

Press release

Wednesday 3 February 2021

PRESS KIT

The press kit is available
online: [Link to the website](#)

PRESS CONFERENCE

Wednesday 03/02/2021 at 9:30am
in the presence of representatives
of signatory organisations of this
press release and in the presence
of Minister Caroline Desir.

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? MORE INFORMATION

Inclusion ASBL

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Intellectual disability and school inclusion

The European Committee of Social Rights condemns Belgium

On Wednesday the 3rd of February 2021, the European Committee of Social Rights made public its decision concerning the collective complaint of the International Federation of Human Rights Leagues (FIDH) and Inclusion Europe v. Belgium (Complaint No. 141/2017). At the end of a more than 4-years procedure, **the Committee ruled in favour of the claimant organisations and thus condemns Belgium, and more particularly the Wallonia-Brussels Federation, for the lack of efforts made for the educational inclusion of pupils with intellectual disabilities (type 2).**

Our organisations welcome the conclusions adopted by the Committee, which unambiguously recognises the existence of a violation of the revised version of the European Social Charter for the lack of efforts made by the Wallonia-Brussels Federation to promote access to mainstream education for pupils with intellectual disabilities. The Committee unanimously concludes that there is a:

- **violation of Article 15§1 of the Charter** on the grounds that the right to inclusive education for children with intellectual disabilities is not effectively guaranteed in the French Community of Belgium ;
- **violation of Article 17§2 of the Charter** on the grounds that children with an intellectual disability do not enjoy an effective right to inclusive education in the French Community

Origin of the procedure

In 2015, a group of parents from **Inclusion ASBL** wished to take action to promote inclusive education in the Wallonia-Brussels Federation, based on the observation that access to ordinary schooling for their children was extremely complex, if not impossible. Various actions were undertaken. The collective complaint of the 18th of January 2017 against the Belgian State is one of them.

What is Belgium accused of?

We criticise Belgium for not complying with the obligations of the Revised European Social Charter, which Belgium ratified in 2004: according to the claimant associations, Belgium does not do enough to promote the inclusion of children with intellectual disabilities in ordinary primary and secondary schools under the authority of the Wallonia-Brussels Federation.

Our demands

In **close concertation with the associations representing people with intellectual disabilities, anti-discrimination organisations and organisations defending children's rights**, we are asking the Wallonia-Brussels Federation:

1. to adopt a **transition plan** towards inclusive education. The objectives set by the Pact are still not ambitious enough. This plan should be accompanied by clear deadlines and indicators in order to evaluate the pursuit of the objectives;
2. to **take account, without any ambiguity, of pupils with intellectual disabilities in the future decree on territorial centres** and other texts adopted in the context of the reform of guidance and initial teacher training, in particular. The financial resources allocated to the centres must also be capable of fully achieving this ambition¹ and should make it possible to provide support for these pupils by trained professionals (remedial teachers, speech therapists, etc.);
3. to provide **incentives to support schools** that develop a genuine inclusive policy; among these measures, a revision of the weighting in the calculation of pupil numbers could be envisaged²;

¹ The centres must be able to meet **all needs**, whether they are motor, sensory and/or intellectual. Although alternative integration schemes are maintained (permanent and total integration, inclusive classes), they do not sufficiently meet the obligations in terms of inclusion and can only be a residual solution when other schemes have not been able to allow the development of a satisfactory inclusive project for the **pupil. Permanent and total integration implies a compulsory passage of at least one year in special education: this is unacceptable and constitutes a considerable step backwards.** (Who will determine a priori whether a pupil falls within the competence of the centres or special education?). Experience shows that once pupils are engaged in a school career in special education, the transition to mainstream education is extremely complicated, if not impossible. Moreover, going through special education is of no interest to the child; **inclusive classes** are one of the responses to certain needs, but they should not be the only way of envisaging the 'inclusion' of pupils with complex support needs (intellectual disability, behavioural disorders, in particular).

² Depending on the pupil's needs, we can imagine revalorising the weighting in order to reduce the size of the class group and allocate sufficient means for its support. For example, a pupil with an intellectual disability or moderate to severe autism counts as a minimum for 3 or 4 children.

4. to create a "**personalised education budget**" for pupils and families³;
5. to integrate educational support by competent professionals (occupational therapists, speech therapists, etc.) into the **individual support systems** of the AVIQ, PHARE and Iriscare – disability and social protection services in Belgium –, and **upgrade the resources of support services** in schools;
6. to strengthen the **initial and in-service training** of teachers and create a short course/evening course for training in remedial education;

SOME FIGURES

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This is the number of type 2 pupils (moderate to severe intellectual disability) having benefited from an integration project in 2020. These pupils are distributed as follows: 53 in nursery school, 45 in primary school, 0 in secondary school. This represents less than 1% of all children in integration.

870 000 = total school population

38 000 = number of children enrolled in special education

6.709 = number of children in integration

³ A child attending **special education** costs the Wallonia-Brussels Federation much more. When the child is in the **ordinary education**, this differential could be used to finance adapted support chosen by the family and/or the school?