



Federal Public Service

Social Security

Directorate General Disabled Persons

DISABLED PERSONS POLICY
IN BELGIUM:
A SURVEY

The foundations of the current Belgian disabled persons policy date back to the 1960s.

The intention at that time was to give disabled persons more chances to integrate in society.

Society took measures to meet the needs of disabled persons with regard to work, housing and education.

The fact that such measures were not beneficial to the integration of disabled persons was a problem that was not yet under discussion at that time.



Nowadays, emancipation and participation have become the key words within disabled care.

This means e.g. that disabled persons must have access to all sectors of society, so not only to buildings, public transport, employment and education.

Accessibility is a large notion, it also includes the right to information and the right to culture.

Everyone (disabled or not) must e.g. have the possibility to go to the opera, to enjoy a theatre performance, ...

Belgium is a federal state, composed of communities and regions.

The current disabled persons policy is divided over several competence levels:

- the federal authority,
- the communities,
- the regions,
- the municipalities.

The federal government

Within the framework of social security, a number of domains of the disability policy fall under the competence of the federal authority.

The following schemes fall under social security:

1. The invalidity insurance scheme;
2. The scheme for accidents at work;
3. The occupational diseases scheme;
4. The scheme for allowances for disabled persons.

The first 3 schemes have common characteristics:

- they are managed by a specific institution:
 - o the invalidity insurance by the National Institute for Health and Disability Insurance (NIHDI),
 - o the accidents at work by the Fund for Accidents at Work,
 - o the occupational diseases by the Fund for the Occupational Diseases,
- in order to be able to benefit from these schemes, contributions have to be paid. These contributions are deducted from the salary.

The scheme for allowances for disabled persons differs from the three other schemes:

- no specific institution has been created for the management of the scheme. It is the Federal Public Service (FPS) Social Security (namely the Directorate General Disabled Persons) itself that manages the scheme,
- no contributions have to be paid in order to be able to benefit from the scheme. It is a social assistance scheme. Consequently, it is logic that entitlement is subject to income conditions (the income of the disabled person or his family may not exceed certain amounts).

The Directorate General Disabled Persons

The Directorate General Disabled Persons of the FPS Social Security:

- grants various allowances:
 - o the income replacement allowance,
 - o the integration allowance,
 - o the allowance for assistance to the elderly,
- evaluates the disability:
 - o of disabled adults,
 - o of children with a disorder or a disability,
- issues to the persons entitled to it:
 - o the parking card for disabled persons,
 - o the national public transport reduction card for blind and partially sighted persons.

• Allowances for disabled persons

The Directorate General Disabled Persons:

- examines the applications for the allowances for disabled persons,
- evaluates the disability for these allowances.

The scheme of allowances for disabled persons is a residual scheme. This means that the allowances for disabled persons can only be granted when the person, before applying for these allowances, first applies for allowances of other schemes (invalidity from the health insurance fund, unemployment, pension, ...).

The granting is also subject to income conditions.

There are three kinds of allowances:

- two for persons younger than 65:
 - o the income replacement allowance (IRA): this allowance can be granted to persons who are not able to earn more than 1/3 of what able-bodied can earn by working,
 - o the integration allowance (IA): this allowance can be granted to disabled persons to compensate for the extra costs they have to make for integrating in society.
- one for persons aged 65 and older: the allowance for assistance to the elderly (AAE): this allowance can be granted to elderly persons to compensate for the extra costs they have to make for integrating in society.



The two tables below show per allowance and per year:

- the number of applications made (A),
- the number of examined applications (B). The number of examined applications is sometimes higher than the number of applications made. This can be explained by the long time of examination of certain applications of the previous year.

IRA/IA

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
A	48.965	50.943	58.015	72.409	64.911	69.509	70.852	79.959	83.006	90.148
B	47.834	48.912	56.505	59.324	70.184	59.168	76.087	94.158	83.225	91.540

AAE

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
A	51.760	52.457	66.448	70.469	67.426	68.781	70.600	75.685	78.009	77.080
B	52.898	65.792	58.072	69.623	66.019	60.974	81.753	85.038	77.871	79.899

The table below shows the evolution of the number of persons entitled to an allowance for disabled persons during the last 10 years:

- Number of persons entitled to the IRA/IA (A)
- Number of persons entitled to the AAE (B)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
A	127.174	130.320	133.672	134.635	137.242	143.037	152.694	158.662	160.071	163.336
B	90.939	109.594	114.994	121.749	128.026	130.455	138.626	145.945	150.846	152.159

The table below shows the evolution of the yearly expenses (in million euro) for the allowances for disabled persons during the last 10 years:

- Expenses IRA/IA (A)
- Expenses AAE (B)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
A	778,7	823,1	869,8	893,3	934,4	1.013,5	1.082,3	1.136,6	1.179,2	1.233,9
B	304,5	342,1	368,0	377,6	393,1	416,4	431,6	454,2	477,6	489,8

• The evaluation of the disability

The Directorate General Disabled Persons also evaluates the disability

- of disabled adults,
- of children with a disorder or a disability.

The evaluation of adults

Following the request of disabled persons to obtain:

- a certificate (to be able to benefit from social and tax measures),
- a parking card for disabled persons,
- a national public transport reduction card for blind and partially sighted persons.

The evaluation of the handicap or disability allows checking whether the disabled person is indeed entitled to the requested document (the certificate or the card). If such is the case, the DG will issue the document.

The evaluation of children with a disorder or a disability

Following the request of persons who want to obtain the increased child benefit (the so-called "ICB") for their child with a disorder or a disability.

The medical examination allows to check whether the child is indeed entitled to the ICB.

The DG informs the child benefit fund of the result of the medical examination.



Treated requests for the evaluation of disability in 2012

Type of examination	Dutch	French	D+F
1. Examinations "adults"			
1. a. Allowances			
- IRA-IA	22.636	28.329	50.965
- AAE	37.847	15.908	53.755
- Total allowances (IRA-IA and AAE)	60.483	44.237	104.720
1. b. Only certificates	15.001	9.632	24.633
1. c. Subtotal examinations "adults" (1. a. + 1. b.)	75.484	53.869	129.353
2. Examinations "children": ICB	14.433	11.551	25.984
3. Total examinations "adults" and "children"	89.917	65.420	155.337

- **Cards**

The Directorate General Disabled Persons also issues the following cards for disabled persons who are entitled to them:

- the parking card for disabled persons,
- the national public transport reduction card for blind and partially sighted persons.

Parking cards and public transport reduction cards in 2012

Type of card		Dutch	French	D+F
Parking card	requested	41.033	24.250	65.283
	issued	36.158	19.827	55.985
National public transport reduction card	requested	523	420	943
	issued	466	349	815

- **Contact**

You can contact the Directorate General by:

- telephone: 0800/987 99 (Mondays through Fridays, 8.30 a.m. to 13.00 p.m.)
- fax: 02/509 81 85
- the web forms on the website www.handicap.fgov.be/nl:
 - click on "E-mail ons" ("Send us an e-mail" – at the bottom left of the homepage),
 - then choose the situation (1 to 6) that applies to you,
 - then complete the form that appears on the screen:
 - fill in the requested information,
 - in the list beside "Waarover heb je een vraag?" ("What do you have a question about?"), indicate the subject you have a question on,
 - type your question in the field "Formuleer je vraag" ("Type your question here").
- letter:

Federal Public Service Social Security
 Directorate General Disabled Persons
 Administrative Centre "Botanique" – Finance Tower
 Boulevard du Jardin Botanique 50 box 150
 1000 Brussels

Other competent institution

The Federal Public Service Justice too is responsible for a number of domains of the disabled persons policy, e.g. for the protection of disabled persons.

The communities

The communities are competent for the personal matters such as education, professional training and welfare for disabled persons.

This means that employment of disabled persons, professional training, granting of contributions for technical aids, care, special and integrated education ... fall under the competence of the three communities.

- The Flemish Community,
- The French Community (that transferred its competences to the Walloon Region however),
- The German-speaking Community

Mainly 4 institutions are competent for the disability policy:

- The Flemish agency for the social integration of disabled persons ("Vlaams Agentschap voor Sociale Integratie van personen met een handicap" - www.vaph.be),
- The Walloon agency for the integration of disabled persons ("Agence wallonne pour l'intégration des personnes handicapées" - www.awiph.be),
- The Brussels Francophone service for disabled persons ("Service Personne Handicapée Autonomie recherchée – Service Phare" - www.phare-irisnet.be),
- The Office for disabled persons of the German-speaking Community ("Dienststelle für Personen mit Behinderung" - www.dpb.be).



The regions

The regions are competent for territorial matters such as urban development, accessibility of buildings, mobility, culture, tourism, ...



The municipalities

Disabled persons have to make their applications for the DG Disabled Persons via their municipal administration. They can apply for:

- an allowance (IRA/IA, AAE),
- a parking card for disabled persons,
- a national public transport reduction card for blind and partially sighted persons,
- an attestation for VAT,
- an evaluation of the disability in order to receive a general attestation by which they are able to benefit from social, and tax measures.

Collaboration between the different competence levels: the Interministerial Conference

The role of the Interministerial Conference is to promote an efficient collaboration between the different competence levels.

It includes various working groups that deal with specific aspects, in view of developing good rules in the fight against discrimination.

Currently, there are five working groups:

- the group "International relations",
- the group "After the accident",
- the group "Employment",
- the group "High-level support",
- the group "Mobility".

Several Ministers are responsible for the issues that are dealt with by the working groups.

The fight against discrimination

The fight against discrimination is based on the **law of 10 May 2007** concerning the fight against certain forms of discrimination.

This law prohibits any form of discrimination on the basis of a number of criteria: age, sexual orientation, civil status, birth, fortune, religion or ideology, political conviction, affiliation with a trade union, present or future health condition, disability, physical or genetic characteristics, social background or language.

Any discrimination is this prohibited, direct discrimination as well as indirect discrimination.

"Direct discrimination" is when 2 persons who are in the same situation are treated differently without any objective reason.

"Indirect discrimination" is when 2 persons who are in different situations are treated in the same way.

Equal treatment is not always synonymous with the same treatment in all circumstances. A building can e.g. be perfectly accessible for able-bodied persons, but not for disabled persons.

According to the law, the Centre for equal opportunities and opposition to racism is responsible for dealing with discriminations on the basis of various motives, such as disability and health condition.

With regard to handicap, the law does not give any definition of it, but the Centre interprets it in a broad sense.

The disability can be the result of various situations:

- physical and sensorial health problems,
- chronic and degenerative diseases,
- genetic diseases,
- mental or intellectual limitations,
- physical or mental limitations due to an accident at work, an occupational disease, ...

A handicap is often the consequence of a maladjusted environment.

In certain specific situations, adaptations may thus be necessary: that way disabled persons can e.g. also take part in an activity or the labour market or benefit from a service.

The lack of reasonable adaptations for the disabled person is discrimination in the sense of the law.



The National High Council for Disabled Persons

The National High Council for Disabled Persons (Conseil supérieur national des personnes handicapées – Nationale Hoge Raad voor Personen met een handicap) is in charge of the examination of all problems that disabled persons can be faced with.

With regard to these problems, the Council may, on its own initiative or upon request by the competent Ministers, give advice or make proposals.

The Council consists of 20 members, each chosen because of their expertise in the field of disabled persons policy.

National High Council for Disabled Persons
Centre Administratif Botanique
Finance Tower
Boulevard du Jardin botanique 50 box 150
1000 Brussels

Tel.: 02/509 82 24 of 02/509 83 59

E-mail: info@ph.belgium.be

Web page: <http://ph.belgium.be>

The Belgian Disability Forum (BDF)

The Belgian Disability Forum is a non-profit organisation consisting out of organisations representing disabled persons.

The BDF defends the rights of disabled persons at European level.

The BDF is the link between the Belgian associations and the European institutions.

Belgian Disability Forum (asbl)
Centre Administratif Botanique
Finance Tower
Boulevard du Jardin botanique 50 box 150
1000 Brussels

Tel: 02/509 83 58 of 02/509 84 21

Fax: 02/509 85 57

E-mail: info@bdf.belgium.be

Web page: <http://bdf.belgium.be/>

June 2013

Distribution of competences

