

Town council failed to make appropriate modifications for citizenship application of blind French woman

People applying to become Belgian citizens are required to submit a *handwritten* statement confirming their commitment to obey the Belgian constitution, ... and the human rights treaties.

A blind French woman applying to become a Belgian citizen was told by her local council that the statement could not be submitted in Braille. Due to her *visual impairment*, she is unable to write by hand.

The local council suggested to the woman that she could give power of attorney to a third party who could then write down the statement on her behalf. However, such power of attorney would require the services of a notary public, and the expense thereof was to be borne by the woman.

According to Unia, this procedure constitutes discrimination based on the woman's visual impairment. The procedure therefore also violates the UN Convention on the Rights of Persons with Disabilities, which was ratified by Belgium on 1 August 2009.

The UN Convention requires public authorities to ensure de facto equality of persons with disabilities and to make necessary and appropriate modifications and adjustments where needed (art. 5 of the Convention). Public authorities should also take appropriate measures to ensure that persons with disabilities have access to facilities and services open or provided to the public (art. 9) and access to the support they may require in exercising their legal capacity (art. 12). Public authorities must also accept and facilitate the use of alternative modes and formats of communication such as sign languages and Braille.

In the above case, the local council had implemented the provisions of the Belgian nationality law in a manner that violates the UN Convention on the Rights of Persons with Disabilities.

After an intervention by Unia and the Federal Public Service of Justice, the local council changed its policy and now considers statements submitted in Braille to be of equal validity with handwritten statements. The correct transcription of the statement was guaranteed by the Oeuvre Nationale des Aveugles (National Association for the Blind).