BE – Country information

Indicators on political participation

of persons with disabilities

2014

DISCLAIMER: The background country information reports contain background material for the comparative report on *The right to political participation for persons with disabilities: human rights indicators* by the European Union Agency for Fundamental Rights (FRA). The bulk of the information in the background country information reports comes from ad hoc information reports prepared under contract by the FRA’s research network FRANET. The views expressed in the background country information reports do not necessarily reflect the views or the official position of the FRA. These reports are made publicly available for information purposes only and do not constitute legal advice or legal opinion.

FRANET contractor: Milieu

1. **STRUCTURE INDICATORS**

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| **Structure indicators** | **Source and supporting information** |
| Has [country] ratified the CRPD without a reservation to Article 29? Please give details of any reservation. | 2 Jul 2009[[1]](#footnote-1) |
| Has [country] ratified the CRPD without a reservation to Article 12? Please give details of any reservation. | 2 Jul 2009[[2]](#footnote-2) |
| Has [country] ratified the CRPD without a reservation to Article 9? Please give details of any reservation. | 2 Jul 2009[[3]](#footnote-3) |
| Please indicate the legislation which applies to European Parliament and municipal elections in your country. Please highlight possible amendments in view of the 2014 European Parliament elections.Does the same law apply for national, federal, local and regional elections, and referendums? | * Applicable to all the elections:

*Federal legislation*- [Belgian Constitution](http://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/grondwetEN.pdf) (La Constitution belge; De Belgische Grondwet) [[4]](#footnote-4) - Electoral Code (Le Code électoral; Algemeen Kieswetboek) [[5]](#footnote-5) * Applicable to the municipal elections:

*Federal legislation*- Municipal electoral Law (La loi électorale communale du 4 août 1932; Gemeentekieswet) [[6]](#footnote-6) *Regional legislation*- Walloon Code of local democracy and decentralisation (Code de la démocratie locale et de la décentralisation) [[7]](#footnote-7) - Flemish local and provincial electoral Decree (Lokaal en Provinciaal Kiesdecreet) [[8]](#footnote-8) - Brussels Electoral Code (Le Code électoral communal Bruxellois; Brussel Gemeentelijk Kieswetboek) [[9]](#footnote-9)* Applicable to the European Parliament elections:

*Federal legislation*- Law of 23 March 1989 on the European Parliament election (La loi du 23 mars 1989 relative à l'élection du parlement éuropéen; Wet van 23 maart 1989 betreffende de verkiezing van het europese parlement) [[10]](#footnote-10) - Royal Decree of 6 July 2013 determining the number of seats allocated to the French electoral college and the Dutch electoral electoral college for the election of the European Parliament (Arrêté Royal déterminant le nombre de sièges attribués au collège électoral français et au collège électoral néerlandais pour l'élection du Parlement européen - Koninklijk besluit tot vaststelling van het aantal zetels dat toegekend wordt aan het Nederlandse kiescollege en het Franse kiescollege voor de verkiezing van het Europees Parlement): this Act has been adopted due to the change in the number of seats allocated to Belgium in the European Parliament (going from 23 seats to 22 seats). The Decree re-allocates the seats between the representatives to be elected from the French speaking College (8) and from the Dutch speaking College (12).[[11]](#footnote-11) One representative from the German speaking Community will be elected to the European Parliament as well. * There is no possibility to hold a binding referendum in Belgium under the current legal framework.
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| Is there a requirement under law to register to vote? If so, please specify the relevant legislation. | Voting is compulsory in Belgium (Articles 62 and 68 of the Constitution and Articles 207 to 210 of the Electoral Code).[[12]](#footnote-12) Are eligible under the voting obligation any persons under the following conditions:1. to be a Belgian national;2. to be at least eighteen years of age;3. to be registered in the population registers of a Belgian municipality or entered in the population register kept in the diplomatic or consular posts;4. not to be under one of the cases of exclusion or suspension of electoral rights.[[13]](#footnote-13) (Article 1 of the Electoral Code)There is no requirement to register to vote for municipal or European Parliament elections for Belgian nationals. Belgian nationals registered in the national registry and falling under the conditions mentioned above will automatically be summoned to vote.[[14]](#footnote-14) (Articles 1 and 10 of the Electoral Code and Article 2 of the Law of 23 March 1989 on the European Parliament election)However, European or non-Europeans nationals wishing to exercise their right to vote to municipal elections and European Parliament elections (for European nationals) must register to vote before the 1st of August of the year preceding the elections.-European nationals may register to vote under the following conditions:1. to be at least eighteen years of age;2. to be registered in the population registers of a Belgian municipality or be entered in the population register kept in the diplomatic or consular posts;3. not to be under one of the cases of exclusion or suspension of electoral rights.[[15]](#footnote-15) (Article 1 of the Electoral Code)-Non-European nationals may register to vote under the same conditions and in addition they must declare to respect the Constitution, laws of Belgium and the European Convention on Human Rights.Once registered to vote, they will fall under the obligation to vote. |
| Is there any limitation foreseen by law which could affect the right of persons with disabilities to vote in European Parliament and municipal elections? Please give details of any restrictions on the right to vote of persons with disabilities, including any link between a particular type of impairment (e.g. psychosocial/intellectual disability) or substituted decision making (e.g. loss of legal capacity, placement under guardianship)and the right to vote in elections.Does the same law regarding voting rights apply for national, local/regional elections and referendums? | Generally, everyone has the right to vote as soon as they meet the conditions of eligibility. A person with a disability thus also has the right to vote unless the person has been deprived of her legal capacity, is under a prolonged minority status (Civil Code, Book I, Title X, Chapter IV) or is an offender interned due to serious mental disability following a judicial decision (Social Protection Act against abnormal and habitual offenders of 1 July 1964). This is mentioned in article 7, 1° of the Electoral Code.The electoral incapacity ends at the same time as the lifting of the deprivation of legal capacity, the end of the extended minority or the prisoner’s final release.A declaration of incapacity requires a judicial decision or judgment (cf. Articles 489 to 512 of the Civil Code concerning the removal of legal capacity). The temporary custody of property belonging to a minor is not part of the deprivation of legal capacity regime. In principle, a person who has a temporary administrator has the right to vote but may, on medical advice, either be excused from voting or vote by proxy.In addition, persons with disabilities are protected from discrimination on the ground of their disability. |
| Is there legislation in place regulating how people living in long-term institutions may vote? | There is no stricto sensu legislation regulating how people living in long-term institutions may vote as it depends on the status of the individual; whether they are under a prolonged minority status or not.It appears that many persons with disabilities living in institutions are more often than not provided with a medical certificate excusing them from their obligation to vote.[[16]](#footnote-16) |
| Is there a duty under law to provide reasonable accommodation for persons with disabilities in voting procedures? For example, is there a duty to provide assistance at the polling station (e.g. braille or large print ballot papers, independent support person to assist with voting chosen by the person with a disability) or to allow for alternative means of voting (e.g. postal ballots, voting in advance, home-based voting, voting at institutions, mobile voting)? | The legislation provides for some accommodation for persons with disabilities to vote at the municipal polling stations. (Article 143 of the Electoral Code).[[17]](#footnote-17) There are no polling stations in institutions or mobile polling stations in Belgium.On the 5th of July 2013, the Council of Ministers approved a proposal for a law amending the legislation on accessibility to federal elections for persons with a disability. Voters with a disability will have the option to be accompanied by a person of their choice, with the authorization of the president of the polling station[[18]](#footnote-18).The Flemish Government adopted two Ministerial Decrees[[19]](#footnote-19) concerning the arrangement of voting booths and voting material, specifying inter alia that:* A magnifying glass has to be available in every voting bureau;
* The space underneath the voting desk must stay free (easy access for wheelchairs)
* Level differences on a ground floor need to have an oblique plane of maximum 6% made out of slip material to guarantee easy access for everyone;
* In every building where people can vote, the municipal puts at least one special voting booth at the disposal of persons with disabilities. These voting booths are placed close to the voting rooms and need to have a chair near the voting booth. Clear signalization from the entrance of the voting bureau to the special voting booth is required. The voting booth needs to have a diameter of 1,5 m, a desk at 80 cm high, 1m wide and 60 cm deep;
* Signalization has to be clearly visible with big letters, enough space between letters and easy to read.
* Disabled people who cannot, because of their disability, step into the voting booth or need help during the voting process, can be guided and assisted in the voting booth by a person of their choice.

The Flemish minister of education, training, youth and equality wrote a letter on the 30th of June 2012 directed to all municipals concerning the accessibility of voting bureaus and voting booths for handicapped people, asking them to make an extra effort to encourage and help disabled people to vote autonomously.[[20]](#footnote-20) The Minister President of Brussels, Charles Piqué sent out a circular[[21]](#footnote-21) to all municipalities concerning the accessibility of voting bureaus for disabled people.Article 18 of the ordinance of the 12th of July 2012 concerning the organization of electronic votes with a printed copy as proof for the municipal elections, holds that whenever a voter experiences difficulties when voting, he/she can ask help from the president of the voting bureau.[[22]](#footnote-22)The Walloon Decree of 22 June 2006 on the minimum norms of accessibility [[23]](#footnote-23) provides detailed guidelines which measures to ensure more accessible sites for the elections. The Walloon Code of local democracy and decentralisation [[24]](#footnote-24) provides addition requirements such as that a voting forms reproduced at 150% must be available to voters upon request and a sample of the instructions published in a large font should also be available (Article L4143-4).[[25]](#footnote-25)  |
| Is there a duty under law for public and private providers of internet and web-based information to ensure that public information is subject to accessibility requirements (e.g. equivalent to [Web Content Accessibility Guidelines (WCAG) 2.0](http://www.w3.org/TR/WCAG20/) AA standard[[26]](#footnote-26)) | The Belgian Institute for Postal Services and Telecommunication has the competence to require from telecommunication providers that end-users with disabilities have access to services available to the public similarly to those enjoyed by the majority of end-users of electronic communication, that is to say, adapted to their disability and have the same choice of telecommunication providers as non-disabled users. (Article 121/4 of the [Law of 13 June 2005 on electronic communications](http://www.ejustice.just.fgov.be/loi/loi.htm)).[[27]](#footnote-27)The Institute does require from public electronic communications providers and providers of electronic communications accessible to the public to ensure accessibility of end users with disabilities to the information. The requirement is limited to providing access to the web page destined to persons with disabilities (usually a separate page/website or part of the website specifically created/adapted with the information aimed at persons with disabilities) in accordance with the criteria of the [Anysurfer](http://www.anysurfer.be/en) tool which requires as a minimum a level A standard.[[28]](#footnote-28) |
| Is there a duty under law for public and private providers of media (including newspapers, TV, radio and internet) to ensure that their information and communications are subject to accessibility requirements? | In the Flemish Community, the principle of non-discrimination in commercial communication and public service announcements was introduced in the Decree on the radio and on television. In addition, the decree includes the obligation to make a significant proportion of programmes accessible to people with visual or hearing disabilities and 100% of the news programmes must be subtitled, for public broadcaster of the Flemish Community as well as private broadcasters (Decree of 13 July 2012 amending various provisions of the Decree of 27 March 2009 on the radio and television).[[29]](#footnote-29) The requirement has applied since 2012. The legislation does not define what a significant proportion means. In practice, many of the programmes are subtitled in Flanders due to language.Similar legislation has not been found for the French Community. However, a management contract that includes provisions against discrimination [[30]](#footnote-30) was signed by the French Community public Radio and Television, which also provides accessible programmes for persons with disabilities (e.g. subtitles and sign language interpretation of all the news programmes and some other programmes).[[31]](#footnote-31)The German-speaking Community has no legislation on the accessibility requirements for information and communication provided by the media. |
| Are there mandatory accessibility standards for the construction and significant alternation of national and local authority buildings? |  |
| Is there legislation requiring that polling stations and voting processes be accessible to persons with disabilities (e.g. a certain percentage of polling stations must be accessible; one polling station per electoral district must be accessible etc)?Please indicate whether the legislation requires that polling stations and voting processes are accessible for all persons with disabilities or for particular impairment groups (e.g. persons with visual, hearing, physical impairments etc). | The Flemish Government adopted two Ministerial Decrees[[32]](#footnote-32) concerning the arrangement of voting booths and voting material. These Decrees replace the 1980 Decree and specify inter alia that:-Level differences on a ground floor need to have an oblique plane of maximum 6% made out of slip material to guarantee easy access for everyone;-In every building where people can vote, the municipal puts at least one special voting booth at the disposal of persons with disabilities. These voting booths are placed close to the voting rooms and need to have a chair near the voting booth.The Minister President of Brussels, Charles Piqué sent out a circular[[33]](#footnote-33) to all municipalities concerning the accessibility of voting bureaus for disabled people. Recommendations are made for Persons with physical impairments; persons with sensory impairments and persons with visual impairments. These recommendations concern parking lot- measurements, entrance and accommodations in the voting bureaus as well as the voting cubicles and ballot boxes.[[34]](#footnote-34) |
| Does the law foresee training for election authorities and election officials on non-discrimination on the grounds of disability, accessibility and reasonable accommodation? | The Electoral Code requires that Presidents of voting bureaus receive training without specifying its content (Article 101 of the [Electoral Code](http://www.ejustice.just.fgov.be/loi/loi.htm)).[[35]](#footnote-35) In practice, Presidents of voting bureaus do receive training on the procedure of accompaniment of a person with disabilities (accommodation) to voting booth foreseen in the Electoral Code, but not on the rights provided by the Anti-Discrimination Act.[[36]](#footnote-36)  |
| Are all persons with disabilities, including those who have been deprived of their legal capacity, able to access redress and complaint mechanisms in cases where they have not been able to exercise the right to vote?[[37]](#footnote-37) | A person with or without disabilities unduly registered, omitted or removed from the list of voters, or if this list mentions incorrect information on the voter, can lodge a complaint before the Board of Mayor and Aldermen until the 12th day before the day of the election (Article 13 of the Electoral Code).A person under a prolonged minority status is assimilated to a minor/child of 15 years old (Article 487bis of the Civil Code); hence s/he does not have the right to vote. The person under a prolonged minority status, the parents, the legal guardian or the public prosecutor can request the end of the minority status before the Tribunal of First Instance (Article 487septies of the Civil Code).[[38]](#footnote-38)Lastly, any person with disabilities who suffered discrimination can lodge a complaint before the Centre for Equal Opportunities and Opposition to Racism ([CEOOR](http://www.diversite.be/l%C3%A9gislation-et-jurisprudence)).[[39]](#footnote-39) |

1. **PROCESS INDICATORS**

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| **Process indicators** | **Source and supporting information** |
| Do political parties have accessibility guidelines/action plans in place? Please give details of provisions related to information and communications material (e.g. manifestos, information about candidates, website, meetings etc.) | During a party congress on 29 June 2013, the political party CD&V Limburg placed on the agenda the need to strive for greater political participation of persons with a disability.[[40]](#footnote-40)  |
| Do national, regional, local and municipal election authorities have non-discrimination and accessibility action plans and guidelines in place? | In a letter of the 1st of June 2010, the Federal Minister of the Interior reminded all members of the polling station committees that as the members are appointed by law, persons with a disability cannot be discriminated upon and therefore must be able to exercise their function in the committee if chosen by law. Any refusal of disabled people would be a discrimination and therefore a violation of the anti-discrimination law of 10 May 2007[[41]](#footnote-41). Municipalities will bear the costs of all reasonable adjustments, necessary for the disabled person to execute his/her function in the polling station committee. |
| Are there measures by election authorities in place to facilitate persons with disabilities who live in institutions, whether short- or long-term, and those who are home-bound, to register to vote and to vote? (e.g. voting at institutions, voting in advance, voting by mail, mobile voting) | It is possible to vote on-line or by proxy. A person unable due to sickness or infirmary to go or be transported to a polling station can authorise another voter to vote on their behalf. This inability must be evidenced by means of a medical certificate (Article 147bis of the Electoral Code).Since the entry into force of the Law of the 7th of March 2002 (published in the Moniteur Belge/Belgisch Staatsblad on the 8th of May 2002), an individual has been able to give power of attorney to any other voter (the representative no longer has to be the spouse or a relative up to three times removed). A voter can only hold one power of attorney. The power of attorney is drawn up on a form supplied free of charge by the municipal authorities, which can also provide additional explanations. This form can also be downloaded from the election website (<http://www.ibz.rrn.fgov.be>) |
| Are there mechanisms in place to ensure that disabled people’s organisations (DPOs) are consulted and involved in the development of laws and policies in electoral matters? Please give details of the mechanisms through which DPOs are involved. | A Working Group has been established by the Ministry of Interior to discuss on issues including the political participation of persons with disabilities, to which the National High Council for Persons with Disabilities ([*Conseil Supérieur National des Personnes Handicapées*](http://ph.belgium.be/fr/csnph.html) *- Nationale Hoge Raad voor Personen met een Handicap*) takes part.In addition, while they are no specific mechanisms for the development of laws and policies in electoral matters, the mechanisms below are fora that can be used to discuss issues related to the inclusion of persons with disabilities under which falls the right to political participation:- In Flanders, organisations representing persons with disabilities are involved in the preparation and implementation of policies (such as the Advisory Committee of the [VAPH](http://www.vaph.be/vlafo/view/nl/) (Vlaams Agentschap voor Personen met een Handicap) and associations of persons with disabilities, etc.).- In Wallonia, the participation of persons with disabilities in policies affecting them is ensured via two mechanisms; [AWIPH](http://www.awiph.be/) (Agence Wallone pour l’Intégration des Personnes Handicapées) and the Walloon Commission of Persons with Disabilities ( [Commission Wallonne des Personnes Handicapées](http://www.awiph.be/AWIPH/missions_fonctionnement/CCWPH/CCWPH.html)), which aim to promote the full participation of persons with disabilities in social and economic life. With regard to AWIPH (the Agency of the inclusion of persons with disabilities), its Management Committee includes out of its thirteen members four members representing associations of persons with disabilities or their families. Moreover, AWIPH has 13 sub-regional coordination committees mainly comprised of people with disabilities or their representatives (associations). The Walloon Commission for Persons with Disabilities is also composed of representatives of associations representing people with disabilities and their families. It is a consultative body that gives advice and / or reports to the Walloon Council for social action and health matters. - In the Brussels-Capital Region, the participation of French-speaking persons with disabilities is ensured via two mechanisms : the French-speaking Disability Service (Service bruxellois francophone des personnes handicapées, [PHARE](http://phare.irisnet.be/a-propos-de-nous/le-service-phare/)), which is a service of the French Community Commission (Commission communautaire française) and the Disability Section of the French-speaking Health and Care Advisory Council (Conseil consultatif bruxellois francophone de l'aide aux personnes et de la santé, Section Personnes handicapées).-In the German-speaking Community, the Board of Directors of the [DPB](http://www.dpb.be/) (Office for Persons with Disabilities - Dienststelle für Personen mit einer Behinderung) includes representatives of persons with disabilities.[[42]](#footnote-42) |
| Is training provided to election authorities and election officials on non-discrimination on the grounds of disability, accessibility and reasonable accommodation? | In view of the municipal elections of 14 October 2012, the Flemish Government made a folder[[43]](#footnote-43) concerning the accessibility of voting booths that is available for all municipalities on the website that the Flemish government created for the 2012 elections ([www.vlaanderenkiest.be](http://www.vlaanderenkiest.be)). They also organized information sessions in each province.The Walloon Agency undertakes to train the local contact responsible for assisting disabled people. Apart from the development of this person’s skills, the training acts as an instrument for raising the disability awareness of the municipality and its staff, thus helping to ensure that greater account is taken of everyone’s citizenship.The German-speaking Community’s Office for People with Disabilities provides training sessions aimed at making polling station staff more aware of the specific needs of people with disabilities. A voting awareness campaign was organised in 2009 by the Socialist Association for the Disabled (ASPH) with the support of the State Secretary for the Disabled, the Wallonia-Brussels French Community and the French Community Commission. The campaign was split up into different stages: a presentation on voting designed for people with disabilities followed by an awareness campaign for professionals and the general public, all of this based on a promotional tool distributed among the players concerned. |
| Is information about how and where to complain in the case of problems with exercising the right to political participation accessible to all persons with disabilities? | Persons with disabilities can access information on how to complain via internet, press campaign and mostly via organisations representing persons with disabilities. For example, complaints to the Equality Body have been done via a first contact by the person with an organisation representing persons with disabilities which provided the person with information on how to contact the Equality Body (CEOOR). The CEOOR may also carry out press campaigns on how to complain before them and its website provides information on rights and how to complain before the CEOOR. The CEOOR’s website follows Anysurfer accessibility requirements (minimum standard A required).Some efforts are done to ensure the accessibility of the information to persons with disabilities but not all the information provided is fully accessible.[[44]](#footnote-44)  |
| Have national judicial redress mechanisms considered any cases related to the right to political participation of persons with disabilities?Please give details of relevant case law and any available data on the number of such cases. | Not applicable –no judicial decisions have been identified dealing with the right to political participation of persons with disabilities.  |
| Have national non-judicial redress mechanisms (e.g. National Human Rights Institutions, Equality Bodies, Ombuds institutions) considered any cases related to the right to political participation of persons with disabilities?Please give details of relevant case law and any available data on the number of such cases. | The service UNCRPD of the CEOOR mentioned that they receive around 2-3 complaints following each election, mostly in relation to refusal of accommodation and accessibility of the voting bureaus or voting booth.[[45]](#footnote-45) |

1. **OUTCOME INDICATORS**

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| **Outcome indicators** | **Source and supporting information** |
| How many members of the current national parliament identify as having a disability? | This data is not collected. No records are available on the number of members of the Parliament with a disability. |
| What was the voter turnout rate for persons with disabilities in the most recent municipal elections and in the 2009 European Parliament elections? How does this compare with the voter turnout rate among the general population?What was the voter turnout rate for persons with disabilities in the most recent national elections? How does this compare with the voter turnout rate among the general population? | This data is not collected. It appears that there is a lack of effort to promote the political participation of persons with disabilities living in institutions, who are often provided with a medical certificate excusing them from their obligation to vote.[[46]](#footnote-46) No data is available on the number of people provided with medical certificates excusing them from the obligation to vote. |
| How many members of current municipal governments identify as having a disability? | This data is not collected as the presence of a disability is considered a confidential matter.[[47]](#footnote-47)  |
| What proportion of polling stations is accessible for persons with disabilities? Please indicate whether polling stations are accessible for all persons with disabilities or for particular impairment groups e.g. persons with visual, hearing, physical impairments etc.) | In accordance with the Ministerial Decree of 6 May 1980 amending the Ministerial Decree of 10 August 1894 on the electoral furniture of the municipal and provincial elections,[[48]](#footnote-48) for every five voting bureaus, in each building where several voting bureaus are established, a voting booth must be especially adapted to accommodate persons with disabilities. The voting booth must have at least area of 1 meter square of space and have a chair available near the booth. No data is collected on how many polling stations are accessible to persons with disabilities. |
| Does the website to provide instructions for voting and information on candidates run by the ministry responsible for organising elections meet accessibility standards (e.g. equivalent to [Web Content Accessibility Guidelines (WCAG) 2.0](http://www.w3.org/TR/WCAG20/) AA standard[[49]](#footnote-49))? | -The [Brussels Region website](http://bruxelleselections2012.irisnet.be/) for the 2012 municipal elections has some accessibility features but it is not clear whether it meets the accessibility AA standard. -The [Walloon Region website](http://elections2012.wallonie.be/accessibilite.html) for the 2012 municipal elections does not yet meet the accessibility AA standard. -The [Flemish region website](http://www.vlaanderenkiest.be/) for the 2012 municipal elections was certified by [Anysurfer](http://www.anysurfer.be/en), a label that requires a level A standard as a minimum. The actual renewed webpages concerning the coming elections in 2014 on <http://www.vlaanderen.be/nl/overheid/verkiezingen/verkiezingen> are up for certification as well.-The [national website for the European Parliament of 2009](http://elections2009.belgium.be/fr/) (which coincided to Belgian regional elections) does not appear to meet the accessibility AA standard. |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has national language subtitles? | No data is available. Instructions for voting are usually provided on paper by mail. Television advertisements from candidates, candidate lists or political parties are prohibited three months before the elections in Belgium (Chapter II of the law of August 12, 2000, amending the law of July 7, 1994, on the limitation and control of electoral expenses, and Article 194 of the Decree of the Flemish Community of 8 July 2011 on local and provincial elections).[[50]](#footnote-50) |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has audio description? | No data is available. Instructions for voting are usually provided on paper by mail. |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has sign language interpretation? | No data is available. Instructions for voting are usually provided on paper by mail.  |
| How many political parties, out of the total who participated in the most recent European Parliament and municipal elections, made their manifesto/campaign material accessible to persons with disabilities (e.g. large print, braille, easy-to-read, audio versions etc)? | There is no information available on the accessibility of manifesto/campaign material. There is no requirement for political parties to ensure the accessibility of their material. This is only done on an ad hoc basis. Little effort is made by political parties to ensure that their campaign material is accessible, only some material from the Green Party was made accessible.[[51]](#footnote-51) For example, a candidate from the Green Party (Ecolo) has been reported as making her campaign material specifically accessible to persons with disabilities. Other ad hoc initiatives are taken by some political parties, such as the translation in sign language at large meetings of the political party (of 150 or more participants) and ensuring the accessibility of buildings where such meetings are held (such is the case of the political Party “Mouvement Réformateur”). The websites of some political parties have an option to increase the font of the website (such as the Open VLD). However, not all the campaign material is yet accessible mainly due to budget constraints[[52]](#footnote-52).  |
| What proportion of public authority national and municipal buildings is accessible to persons with disabilities? | The legislation provides a requirement of reasonable accommodation for persons with disabilities[[53]](#footnote-53) and new public buildings must be accessible to persons with disabilities.[[54]](#footnote-54) There are criteria to ensure the accessibility of the building. Those vary from Region to Region. For example, to be accessible the buildings must ensure the accessibility of the entrance, parking space reserved for persons with disabilities, provide an adapted toilet, etc. However, there is no data available on the proportion of public national and municipal buildings accessible to persons with disabilities. |
| How many complaints related to infringements of the right to political participation of persons with disabilities were recorded in 2012? What proportion of these complaints was successful? | There are no exact data on the number of complaints to the Equality Body (CEOOR). The service UNCRPD of the CEOOR mentioned that they receive around 2-3 complaints following each election, mostly in relation to accessibility of the voting bureaus or voting booth.[[55]](#footnote-55) It is an average of complaints received per election. There are no data on how many were successful. The CEOOR usually acts as a mediator to reach an agreed solution between all the parties. |

1. UN (2013), Treaty Collection, available at: <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en>. [↑](#footnote-ref-1)
2. UN (2013), Treaty Collection, available at: <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en>. [↑](#footnote-ref-2)
3. UN (2013), Treaty Collection, available at: <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en>. [↑](#footnote-ref-3)
4. Belgium, Constitution ([*La Constitution belge*](http://www.senate.be/doc/const_fr.html)*; De Belgische Grondwet*). [↑](#footnote-ref-4)
5. Belgium, Electoral Code ([*Le Code électoral*](http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?DETAIL=1894041230%2FF&caller=list&row_id=1&numero=5&rech=5&cn=1894041230&table_name=LOI&nm=1894041255&la=F&dt=CODE+ELECTORAL&language=fr&fr=f&choix1=ET&choix2=ET&fromtab=loi_all&trier=promulgation&chercher=t&sql=dt+contains++%27CODE%27%26+%27ELECTORAL%27and+actif+%3D+%27Y%27&tri=dd+AS+RANK+&imgcn.x=20&imgcn.y=12)*; Algemeen Kieswetboek*). [↑](#footnote-ref-5)
6. Belgium, Municipal Electoral Law of 4 August 1932 ([*La loi électorale communale du 4 août 1932*](http://elections2006.wallonie.be/apps/spip/IMG/pdf/loi_electorale_1932-2.pdf)*;* [*Gemeentekieswet*](http://docs.vlaamsparlement.be/docs/stukken/2005-2006/g638-3.pdf)). [↑](#footnote-ref-6)
7. Belgium, Walloon Code of local democracy and decentralisation ([*Code de la démocratie locale et de la décentralisation*](http://wallex.wallonie.be/index.php?mod=voirdoc&script=wallex2&PAGEDYN=indexBelgiqueLex.html&MBID=2006202524)). [↑](#footnote-ref-7)
8. Belgium, Flemish local and provincial electoral Decree ([*Lokaal en Provinciaal Kiesdecreet*](http://binnenland.vlaanderen.be/decreet/nieuw-kiesdecreet) *van 8 juli 2011*). [↑](#footnote-ref-8)
9. Belgium, Brussels Electoral Code ([*Le Code électoral communal Bruxellois*](http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?DETAIL=1932080431%2FF&caller=list&row_id=1&numero=1&rech=1&cn=1932080431&table_name=LOI&nm=1932080451&la=F&dt=CODE+ELECTORAL+COMMUNAL+BRUXELLOIS&language=fr&fr=f&choix1=ET&choix2=ET&fromtab=loi_all&trier=promulgation&chercher=t&sql=dt+contains++'CODE'%26+'ELECTORAL'%26+'COMMUNAL'%26+'BRUXELLOIS'and+actif+%3D+'Y'&tri=dd+AS+RANK+&imgcn.x=32&imgcn.y=10)*; Brussel Gemeetelijk Kiesweboek*). [↑](#footnote-ref-9)
10. Belgium, Law of 23 March 1989 on the European Parliament election ([*La loi du 23 mars 1989 relative à l'élection du parlement européen*](http://www.ibz.rrn.fgov.be/fileadmin/user_upload/Elections2009/fr/lois/LOI_DU_23_MARS_1989_Vers20090401.pdf)*; Wet van 23 maart 1989 betreffende de verkiezing van het europese parlement*). [↑](#footnote-ref-10)
11. Belgium, Royal Decree of 6 July 2013 determining the number of seats allocated to the French electoral college and the Dutch electoral electoral college for the election of the European Parliament ([*Arrêté Royal déterminant le nombre de sièges attribués au collège électoral français et au collège électoral néerlandais pour l'élection du Parlement européen*](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2013070602&table_name=loi) *- Koninklijk besluit tot vaststelling van het aantal zetels dat toegekend wordt aan het Nederlandse kiescollege en het Franse kiescollege voor de verkiezing van het Europees Parlement*). [↑](#footnote-ref-11)
12. Belgium, Articles 62 and 68 of the Constitution (*La Constitution belge; De Belgische Grondwet*), available at: http://www.dekamer.be/kvvcr/pdf\_sections/publications/constitution/grondwetEN.pdf and Articles 207 to 2010 of the Electoral Code (*Le Code électoral; Algemeen Kieswetboek*), available at: <http://www.ejustice.just.fgov.be/loi/loi.htm>. [↑](#footnote-ref-12)
13. Belgium, Article 1 of the Electoral Code (*Le Code électoral; Algemeen Kieswetboek*), available at: <http://www.ejustice.just.fgov.be/loi/loi.htm>. [↑](#footnote-ref-13)
14. Belgium, Articles 1 and 10 of the Electoral Code (*Le Code électoral; Algemeen Kieswetboek*), available at: <http://www.ejustice.just.fgov.be/loi/loi.htm> and Article 2 of the Law of 23 March 1989 on the European Parliament election (*La loi du 23 mars 1989 relative à l'élection du parlement européen; --- wet van 23 maart 1989 betreffende de verkiezing van het europese parlement*), available at: http://www.ibz.rrn.fgov.be/fileadmin/user\_upload/Elections2009/fr/lois/LOI\_DU\_23\_MARS\_1989\_Vers20090401.pdf. [↑](#footnote-ref-14)
15. Belgium, Article 1 of the Electoral Code (*Le Code électoral; Algemeen Kieswetboek*), available at: <http://www.ejustice.just.fgov.be/loi/loi.htm>. [↑](#footnote-ref-15)
16. Information provided by the CEOOR service UNCRPD. [↑](#footnote-ref-16)
17. Belgium, Article 143 of the Electoral Code (*Le Code électoral; Algemeen Kieswetboek*). [↑](#footnote-ref-17)
18. Belgium, Residence Palace International press Centre (2013), ‘Diverse bepalingen inzake verkiezingen’, press release 5 July 2013, available at: [www.presscenter.org/nl/pressrelease/20130705/diverse-bepalingen-inzake-verkiezingen](http://www.presscenter.org/nl/pressrelease/20130705/diverse-bepalingen-inzake-verkiezingen) [↑](#footnote-ref-18)
19. Belgium, Ministerial Decree concerning the determination of the arrangement of voting booths and of the voting materials for voting bureaus in municipals where is voted by pencil and paper (*Ministerieel besluit houdende de vaststelling van de inrichting van de stemlokalen en van het kiesmaterieel voor de stembureaus in de gemeenten waar met potlood en papier wordt gestemd),* 6 July 2012. [↑](#footnote-ref-19)
20. Belgium, Flemish Minister of education, formation, youth, equality and Brussels (*Vlaamse Minister voor onderwijs, vorming, jeugd, gelijke kansen en Brussel)* (2012), ‘Briefbetreffende de toegankelijkheid gemeenteraadsverkiezingen 2012’, available at: http://abb.vlaanderenkiest.be/sites/default/files/2012%20GK%20BR017%20toegankelijkheid%20gemeenteraadsverkiezingen.pdf. [↑](#footnote-ref-20)
21. Belgium, Brussels Capital Region, Circular concerning recommendations to facilitate the accessibility of voting bureaus for disabled people and to assist them (*Omzendbrief betreffende aanbevelingen om de toegang van personen met beperkte mobiliteit (PBM) tot de stembureaus te vergemakkelijken en om hun hiervoor de nodige bijstand te verlenen*), 6 August 2012, *Belgian Official Journal* 27 August 2012, p. 509756. [↑](#footnote-ref-21)
22. Belgium, Brussels Capital Region, Ordinance concerning the organisation of the electronic voting for the municipal elections (*Ordonnantie houdende de organisatie van de elektronische stemming voor de gemeenteraadsverkiezingen*), 12 July 2012, *Belgian Official Journal* 16 July 2012, p. 38923. [↑](#footnote-ref-22)
23. Belgium, Walloon Decree of 22 June 2006 on the minimum norms of accessibility ([*Arrêté du Gouvernement wallon déterminant les normes minimales d’accessibilité pour l’assistance aux électeurs dans le choix des centres et locaux de vote en vue des élections communales, provinciales et de secteurs*](http://elections2012.wallonie.be/docs/arrete_22_juin_accessibilite_fr.pdf)). [↑](#footnote-ref-23)
24. See footnote 5. [↑](#footnote-ref-24)
25. Belgium, Walloon Decree of 22 June 2006 on the minimum norms of accessibility (*Arrêté du Gouvernement wallon du 22 juin 2006 déterminant les normes minimales d'accessibilité pour l'assistance aux électeurs dans le choix des centres et locaux de vote en vue des élections communales, provinciales et de secteurs*), available at footnote 31 and Article L4143-4 of the Walloon Code of local democracy and decentralisation (*Code de la démocratie locale et de la décentralisation*), available at footnote 5. [↑](#footnote-ref-25)
26. For Level AA conformance, the Web page satisfies all the Level A and Level AA Success Criteria, or a Level AA conforming alternate version is provided. For more information, please see: <http://www.w3.org/TR/UNDERSTANDING-WCAG20/conformance.html#uc-conformance-requirements-head>. [↑](#footnote-ref-26)
27. Belgium, Article 121/4 of the Law of 13 June 2005 on electronic communications (*Loi relative aux communications électroniques - Wet betreffende de elektronische communicatie*), available at: <http://www.ejustice.just.fgov.be/loi/loi.htm>. [↑](#footnote-ref-27)
28. Belgium, [Decision of the Council of the Belgian Institute for Postal Services and Telecommunication of 28 March 2013](http://www.bipt.be/ShowDoc.aspx?objectID=3951&lang=fr) on the publishing by providers of information on products and services aimed at users with disabilities (*Décision du conseil de l’IBPT Du 28 mars 2013 concernant la publication par les opérateurs des informations sur les produits et services destinés aux utilisateurs handicaps - Besluit van de raad van het BIPT van 28 maart 2013*

*betreffende de publicatie door operatoren van de informatie over producten en diensten die bedoeld zijn voor gebruikers met een handicap*), available at: <http://www.bipt.be/ShowDoc.aspx?objectID=3951&lang=fr>. [↑](#footnote-ref-28)
29. Belgium, Articles 17 and 30 of the Decree of 13 July 2012 amending various provisions of the Decree of 27 March 2009 on the radio and television ([*Decreet van 13 juli 2012 houdende wijziging van diverse bepalingen van het decreet van 27 maart 2009 betreffende radio-omroep en televisie*](http://www.cjsm.vlaanderen.be/media/downloads/mediadecreet_wijziging_20120713.pdf)). [↑](#footnote-ref-29)
30. Belgium, [*Contrat de gestion de la RTBF 2013-2017*](http://csa.be/system/documents_files/1703/original/GVT_20121226_RTBF_contratgestion.pdf?1359040419), art. 40, p.32 et 33 [↑](#footnote-ref-30)
31. Belgium, See the links to information concerning television programmes, with sign language interpretation, on the website of the French-speaking Belgian Federation of the Deaf (*Fédération Francophone des Sourds de Belgique*), available at: <http://www.ffsb.be/?q=node/98>. [↑](#footnote-ref-31)
32. Belgium, Ministerial Decree concerning the determination of the arrangement of voting booths and of the voting materials for voting bureaus in municipals where is voted by pencil and paper (*Ministerieel besluit houdende de vaststelling van de inrichting van de stemlokalen en van het kiesmaterieel voor de stembureaus in de gemeenten waar met potlood en papier wordt gestemd),* 6 July 2012; Belgium, Ministerial Decree concerning the determination of the arrangement of voting booths and of the voting materials for voting bureaus in municipals where voting takes place with a digital voting system (*Ministerieel besluit houdende de vaststelling van de inrichting van de stemlokalen en van het kiesmaterieel voor de stembureaus in de gemeenten waar met een digitaal stemsysteem wordt gestemd)*, 6 July 2012. [↑](#footnote-ref-32)
33. Belgium, Brussels Capital Region, Circular concerning recommendations to facilitate the accessibility of voting bureaus for disabled people and to assist them (*Omzendbrief betreffende aanbevelingen om de toegang van personen met beperkte mobiliteit (PBM) tot de stembureaus te vergemakkelijken en om hun hiervoor de nodige bijstand te verlenen*), 6 August 2012, *Belgian Official Journal* 27 August 2012, p. 509756. [↑](#footnote-ref-33)
34. Cf. supra 9. [↑](#footnote-ref-34)
35. Belgium, Article 101 of the Electoral Code (*Le Code électoral; Algemeen Kieswetboek*), available at: <http://www.ejustice.just.fgov.be/loi/loi.htm>. [↑](#footnote-ref-35)
36. See Belgium, General Direction for Institutions and Population, the Manual of Training for Presidents of Voting Bureaus (*Manuel formation presidents bureau de vote*), available at: http://www.ibz.rrn.fgov.be/fileadmin/user\_upload/Elections2011/fr/officiel/en\_pratique/formations/LEIDRAAD\_OPLEIDIN\_VZ\_STEMBUREAU\_2010\_FR.pdf. [↑](#footnote-ref-36)
37. Please see [FRA Annual Report 2011](http://fra.europa.eu/en/publication/2012/fundamental-rights-challenges-and-achievements-2011), and FRA (2010) [*The right to political participation of persons with mental health problems and persons with intellectual disabilities*](http://fra.europa.eu/en/publication/2012/right-political-participation-persons-mental-health-problems-and-persons)*.* [↑](#footnote-ref-37)
38. A new Belgian legislation ([*Loi modifiant le Code électoral*](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2013012112&table_name=loi) *- Wet tot wijziging van het Kieswetboek***,** Ch.2, Art.2) will amend the dispositions of Article 7.1° of the Electoral Code, effective June 14, 2014, as a result of the new Belgian Legal Protection Act of March 17, 2013 (*Loi réformant les régimes d'incapacité - Wet tot hervorming van de regelingen inzake onbekwaamheid)*, which will also amend the dispositions of the Civil Code, effective June 14, 2014 (see footnote 14). [↑](#footnote-ref-38)
39. Belgium, Anti-Discrimination Act of 10 May 2007 ([*Loi du 10 mai 2007 tendant à lutter contre certaines formes de discrimination*](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007051035&table_name=loi) *– Wet van 10 mei 2007 ter bestrijding van bepaalde vormen van discriminatie*). [↑](#footnote-ref-39)
40. Belgium, De Morgen (2013) ‘CD&V Limburg wil meer mensen met beperking in politiek’, 29 June 2013. [↑](#footnote-ref-40)
41. Belgium (2007a), Law of 10 May 2007 concerning the fight against certain forms of discrimination (*Wet van 10 mei 2007 ter bestrijding van bepaalde vormen van discriminatie*), *BS* 30 mei 2007, page 29016. [↑](#footnote-ref-41)
42. Implementation of the UN Convention on the Rights of Persons with Disabilities: [First report of Belgium](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fBEL%2f1&Lang=en) (July 2011). [↑](#footnote-ref-42)
43. Enter vzw & Toegankelijkheidsbureau vzw (2012), ‘Toegankelijkheid van stemlokalen’, Hasselt: Enter vzw, available at: www.vlaanderenkiest.be/toegankelijkheid-gemeenteraadsverkiezingen-2012. [↑](#footnote-ref-43)
44. Information provided by the CEOOR, service UNCRPD. [↑](#footnote-ref-44)
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46. Information provided by the CEOOR service UNCRPD. [↑](#footnote-ref-46)
47. Information provided by stakeholders consultation with the CEOOR and also reflected in Belgium, ASPH (Socialist Association for Persons with Disabilities) Report “Persons with intellectual disabilities: full citizens”, available at: <http://www.asph.be/Documents/Analyses-etudes-2008-pdf-anysurfer/2008-09-vote-personnes-handicapees-anysurfer.pdf> [↑](#footnote-ref-47)
48. Belgium, Article 1 Ministerial Decree of 6 May 1980 amending the Ministerial Decree of 10 August 1894 on the electoral furniture of the municipal and provincial elections ([*Arrêté Ministériel du 6 mai 1980 modifiant l'arrêté ministériel du 10 août 1894 relatif au mobilier électoral pour les élections législatives, provinciales et communales*](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&nm=1980050607&table_name=titre) *- Ministerieel Besluit van 6 mei 1980 tot wijziging van het ministerieel besluit van 10 augustus 1894 betreffende de kiestoestellen voor de parlements, provincieraads- en gemeenteraadsverkiezingen*) ; see also the following guide of good practices, available at: <http://www.passe-muraille.be/pdf/isoloir/Du_citoyen_a_l_isoloir.pdf>. [↑](#footnote-ref-48)
49. For Level AA conformance, the Web page satisfies all the Level A and Level AA Success Criteria, or a Level AA conforming alternate version is provided. For more information, please see: <http://www.w3.org/TR/UNDERSTANDING-WCAG20/conformance.html#uc-conformance-requirements-head>. [↑](#footnote-ref-49)
50. Belgium, Chapter II of the Law of August 12, 2000, amending the law of July 7, 1994, on the limitation and control of electoral expenses (Chapitre. II : [*Modifications de la loi relative à la limitation et au contrôle des dépenses électorales engagées pour les élections des conseils [provinciaux, communaux et de districts*](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2000081240)*] et pour l'élection directe des conseils de l'aide sociale - Wet betreffende de beperking en de controle van de verkiezingsuitgaven voor de verkiezing van de provincieraden en de gemeenteraden [de districtsraden] en voor de rechtstreekse verkiezing van de raden voor maatschappelijk welzijn*), and Article 194 of the Decree of the Flemish Community of 8 July 2011 on local and provincial elections (*het Lokaal en Provinciaal Kiesdecreet van 8 juli 2011*), available at footnote 6.. [↑](#footnote-ref-50)
51. Information provided by the Equality Body – the Center for Equal Opportunities and Opposition to Racism (*Centre pour l’égalité des chances et la lutte contre le racism – Centrum voor gelijkheid van kansen en voor racism bestrijding*). [↑](#footnote-ref-51)
52. Information provided by a political party representative. [↑](#footnote-ref-52)
53. Belgium, Articles 14 and 27 of the Anti-Discrimination Act of 10 May 2007 (*Loi du 10 mai 2007 tendant à lutter contre certaines formes de discrimination – Wet van 10 mei 2007 ter bestrijding van bepaalde vormen van discriminatie*), available at: <http://www.ejustice.just.fgov.be/loi/loi.htm> and Article 143 of the Electoral Code (*Le Code électoral; Algemeen Kieswetboek*), available at: <http://www.ejustice.just.fgov.be/loi/loi.htm>. [↑](#footnote-ref-53)
54. Belgium, List of legislation available in the annex of the following document: CEOOR, ‘Accessibility of public buildings’, available at: http://www.diversiteit.be/?action=publicatie\_detail&id=14&thema=3&setLanguage=1. [↑](#footnote-ref-54)
55. Information provided by the Equality Body – the Center for Equal Opportunities and Opposition to Racism (*Centre pour l’égalité des chances et la lutte contre le racism – Centrum voor gelijkheid van kansen en voor racismebestrijding*). [↑](#footnote-ref-55)