



NEWS REPORT

Date: 14 October 2010
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Title: Discrimination on the grounds of disability against a deaf person by a travel agency offering “adventure” package tours
Country: Belgium
Context
Issue at stake: Judgment of the Commercial Court of Ghent, sentencing a travel agency offering “adventure” package tours for disability discrimination.
Ground of discrimination: Disability
Source: Commercial Court of Ghent, 29 September 2010
Field: Access to goods and services.
Legislative provisions: Art. 14, of the Federal Act pertaining to fight certain forms of discrimination (*Loi tendant à lutter contre certaines formes de discrimination*) of 10 May 2007.

Content

Case: The case concerns a deaf man used to self-sufficient travelling who called upon the services of a travel agency to book a package tour in Jordan. Believing that his security would not be correctly ensured because of his difficulties to communicate with the local population, the travel agency refused to offer its services, unless an independent guide accompanied the deaf man at his own expense. After several mediation attempts, the Centre for Equal Opportunities and Opposition to Racism brought an action before the Commercial Court of Ghent, alleging that simple adjustments should have been admitted by the travel agency. The Centre considered that the use of a note pad and SMS to set up appointments and meeting points would have been sufficient to enable this customer to benefit from the travel agency services and that requiring the assistance of an independent guide at his own costs was manifestly disproportionate.

Decision of the Court: The Commercial Court of Ghent followed the Centre for Equal Opportunities and Opposition to Racism and sentenced the travel agency for discrimination for failure to provide reasonable accommodation to the victim, and therefore to have refused him to



participate to the package tour in Jordan. The travel agency was condemned to pay a fixed compensation of EUR 650 and a periodic penalty payment of EUR 1000 for every possible new offence noticed and per diem if the offence continues. Furthermore the travel agency had to advertise the judgment in its Ghent's branch and on its website, and to publish it at its own expenses in the media.

Internet link source and additional information: (judgment not yet published)