed, the special education system remains an all too frequent option for children with disabilities.'⁸⁹

Vlaams Ministerie van Onderwijs en Vorming, Vlaams onderwijs in cijfers 2020-2021 (Flemish Ministry of Education and Training, Flemish education in figures 2020-2021), www.onderwijs.vlaanderen.be/onderwijsstatistieken.

⁸⁴ Report of the Committee meeting Commission for Mobility and Public Works from 10 February 2022, <https://www.vlaamsparlement.be>.

⁸⁵ UN Committee on the Rights of Persons with Disabilities, a guide to Article 24, The Right to Inclusive Education, 2 September 2016, Plain version in English, p. 6, https://www.ohchr.org/en/ohchr_homepage.

⁸⁶ Belgium, National Reform Programme (NRP), May 2022, p. 21, <https://ec.europa.eu>.

⁸⁷ VR 2022 0807 DOC.0791/2TER, <https://beslissingenvlaamseregering.vlaanderen.be>.

⁸⁸ VR 2022 0807 DOC.0791/1BIS, <https://beslissingenvlaamseregering.vlaanderen.be>.

⁸⁹ UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Belgium, 28 October 2014, <https://tbinternet.ohchr.org>.

6 Investment priorities in relation to disability

Belgium's Recovery and Resilience Plan,⁹⁰ adopted by the European Commission on 23 June 2021,⁹¹ and ratified by the Council of the European Union on 13 July 2021,⁹² contains some investment measures targeting people with disabilities.

The Belgian RRP includes several measures to boost the employability of the most vulnerable, including persons with a disability, but also to reduce digital inequalities, so that all citizens can adapt to the increased digitisation of society and enter the labour market in a sustainable way'.⁹³ With the reform project R-4.05 '(Re)qualification strategy', the Brussels-Capital Region aims to create a new legal framework by the third quarter of 2023 for the introduction of a specific contribution scheme to support employers in the recruitment and sustainable integration of jobseekers with disabilities. However, no investment budget is linked.⁹⁴ On the other hand, an investment of EUR 75.09 million is foreseen for project I-5.04 'Learning and career offensive' of the Flemish Government, which is however reserved for the training funds of social and sheltered workshops, so that persons with disabilities who work in the open economy will largely fall by the wayside.⁹⁵ The Walloon government's project I-5.07 'Lifelong digital education' is part of the digital inclusion objective and aims, with an investment of EUR 42 million, to meet the need for digital skills (including basic skills) for people from the entire population of Wallonia, and in particular for vulnerable people, whose skills need to be upgraded to meet the needs of the labour market.⁹⁶ It is not entirely clear how the target group of persons with disabilities will be reached.

For the project I-4.12 'Construction of public utility houses and housing for vulnerable people', the Walloon government will make an investment of EUR 165.8 million. A total of 135 accessible homes, equipped with environmental sensors, will be realised under the direction of local authorities and social housing companies for people with disabilities or the elderly who lose their independence.⁹⁷ In the Analysis of 23 June 2021, the European Commission had established that 'Belgium's density of residential beds for over-65 years old is among the highest in the EU. Moreover, indicators show that a non-negligible share of independent users and those with low levels of dependency for whom institutionalisation may be unnecessary or at least premature, are currently receiving residential care. Specifically, in the Brussels-Capital Region and the Walloon Region approximately one third (34 % and 31 % respectively) of elderly people living in residential structures still have some autonomy, while this proportion amounts to 20 % in Flanders. Component 4.3 includes investment in social housing in Wallonia, some of it equipped with assistive technologies in order to support the independent living of persons with disabilities and elderly people.'⁹⁸ The further

⁹⁰ *Kabinet van de staatssecretaris voor Relance en Strategische Investeringsen* (Cabinet of the State Secretary for Recovery and Strategic Investments), *Nationaal Plan voor herstel en veerkracht België*, June 2021, hereinafter abbreviated as 'RRP Belgium', <https://dermine.belgium.be>.

⁹¹ European Commission. Proposal for a Council implementing decision on the approval of the assessment of the recovery and resilience plan for Belgium, <https://eur-lex.europa.eu/>.

⁹² Council of the EU. Press release 13 July 2021, <https://www.consilium.europa.eu/>.

⁹³ RRP Belgium, p. 15.

⁹⁴ RRP Belgium, p. 374.

⁹⁵ RRP Belgium, p. 463.

⁹⁶ RRP Belgium, p. 487.

⁹⁷ RRP Belgium, p. 399.

⁹⁸ European Commission, Brussels 23.06.2021, COM (2021) 349 final. Analysis of the Recovery and Resilience Plan of Belgium Accompanying the document Proposal for a Council implementing

elaboration of this project will have to take due account of the comments made by the Committee on the Rights of Persons with Disabilities in its General Comment of 2017, and in particular that ‘Neither large-scale institutions with more than a hundred residents nor smaller group homes with five to eight individuals, nor even individual homes can be called independent living arrangements if they have other defining elements of institutions or institutionalisation, such as a disproportion in the number of persons with disabilities living in the same environment’, and that ‘the right to live independently and be included in the community extends to all persons with disabilities, regardless of their level of intellectual capacity, self-functioning or support requirement’.⁹⁹

Since only 14 % of the stations of the Belgian rail network (where 29 % of train passengers board) are currently accessible to people with reduced mobility, the federal government is making an amount of EUR 75 million free, inter alia to ensure the accessibility of train stations for all persons, and in particular to build 25 additional accessible stations between 2022 and 2024.¹⁰⁰ This project is in line with the objectives that are also formulated quite concretely in the Federal Action Plan of 16 July 2021. Train stations must respect the following 5 criteria: (1) access to platforms must be possible in an autonomous way; (2) platforms at a height of 76 cm; (3) podotactile guidance lines; (4) accessible ticket machines; and (5) reserved parking spaces. The plan rightly points out that at the same time it is of great importance for the rights of travellers with disabilities that human intervention does not disappear completely. Some persons with disabilities will always require some form of assistance to access the service on an equal basis with other travellers. It is therefore regrettable that the RRP does not link an investment project to the measures announced in the federal action plan to improve the system of assistance to travellers with reduced mobility, depending on the available resources, by easing reservation periods and extension of the assistance offer.¹⁰¹

It is remarkable that in the support packages promised by the Federal Government for the renovation of the Brussels Stock Exchange (project I-1.07 of EUR 10.8 million), by the Flemish government for the renovation of public buildings (project I-1.08 of EUR 20 million), by the Walloon Government for the renovation of buildings of schools and local authorities, sports infrastructures, etc. (projects I-1.09 of EUR 59.54 million and I-1.10 of EUR 151.83 million), by the Government of the Brussels-Capital Region for the renovation of public buildings (project I-1.11 of EUR 32 million), of the French Community Government for the renovation of public and private school buildings (project I-1.12 of EUR 230.8 million), of sports infrastructure (project I-1.13 of EUR 32.65 million), of universities (project I-1.14 of EUR 50 million) and of cultural institutions (project I-1.15 of EUR 48 million), no attention is paid to the accessibility of these buildings for persons with disabilities.¹⁰² The fact that energy saving and job creation are the main objectives for all these renovation projects is not a valid reason for the total disregard for the rights of persons with disabilities to have unimpeded access to the public infrastructure of public services, educational institutions, sports

decision on the approval of the assessment of the Recovery and Resilience Plan for Belgium, p. 38, <https://ec.europa.eu>.

⁹⁹ UN Committee on the Rights of Persons with Disabilities. 27 October 2017. General comment No. 5. The right to live independently and being included in the community, <https://www.ohchr.org>.

¹⁰⁰ RRP Belgium, p. 283.

¹⁰¹ *Federaal actieplan handicap 2021-2024, Plan d'action fédéral Handicap 2021-2024*, pp. 39-40, <https://socialsecurity.belgium.be>.

¹⁰² RRP Belgium, pp. 61-87.

and cultural institutions. After all, Belgium needs a boost for more investment in making buildings and infrastructure accessible. The UNIA Shadow report of 3 December 2021 finds that ‘the accessibility plans adopted by federal, regional and municipal authorities – if they exist – are not sufficiently ambitious or binding and do not have long-term deadlines. There is often no legal framework that sanctions the lack of accessibility. There is no coordinated approach and no funds are specifically earmarked to remove barriers to accessibility.’¹⁰³

A similar gap can be seen in digital transformation investment projects, with only very sporadic attention being paid to the needs of persons with disabilities. It is only mentioned that with the investment project I-2.12 of EUR 47.96 million, the Walloon Government aims to digitise regional and local government administrations, while also taking into account the accessibility of websites and administrative procedures for people with disabilities.¹⁰⁴ And yet Belgium is also catching up in the field of digital inclusion of people with disabilities. The UNIA Shadow report of 3 December 2021 finds that ‘while the Belgian authorities have successfully transposed the European directive on digital accessibility, only 8 % of Belgian public sector sites were accessible in September 2020 (the deadline for their accessibility) and only 5 % of mobile applications in June 2021’.¹⁰⁵

Belgium's recovery and resilience plan is thus unfortunately yet another illustration of insufficient mainstreaming of disability in general budget allocations. The National High Council for Persons with Disabilities expressed its disappointment in its Opinion No. 2021/09 of 15 March 2021 on the Belgium's Recovery and Resilience Plan in the following terms: ‘The NHRPH had expected more projects addressing concerns related to the exclusion of people with disabilities, including those revealed during the health crisis. Every project should integrate the needs of people with disabilities. The De Croo government has committed itself to working towards a more inclusive society. Digitalisation, marketed as an engine for recovery, will not reach those far from everything and with special needs and may make society even more dual.’¹⁰⁶

¹⁰³ Unia. Parallel report on the second and third periodic reports submitted by Belgium, 3 December 2021, p. 6, <https://www.unia.be>.

¹⁰⁴ RRP Belgium, p. 222.

¹⁰⁵ Unia. Parallel report on the second and third periodic reports submitted by Belgium, 3 December 2021, p. 15, <https://www.unia.be>.

¹⁰⁶ National High Council for Persons with Disabilities, Opinion No. 2021/09 on the Recovery and Resilience Plan, issued during the plenary session of 15 March 2021, <https://ph.belgium.be>.

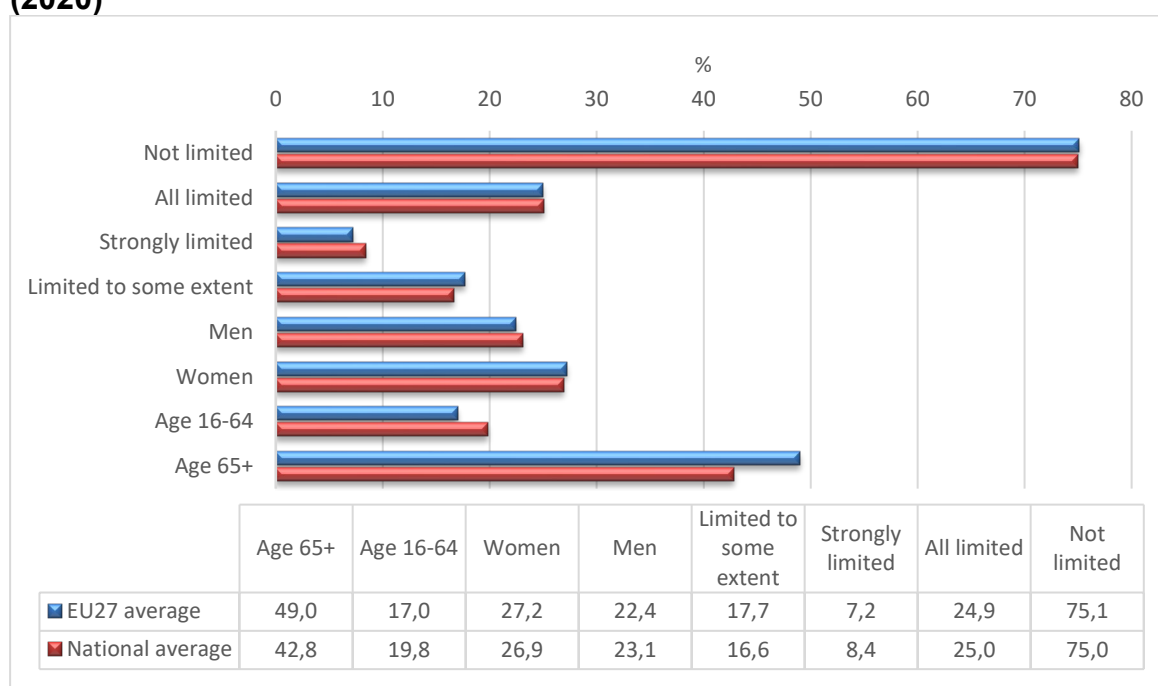
7 Annex: disability data relevant to the Semester

See also disability data published in the Eurostat database¹⁰⁷ and statistical reports.¹⁰⁸

Unless specified, the summary statistics are drawn from the most recent EU-SILC data available to researchers from Eurostat. The EU-SILC sample includes persons living in private households and does not include persons living in institutions (congregative households). The sampling methods vary somewhat in each country.

The proxy used to identify persons with disabilities (impairments) is whether ‘for at least the past 6 months’ the respondent reports that they have been ‘limited because of a health problem in activities people usually do’.¹⁰⁹

Table 1: Self-reported ‘activity limitations’ as a proxy for impairment / disability (2020)



Source: EU-SILC 2020 Release April 2022

In subsequent tables, these data are used to indicate ‘disability’ equality gaps and trends relevant to the analytical chapters – for the labour market, social policies and healthcare, and education – by comparing outcomes for persons who report and do not report ‘activity limitations’.¹¹⁰ National estimates for Belgium are compared with EU27 mean averages for the most recent year.¹¹¹

¹⁰⁷ Eurostat Health Database: <https://ec.europa.eu/eurostat/web/health/data/database>.

¹⁰⁸ Eurostat (2019) Disability Statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics.

¹⁰⁹ The EU-SILC survey questions are contained in the Minimum European Health Module (MEHM), [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Special:WhatLinksHere/Glossary:Minimum_European_Health_Module_\(MEHM\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Special:WhatLinksHere/Glossary:Minimum_European_Health_Module_(MEHM)).

¹¹⁰ This methodology was developed in the annual statistical reports of ANED, available at: <http://www.disability-europe.net/theme/statistical-indicators>.

¹¹¹ The exit of the United Kingdom from the EU changed the EU average. EU27 averages have been affected also by time series breaks in other large countries, such as Germany.

7.1 Data relevant to disability and the labour market

Table 2: EU and Belgium employment rates, by disability and gender (aged 20-64) (2020)

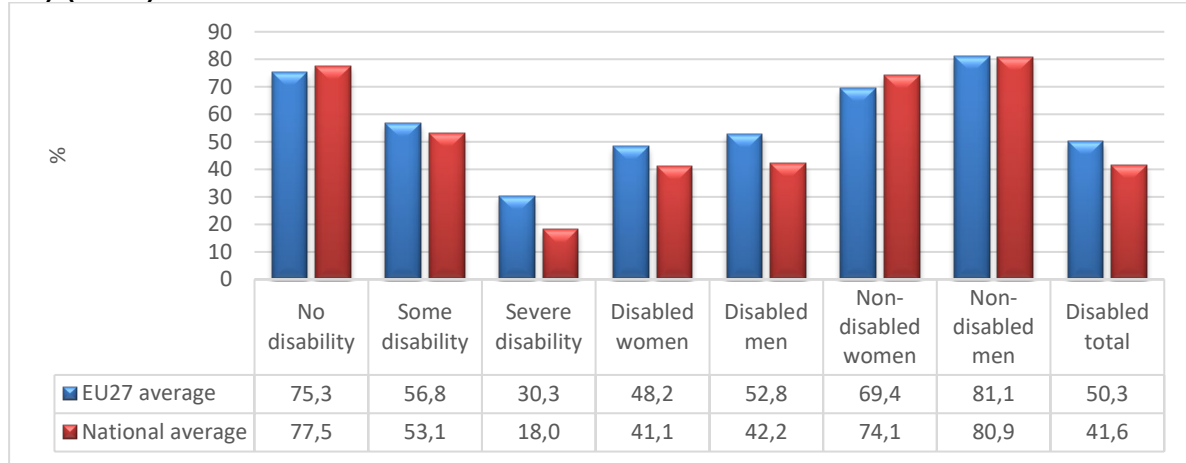


Table 3: Employment rates in Belgium, by disability and age group (2020)

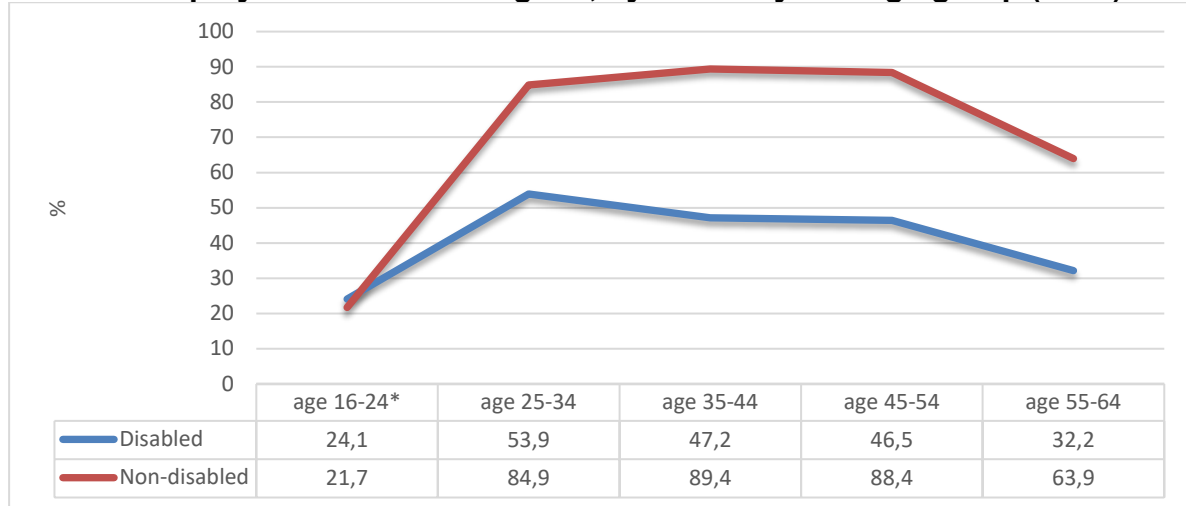
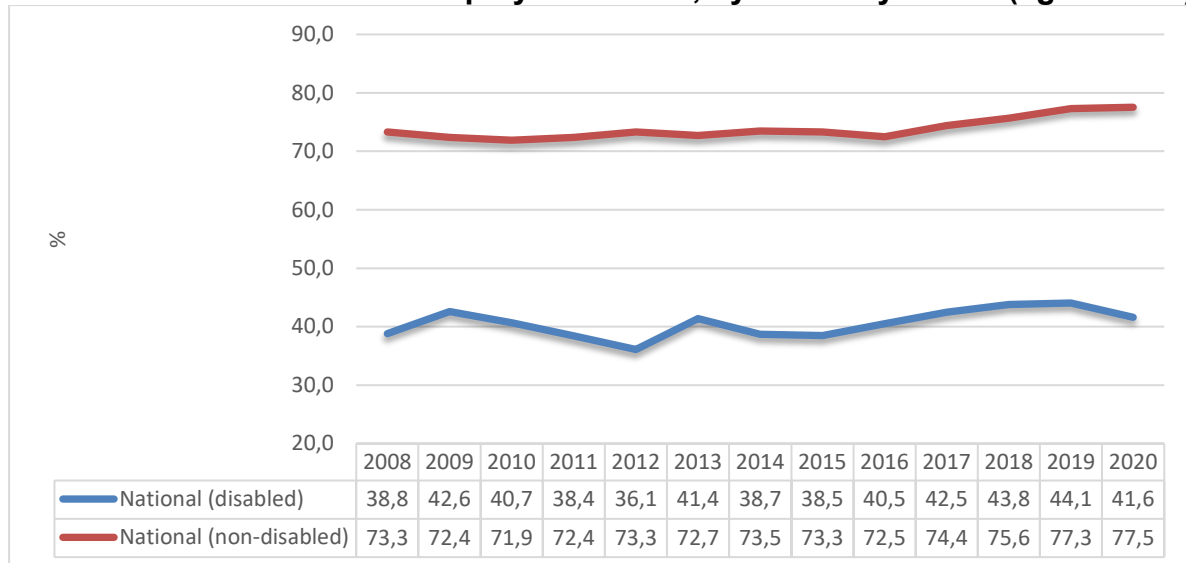


Table 4: National trends in employment rates, by disability status (aged 20-64)



Source: EU-SILC 2020 Release April 2022 (and preceding UDBs)

Note: Microdata concerning employment status was not available for Germany and Italy in this data release, which affects the EU27 average (which is therefore estimated).

7.1.1 Unemployment

Table 5: Unemployment rates by disability and gender (aged 20-64) (2020)

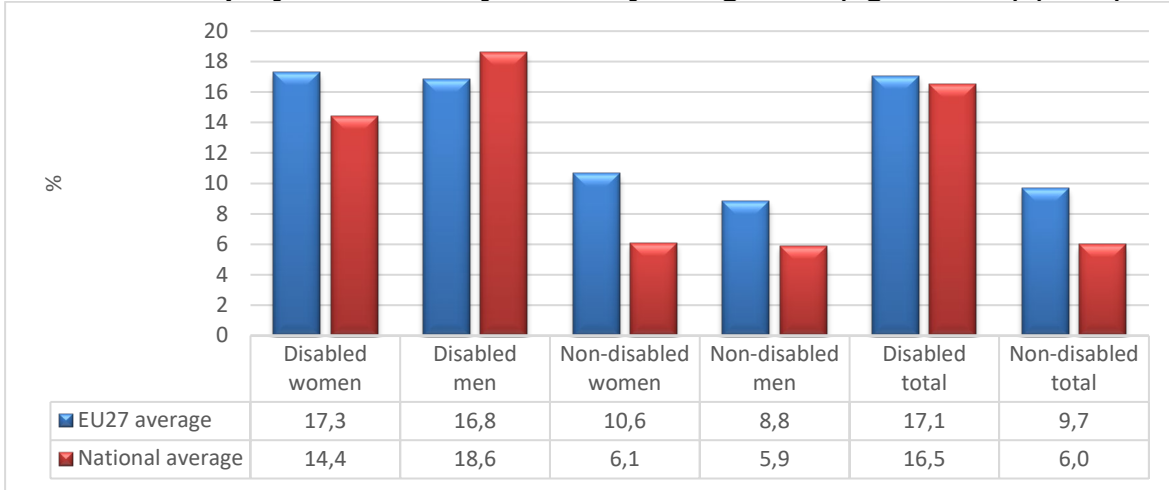


Table 6: Unemployment rates in Belgium, by disability and age group (2020)

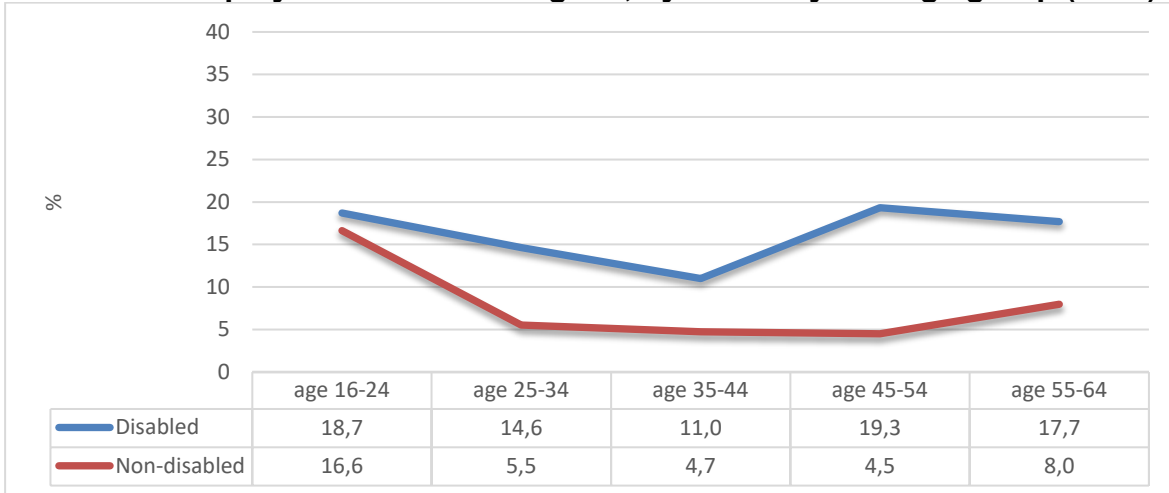
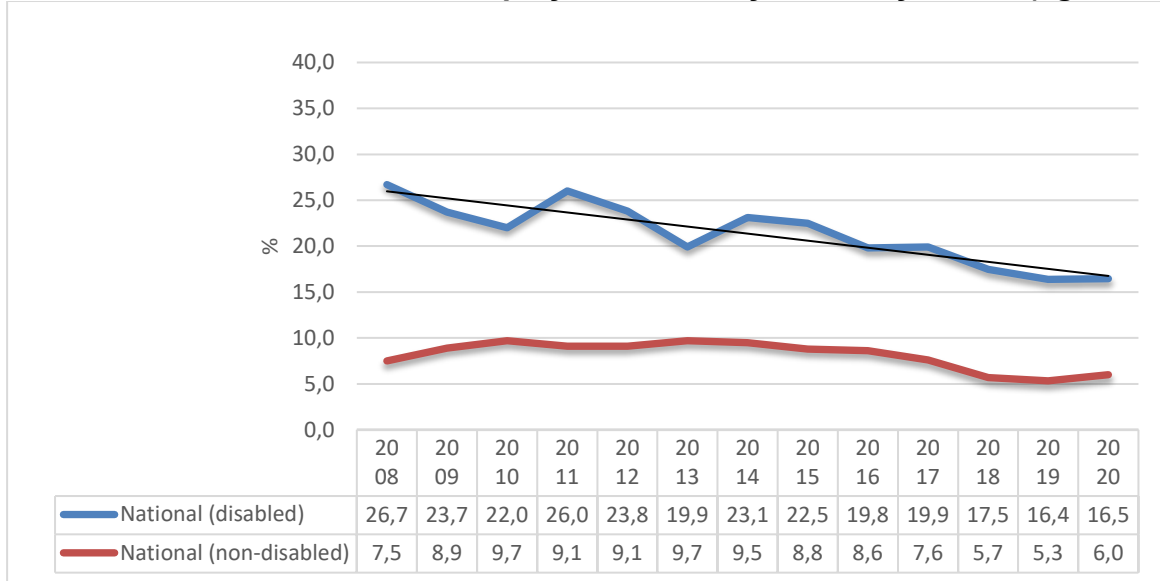


Table 7: National trends in unemployment rate, by disability status (aged 20-64)



Source: EU-SILC 2020 Release April 2022 (and preceding UDBs)

7.1.2 Economic activity

Table 8: Activity rates in Belgium, by disability and gender (aged 20-64) (2020)

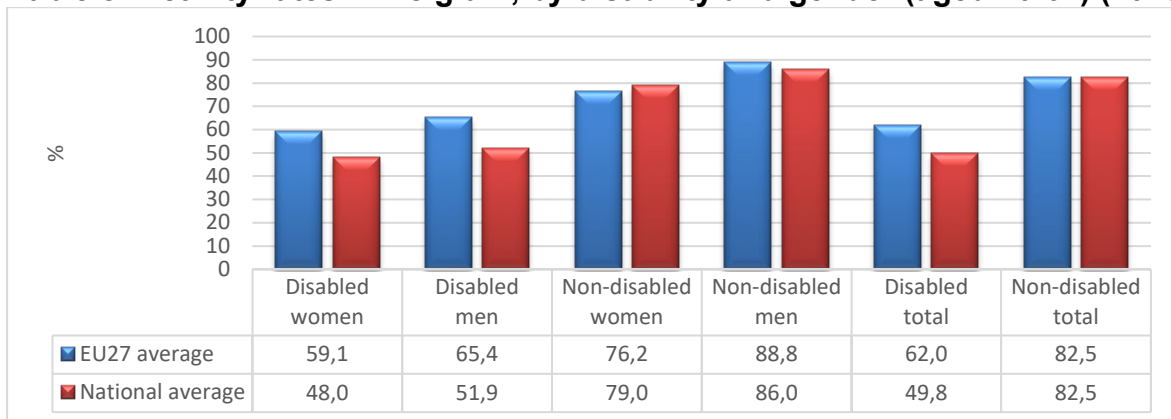


Table 9: Activity rates in Belgium, by age group (2020)

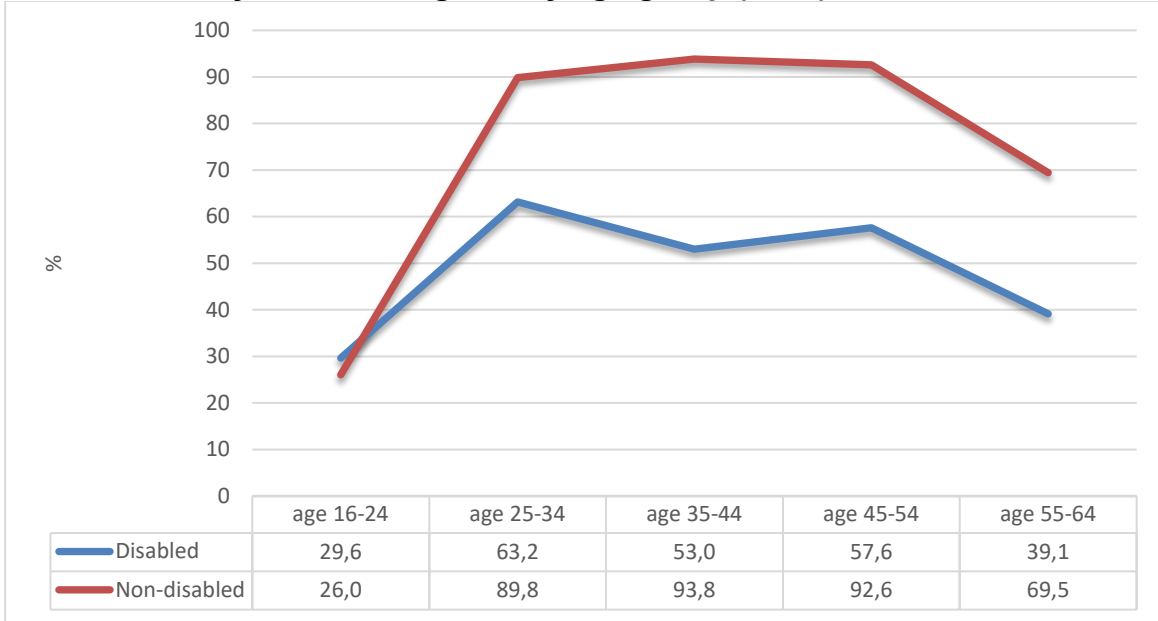
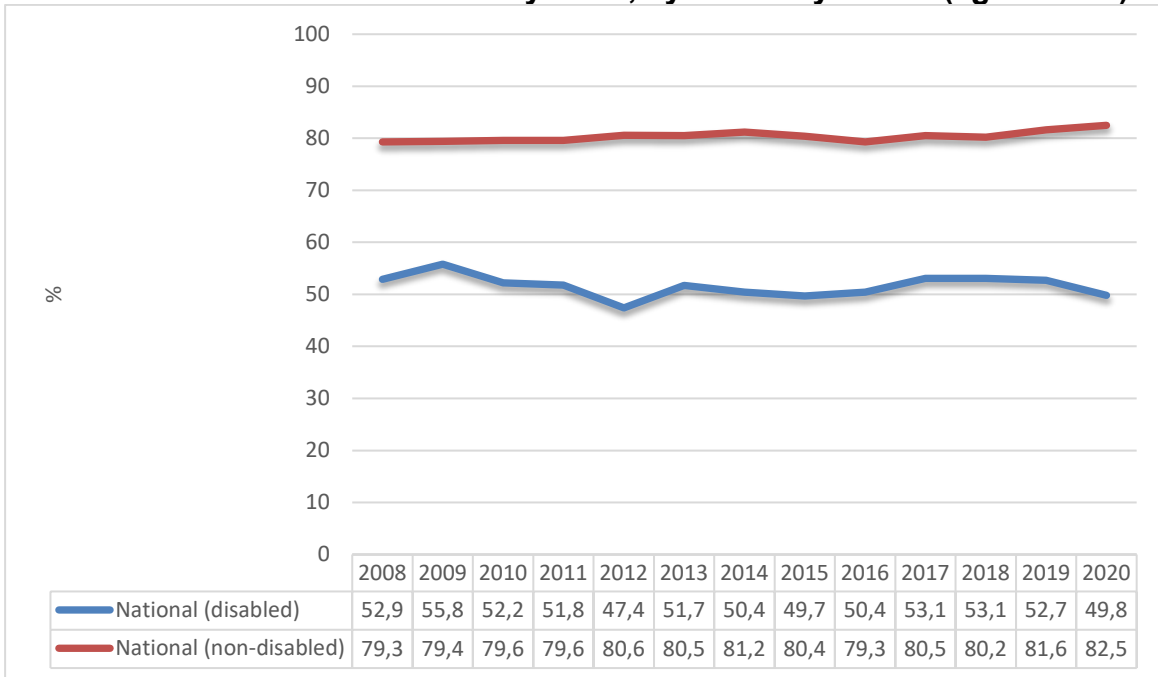


Table 10: National trends in activity rates, by disability status (aged 20-64)



Source: EU-SILC 2020 Release April 2022 (and preceding UDBs)

7.1.3 Alternative sources of labour market data in Belgium

Disability data are not yet available from the core European Labour Force Survey but labour market indicators for Belgium were disaggregated from ad modules conducted in 2001 and 2011. These can be found in the Eurostat disability database.¹¹² The statistical data for 2021, published on the Statbel website,¹¹³ show divergent result. The 2021 Belgian Labour Force Survey (LFS) went through a methodological reform. A new questionnaire was implemented in 2021. From this year, those who have been temporarily unemployed for more than three months will be counted among the unemployed or inactive, depending on the answers to the questions about job search and availability.¹¹⁴

Table 2a: 2021 Belgium employment rates, by disability and gender (aged 15-64)

		Men	Women	Total
Belgium	Severe disability	24.1%	22.0%	23.0%
	Some disability	54.6%	54.2%	54.4%
	No disability	72.9%	65.7%	69.4%
	Total	68.7%	61.8%	65.3%

(LFS) 2021, Table 1.007Y, <https://statbel.fgov.be>

Table 5a: 2021 Belgium unemployment rates, by disability and gender (aged 15-64)

		Men	Women	Total
Belgium	Severe disability	5.8%	6.7%	6.3%
	Some disability	8.5%	8.0%	8.2%
	No disability	6.6%	5.7%	6.2%
	Total	6.7%	5.9%	6.3%

(LFS) 2021, Table 1.007Y, <https://statbel.fgov.be>.

Table 8a: 2021 Belgium activity rates, by disability and gender (aged 15-64)

		Men	Women	Total
Belgium	Severe disability	25.6%	23.6%	24.5%
	Some disability	59.7%	58.9%	59.3%
	No disability	78.0%	69.6%	73.9%
	Total	73.7%	65.7%	69.7%

(LFS) 2021, Table 1.007Y, <https://statbel.fgov.be>.

Table 10a. Belgium Evolution 2011-2021 of the disability employment rate (aged 15-64)

¹¹² Eurostat Health Database: <https://ec.europa.eu/eurostat/web/health/data/database>.

¹¹³ Table 1.007Y – Employment rate, unemployment rate and activity rate by region of residence, gender and hindrance due to a disability or long-term health problem aged 15-64 – LFS – 2021.

¹¹⁴ See: <https://statbel.fgov.be/en/changes-labour-force-survey-lfs-2021>.

Year	Disability employment rate
2011	34.6 %
2012	35.4 %
2013	36.7 %
2014	37.2 %
2015	37.4 %
2016	36.6 %
2017	37.5 %
2018	38.0 %
2019	39.8 %
2020	40.0 %
2021	41.1 %

Source: 'Steunpunt werk', Research Centre of the Faculty of Economics and Business of the Catholic University of Leuven, based on national LFS data from Statbel, <https://www.steunpuntwerk.be>.

7.2 EU data relevant to disability, social policies and healthcare (2020)

Table 11: People at risk of poverty or social exclusion, by disability and risk (aged 16-64)¹¹⁵

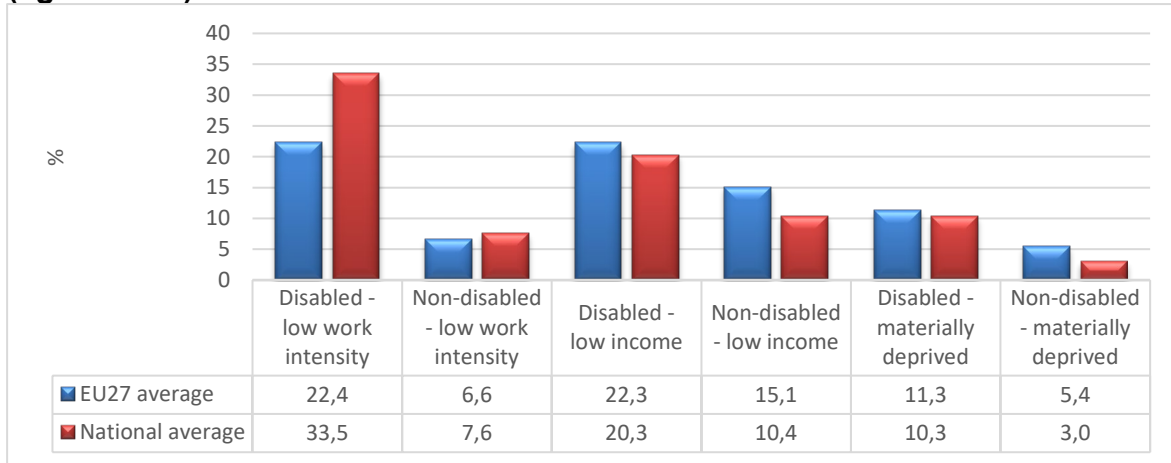
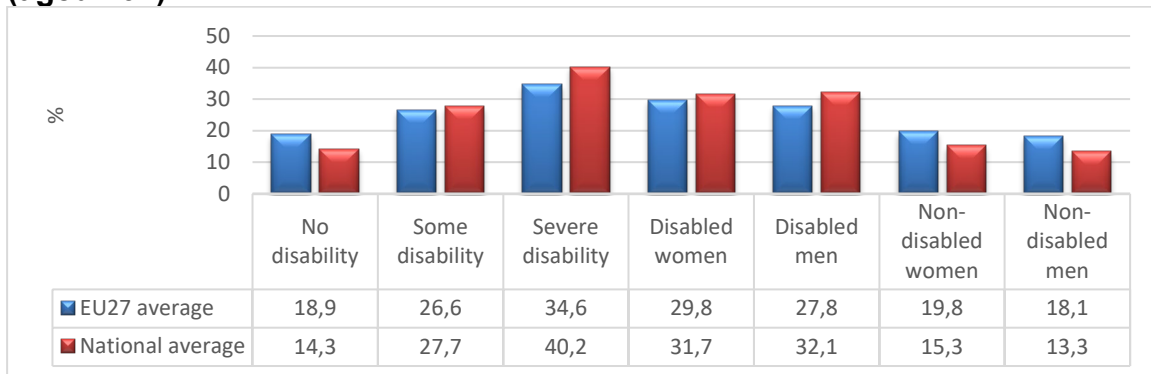
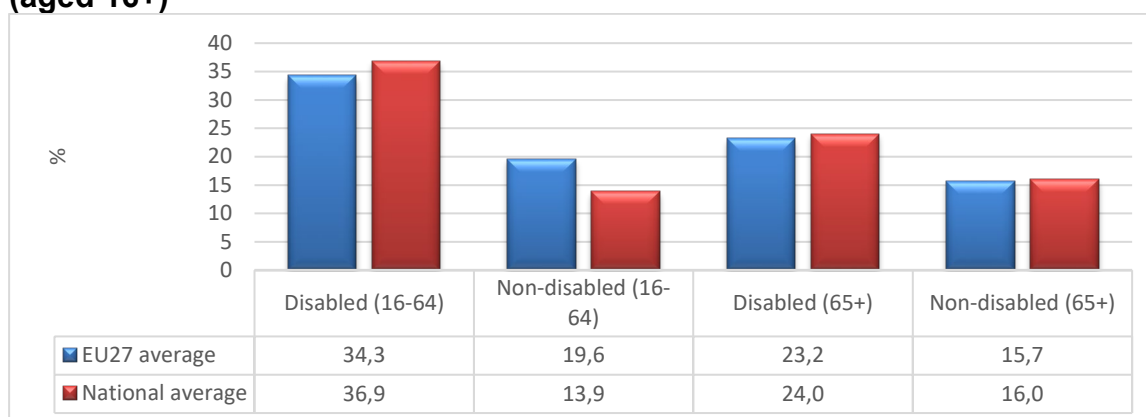


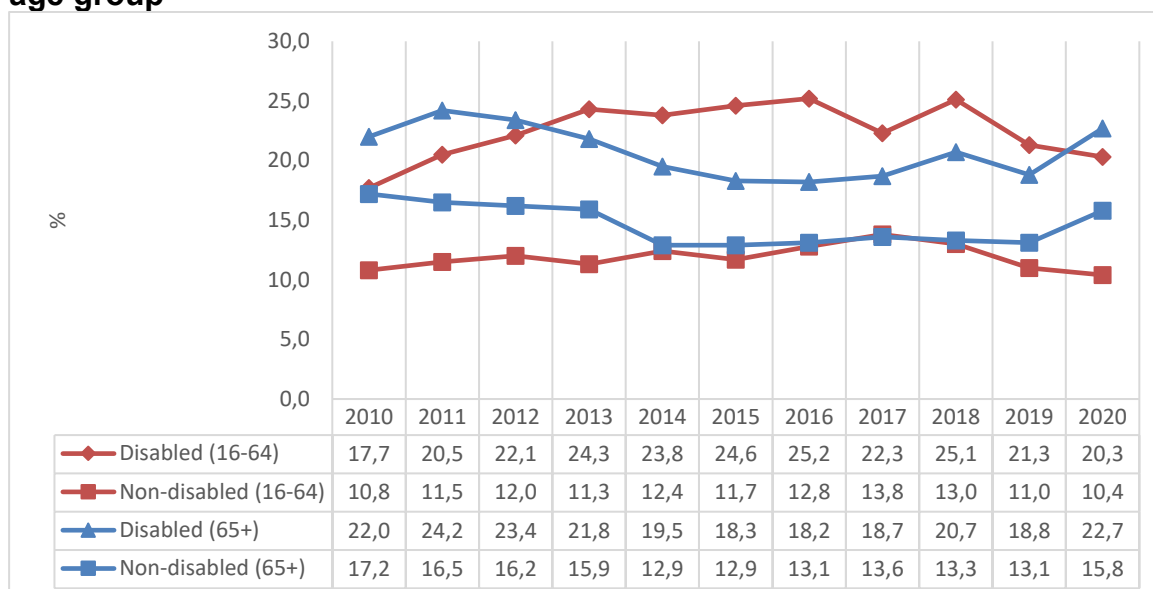
Table 12: People at risk of poverty or social exclusion, by disability and gender (aged 16+)



¹¹⁵ Aged 16-59 for Low work intensity.

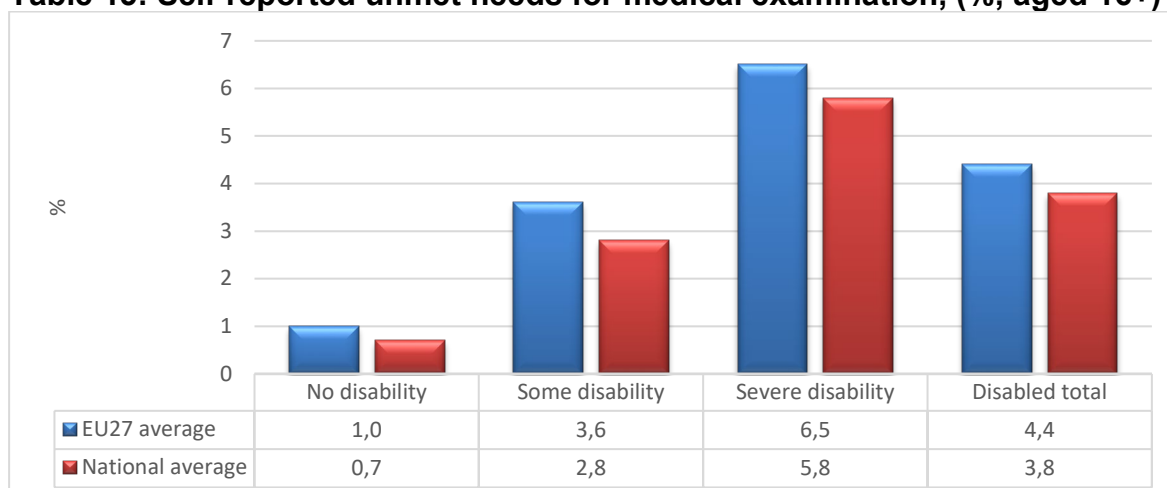
Table 13: Overall risk of household poverty or exclusion by disability and age (aged 16+)

Source: EU-SILC 2020 Release April 2022 (and previous UDB)

Table 14: Trends in the risk of poverty after social transfers, by disability and age group

Source: Eurostat Health Database [[hlth_dpe020](#)] – People at risk of poverty.

Note: This table shows national trends in financial poverty risk, rather than the general AROPE indicator (which is not as comparable between age groups due to the effect of paid employment); the survey does not distinguish 'activity limitation' for children under 16.

Table 15: Self-reported unmet needs for medical examination, (% , aged 16+)

Source: Eurostat Health Database [hlth_dh030] – ‘Too expensive or too far to travel or waiting list’
 Note. EU mean averages are also skewed by high values in a minority of countries within disability groups but median averages for the total disability and no disability groups in 2020 are consistent with the 3-year mean values.

7.2.1 Alternative sources of poverty or healthcare data in Belgium

The EU-SILC data provides a comprehensive and reliable source concerning poverty or social exclusion rates. In addition to the summary tables presented so far, the Eurostat disability database also contains breakdowns concerning disability and poverty before and after social transfers, as well as in-work-poverty.¹¹⁶

The following additional tables are derived from the national statistical office.

**Table 14a Statbel, AROP – Monetary Poverty Risk
 Figures 2020-2021**

Limitation in activities because of health problems	2020	2021
Limitation in activities	21.2 %	18.8 %
No limitation in activities	11.3 %	10.1 %

Source: <https://statbel.fgov.be/en/themes/households/poverty-and-livingconditions.be>

**Table 14b Statbel, AROPE EU 2030 – Risk of poverty or social exclusion
 Figures 2020-2021**

Limitation in activities because of health problems	2020	2021
Limitation in activities	35.5 %	33.3 %
No limitation in activities	14.8 %	13.6 %

Source: <https://statbel.fgov.be/en/themes/households/poverty-and-livingconditions.be>

**Table 14c Statbel, AROPE EU 2020 – Risk of poverty or social exclusion
 Figures 2020-2021**

Limitation in activities because of health problems	2020	2021
Limitation in activities	31.9 %	30.2 %
No limitation in activities	14.3 %	13.2 %

Source: <https://statbel.fgov.be/en/themes/households/poverty-and-livingconditions.be>

Figures revised on 19 September 2022, due to a correction of one of the administrative databases regarding the incomes 2020, a revision of SILC 2021 was necessary.

**Table 15a Statbel, Self-reported unmet need for medical care
 Figures 2020-2021**

Percentage of people aged 16 and over who think they really needed medical examination or treatment in the last 12 months, but did not receive it.

Limitation in activities because of health problems	2020	2021
Limitation in activities	5.8 %	7.7 %
No limitation in activities	1.5 %	2.2 %

Source: <https://statbel.fgov.be/en/themes/households/poverty-and-livingconditions.be>

¹¹⁶ Eurostat Health Database: <https://ec.europa.eu/eurostat/web/health/data/database>.

7.3 EU data relevant to disability and education

Table 16: Early school leaving rates, by disability status (aged 18-24 and 18-29)¹¹⁷

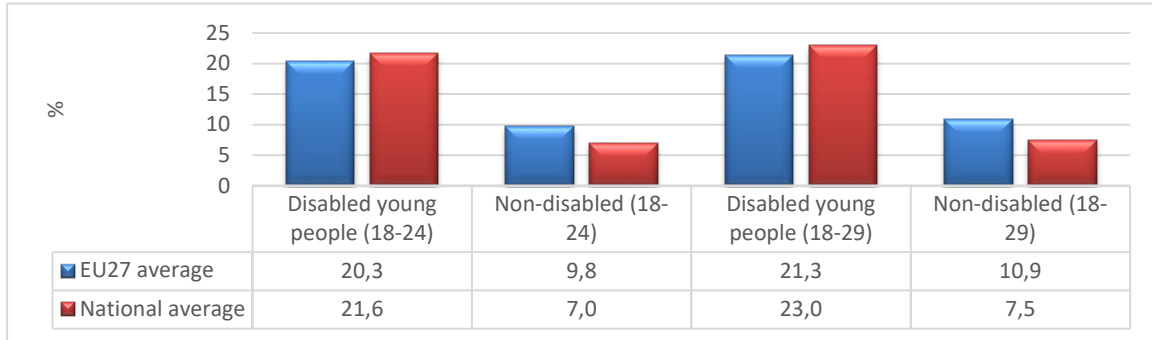
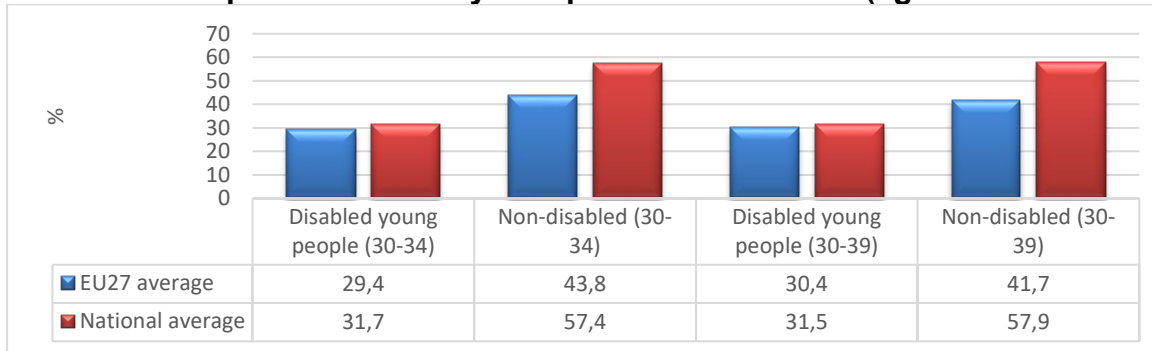


Table 17: Completion of tertiary or equivalent education (aged 30-34 and 30-39)



Source: EU-SILC 2020 Release April 2022 (and preceding UDBs)

Note: Confidence intervals for the disability group are large and reliability low (due to the small sample size in the target age group). An average of several years may be needed to establish trends or to compare breakdowns by gender.

7.3.1 Alternative sources of education data in Belgium

Data from Statbel for school leavers are not disaggregated by disability. The European Agency for Special Needs and Inclusive Education published separate data tables for the Flemish, French and German communities up to 2018/19.¹¹⁸

¹¹⁷ There was a change from ISCED 1997 to ISCED 2011 qualification definitions in 2014 although some Member States continued to use the older definition after this time.

¹¹⁸ For example: https://www.european-agency.org/data/belgium-flemish/datatable-overview#tab-all_children_learners.

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