

PRESS RELEASE

Embargoed until 6am Friday 25 April 2014

The Belgian government has denied children with disabilities equality. Today, the first step is taken to seek international justice for inclusive education.

Brussels (Belgium), and Budapest (Hungary).

Jointly issued by [Gelijke Rechten voor Iedere Persoon met een Handicap \(GRIP\)](#) (a Flemish equal rights organisation for persons with disabilities) and the [Mental Disability Advocacy Center \(MDAC\)](#) – an international human rights organisation based in Budapest and London.

With the support of GRIP, today MDAC sent a “collective complaint” to the European Committee of Social Rights, a body of the Council of Europe. The complaint is directed against Belgium and focuses on the education system in Flanders where there is a startlingly high rate of educational segregation.

A mere 15% of children with disabilities in Flanders attend mainstream schools. Although rates of integration of children with physical disabilities have increased in the last decade, the rates for children with intellectual and severe, multiple disabilities, has remained stagnant. Parents are fed up battling a system to get their child education:

“Our son was refused by several regular schools, so we were obliged to send him to special education,” says Annemie Anthonissen, a parent of a 9-year-old boy with Down syndrome. “It was clear that the educational system in Flanders is not providing a possibility for inclusive education to our son. It’s time the international community took notice because the Flemish government has for years failed to make progress in ensuring the full inclusion of children with disabilities.”

Inclusive education for all children – whatever the nature or degree of disability or requirements for supports – is established as a human right in European law, and also under the UN Convention on the Rights of Persons with Disabilities.

In Flanders, the burden of making sure children get a place and support in a mainstream school falls on parents. Instead of establishing hurdles to inclusion, the authorities in Flanders should provide supports. They must also address the difference in investment in support between inclusive education and special (segregated) education.

“Schools turn away children with a disability by saying they don’t have resources to include the child. And the whole system agrees with this argument,” says Patrick Vandelanotte of GRIP. “The authorities call this ‘the right to enrolment’. But we call it unlawful discrimination, and today we’re asking the Council of Europe to tell us who is right.”

A law passed in March 2014, the “M-decree”, provides the right for “reasonable accommodation” (adjustments) for those pupils who can follow the general curriculum. For pupils who need of an individual programme of support it is unclear whether the new law will enable them to enforce their right to inclusion. The Flanders government has allocated no new funding, so it is unlikely that the law will leverage resources needed to achieve inclusive education for all children.

FURTHER INFORMATION

Press conference

11am-12noon, Friday 25th April at the offices of GRIP, Koningstraat 136, 1000 Brussels

European Social Charter

The [Revised European Social Charter](#) is an instrument of the Council of Europe. It sets out economic, social and cultural rights. Belgium ratified this in 2004. An additional protocol to the Charter allows certain international NGOs (such as the Mental Disability Advocacy Center) to lodge so-called “collective complaints” against a State which has ratified both the Charter and the additional protocol: Belgium has ratified both.

The [European Committee of Social Rights](#) will act as a judicial body to adjudicate the claim. This could take between one and three years. Once the Committee has done this, their report will be made public. The Belgian government will be under an international legal duty to bring its laws, policies and practices in line with the Committee’s judgment.

The complaint

In its complaint, MDAC asks the European Committee of Social Rights to find violations of the Revised European Social Charter. The complaint alleges violations of:

- Article 15(1) with regard to children with mental disabilities who are denied access to mainstream education and to the supports necessary to ensure inclusion;
- Article 17(2) with regard to children with disabilities who are excluded from free primary and secondary education;
- Article E, which sets out the right to non-discrimination. MDAC alleges that this has been breached in conjunction with Articles 15 and 17, due to Belgium’s failure to provide education for children with intellectual and other mental disabilities in general settings; its failure to provide any education to “school non-attenders”; its failure to develop plans for progressive inclusion of all children with disabilities and shifting of funding from segregated to mainstream schools.

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