



**SECOND ALTERNATIVE REPORT
on the implementation of the
UN CONVENTION ON THE RIGHTS
OF PERSONS
WITH DISABILITIES
IN AUSTRIA**

**On the occasion of the
second state report review before the
UN Committee on the
Rights of Persons with Disabilities**

Vienna, July 2018

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Introduction

The following report is submitted by the Austrian Disability Council (Österreichischer Behindertenrat), the umbrella organization of disability organizations in Austria, currently comprising 80-member organizations. The Austrian Disability Council is the representative organization for the 1.4 million persons with disabilities living in Austria.

The report was compiled and coordinated by the Austrian Disability Council with support from the umbrella organization Selbstbestimmt Leben Österreich (SLIÖ). Civil society was consulted extensively so as to ensure that the principles of participation were fully adhered to. The organizations involved are listed in the annex.

The report primarily addresses the recommendations issued by the Committee after the first state review, describing problems which have either persisted or which have even intensified.

Sources (in German) and selected pieces of more detailed information can be found in the footnotes.

In order to assist the Committee, we have formulated several questions that - when answered by the State Party Austria - render the existing problems visible; furthermore, these questions allow for the specification of indicators that could show some key trends if assessed regularly.

The Austrian Disability Council thanks the Committee for its relentless efforts to promote the implementation of human rights for persons with disabilities. We would also like to express our gratitude for the opportunity to present the situation for persons with disabilities in Austria from the point of view of civil society.

The Austrian Disability Council would like to thank the organizations as well as the committed individuals involved for their invaluable contributions to this report.

Executive Summary

In many areas, the situation for persons with disabilities has changed only minimally or not at all compared to the last civil society report in 2013. The situation has even clearly deteriorated in some areas (e.g. education, work, accessibility) or otherwise, the government program "Together for Our Austria - 2017 - 2022"¹ presents goals that will result in a deterioration of the situation. Financial cuts in the areas of work, education, health care, social affairs and research will affect persons with disabilities to a large extent.

Due to the federal form of government, the standards and legal provisions concerning persons with disabilities still vary across Austria, resulting in great legal uncertainty and inequality.

¹Cf. https://www.bundeskanzleramt.gv.at/documents/131008/569203/Regierungsprogramm_2017-2022.pdf/b2fe3f65-5a04-47b6-913d-2fe512ff4ce6. Last accessed on 05/29/2018

The paradigm-shift away from the medical model and towards a human rights-based model of disability is, for the most part, not understood and much less implemented, either by governments or by civil society.

General Principles and Obligations (Arts. 1–4)²

The German version of the CRPD (Convention on the Rights of Persons with Disabilities) was revised after the state review of 2013 and at this point mistranslations were corrected. Unfortunately, this translation is only applicable in Austria³ and an easy-to-read version is still not available. It would be more powerful for the implementation of the CRPD, to have a consistent version in all German-speaking countries.

A uniform definition of disability does not exist within the Austrian federal legislation^{4,5}. In accordance with the relevant federal laws⁶, assessment of the degree of disability is still based on the medical model. This situation is further aggravated by the fact that, due to the federal structure of the state of Austria, each Region (Bundesland) can and does define the term disability for itself.⁷

As a result of its federal structure, fragmentation of political responsibilities continues to persist in Austria.⁸ This in turn leads to disparate standards for disability assistance, provision of assistive devices, etc. Since the means-tested minimum income scheme⁹, which used to be applicable across the whole of Austria expired – on the 31st of December, in 2016 – the situation for persons with disabilities has deteriorated even further in some Regions since the last state review. This is due to the fact, that they currently receive even less contribution (e.g. a financial upper limit for families, deduction of other governmental-transfer benefits).

In 2014, the Regions' social services officials decided to call for funding from the Federal State for the purpose of introducing a Disability Fund ("Behindertenfonds")¹⁰, later called an Inclusion Fund ("Inklusionsfonds")¹¹ in order to finance measures to implement the CRPD.

²CRPD/C/AUT/CO/1, paragraph 7, p. 2

³Cf. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20006062>

⁴ CRPD/C/AUT/CO/1, paragraph 9, p. 2. Last accessed on 05/29/2018

⁵Cf. with examples: Hofer et al., Behindertengleichstellungsrecht (2016), p. 50

⁶These include the Income Tax Act (Einkommensteuergesetz), the Federal Disability Act (Bundesbehindertengesetz), the Disability Employment Act (Behinderteneinstellungsgesetz) and the Family Charges Equalization Act (Familienlastenausgleichsgesetz).

⁷Cf. for example section 1a Styrian Disability Act (Steiermärkisches Behindertengesetz) <https://www.ris.bka.gv.at/Dokumente/Landesnormen/LST40017169/LST40017169.pdf> and section 3 Equal Opportunity Act (Chancengleichheitsgesetz) Vienna and <https://www.ris.bka.gv.at/Dokumente/Landesnormen/LWI40004442/LWI40004442.pdf> Last accessed on 05/29/2018

⁸ CRPD/C/AUT/CO/1, paragraph 11, p. 2

⁹ The means-tested minimum income scheme adapted procedural standards in the area of social assistance and provided standardized benefits.

¹⁰ Cf. <http://www.kleinezeitung.at/politik/4155025/Laender-wuenschen-sich-vom-Bund-PflegegeldAnhebung>. Last accessed on 05/29/2018

¹¹ Cf. <https://derstandard.at/2000044666981/Neuer-Fonds-fuer-die-Behindertenhilfe>. Last accessed on 05/29/2018

In 2015, it became clear that the State and the Regions had started negotiations¹² on the topic of “inclusive disability policy”. Disability organizations were excluded deliberately. Negotiations that took place in 2016 relating to an inclusion fund for an enhanced and coordinated implementation of the CRPD failed.¹³ During their last conference in April 2018, the Regions repeatedly argued in favor of an inclusion fund and uniform national standards - under the condition that the Federal State provides budgetary funding.¹⁴ Up until now, no agreement could be reached.

Specific Rights (Arts. 5–30)

Equality and Non-discrimination (Art. 5)¹⁵

The Disability Equality Act (Behindertengleichstellungsgesetz, BGStG) came into effect in 2006. Its objective is to eliminate or prevent discrimination and thus allow for equal participation of persons with disabilities in life and society.

However, the Disability Equality Act still does not include provisions for injunctive relief or claims for the removal of barriers or discriminatory behavior.

In cases of harassment, the 2018 Inclusion Package¹⁶ merely introduced the possibility of asserting a claim to cease and desist against the harasser. Additionally, as a result of the amendment of the Disability Equality Act, the right to launch a class action suit to determine a case of discrimination was granted to the Disability Ombudsman and the Litigation Association of NGOs Against Discrimination (Klagsverband)¹⁷ in addition to the Austrian Disability Council. If a class action suit is launched, injunctive relief or claims for the removal of barriers can be asserted against large corporations. In all other cases, persons who have been discriminated against can still only claim small damages.

Furthermore, the risk of high legal charges upon filing a lawsuit prevents persons with disabilities from claiming their rights.

The extended period of time during which a pregnancy can be terminated¹⁸ without liability in accordance with the law solely on the grounds of an impairment was

¹² Cf. <https://www.bizeps.or.at/geheimplan-aufgedeckt-inklusive-behindertenpolitik-ohne-menschen-mit-behinderungen/>. Last accessed on 05/29/2018

¹³ Cf. https://www.parlament.gv.at/PAKT/PR/JAHR_2016/PK1421/. Last accessed on 05/29/2018

¹⁴ Cf. <http://www.vol.at/laender-begruessen-neuen-anlauf-zur-harmonisierung-der-mindestsicherung/5746414>. Last accessed on 05/29/2018

<http://kaernten.orf.at/news/stories/2906894/>. Last accessed on 05/29/2018

¹⁵ CRPD/C/AUT/CO/1, paragraph 13, p. 3

¹⁶ Cf. https://parlament.gv.at/PAKT/VHG/XXV/A/A_02309/index.shtml. Last accessed on 05/29/2018

¹⁷ The Litigation Association of NGOs Against Discrimination (Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern) is a non-governmental organization (NGO) which supports victims of discrimination in claiming their rights. Cf. <https://www.klagsverband.at>. Last accessed on 05/29/2018

¹⁸ CRPD/C/AUT/CO/1, paragraph 15, p. 3

neither discussed nor abolished. Specific brochures or information on this topic could not be located¹⁹.

Questions for the LoI:

- 1) How is the State planning to allow general claims for injunctive relief and removal of barriers according to the Disability Equality Act?
- 2) What kinds of consulting and support do parents-to-be receive when they are informed that their unborn child will have a disability?

Women with Disabilities (Art. 6)²⁰

The multiple strains on and the multiple discriminations against women with disabilities have not been addressed adequately as an issue of relevance to civil society in Austria.²¹ We have very little information based on academic findings relating to the lives and to the multiple strains on and discriminations against women with disabilities in Austria.

The National Action Plan on Disability 2012-2020 acknowledges that women with disabilities are in a less favorable position compared to non-disabled women and men with and without disabilities. It is also stated that women with disabilities are subject to disadvantages when it comes to education, vocational training, professional life and old age. The measures derived from this Action Plan are not very ambitious and are just for some parts set into action. They include gender-specific evaluation of statistical data as well as support for women and girls with disabilities in education.²²

Information, counselling or even programs relating to women with disabilities are only sporadically available in Austria, and the services that do exist are usually limited to Vienna, the capital city.²³ In March 2018, the Austrian Disability Council founded the Expert Group on Women with Disabilities (Kompetenzteam Frauen mit Behinderungen). During its first meeting, it became clear, that women with disabilities are confronted with a broad range of discrimination.²⁴ In addition to the expert group, the peer-counselling center Ninlil contributes in terms of empowerment and offers counselling services; however, their work is limited to Vienna. Occasional

¹⁹ On the website www.gesundheit.gv.at, there are ten brochures on pregnancy available for download, none of which provides any advice in case the unborn child has a disability. It is obvious that this information is not easily accessible. Last accessed on 05/28/2018

²⁰CRPD/C/AUT/CO/1, paragraph 18, p. 3

²¹Underlined by the fact that only few measures concerning women with disabilities are mentioned: Federal government Report on the situation of Persons with Disabilities. Cf.

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>. Last accessed on 05/24/2018, p. 25 et seq.

²²NAP Disability (NAP Behinderung). Cf.

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=165> Last accessed on 05/24/2018, p. 18 et seq.

²³Federal government Report on the Situation of Persons with Disabilities. Cf.

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>. Last accessed on 05/24/2018, p. 25 et seq.

²⁴ Cf. <https://www.behindertenrat.at/2018/03/mehrfachdiskriminierung-von-frauen-mit-behinderungen/>. Last accessed on 05/24/2018

events regarding women with disabilities represent a step in the right direction.²⁵ According to a study on the coverage of the topic of women with disabilities in the Austrian media, women with disabilities are massively underrepresented.²⁶

In the professional context, women with disabilities experience great disadvantages. The employment rate of women with disabilities is lower than that of men with disabilities and also lower than that of non-disabled women. Thus, women with disabilities face a high risk of poverty and exclusion in Austria.²⁷

From 2013 to 2015, Austria took part in a project funded by the EU with the title "Access to Specialized Victim Support Services for Women with Disabilities Who Have Experienced Violence".²⁸ It was discovered that, in Austria, support measures and services provided by victim protection facilities are not accessible to women with disabilities who have experienced violence. Architectural barriers are not the only problem; access to relevant information is almost impossible and the services on offer are not adapted to the needs of women with disabilities.²⁹ According to the Ministry of Social Affairs, steps to reduce these barriers have already been taken. Funding is only granted if certain minimum standards in terms of accessibility are met, modifications of buildings were promoted and information events were held.³⁰ At the moment, a study on experiences and prevention of violence against persons with disabilities is being carried out and it is due to be completed in 2019.³¹ A positive aspect of this study is the fact that it made use of participative collaboration.

In the domains of family, motherhood and social participation of women with disabilities, no measures were implemented.

Questions for the LoI:

- Which authorities and/or organizations are implementing measures regarding women with disabilities in accordance with the recommendations issued in the first concluding observations on Austria adopted by the CRPD Committee³², and how much funding was allocated for this purpose?
- Are women with disabilities a specific target group for the Public Employment Service (Arbeitsmarktservice, AMS)?

²⁵Cf. <https://www.hilfsgemeinschaft.at/keine-angst-vor-frauenpower>. Last accessed on 05/29/2018

²⁶ Pernegger, Maria: Menschen mit Behinderung in Österreichischen Massenmedien. Jahresstudie 2015/16, p.55 et seq.; <http://www.mediaaffairs.at/>. Last accessed on 05/29/2018

²⁷Federal government Report on the Situation of Persons with Disabilities. Cf.

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>. Last accessed on 05/24/2018, p. 25 et seq.

²⁸ Cf. <http://women-disabilities-violence.humanrights.at/>. Last accessed on 05/24/2018

²⁹Cf. http://women-disabilities-violence.humanrights.at/sites/default/files/reports/ws_3_empirischer_bericht_oesterreich.pdf Last accessed on 05/24/2018

³⁰Federal government Report on the Situation of Persons with Disabilities. Cf.

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>. Last accessed on 05/24/2018, p. 26

³¹Cf. <http://bim.lbg.ac.at/de/publikation/erfahrungen-praevention-gewalt-menschen-behinderungen>. Last accessed on 05/24/2018

³² CRPD/C/AUT/CO/1, paragraph 18, p. 3

- How is information on living situations, multiple discriminations against and strains on women with disabilities gathered, and how is this information made available to the public?

Children with Disabilities (Art. 7) ³³

The skills and the right to self-determination of children and young persons with disabilities are not a point of focus within society. Prevailing ideas are still shaped by pity - "Licht ins Dunkel" ("Light into the Darkness") the Austrian Broadcasting Corporation (ORF) charity campaign for children with disabilities is a famous example of this outdated concept.³⁴

In Austria, children with disabilities are not included in society and instead segregated. Institutionalization and forms of education that favor separation contribute to the fact that children and young persons with disabilities are still at a higher risk of experiencing physical, psychological and sexual violence than their peers.³⁵ The new government program (Regierungsprogramm Neu), includes provisions to further develop the special school sector (cf. Art. 24, Education). Because of this separation, children with disabilities have fewer prospects in the labor market and generally fewer opportunities to lead their lives independently - after leaving special school, they are usually earmarked for work in sheltered employment structures only.³⁶

There is no consistent legislation across the Regions stipulating if, and to what extent, children and young persons with disabilities can receive personal assistance at school. Additionally, the body responsible for providing such services (the state or the Regions) varies depending on the type of school.³⁷

When it comes to the healthcare sector, it is estimated that between 60,000 and 80,000 more places on psychological treatment programs are needed³⁸; there are also significant shortages pertaining to psychological treatments for children and young people (cf. Art. 25, Health).

³³CRPD/C/AUT/CO/1, paragraph 20, p. 3

³⁴Cf. https://www.parlament.gv.at/PAKT/VHG/XXV/NRSITZ/NRSITZ_00183/SEITE_0206.html. Last accessed on 05/29/2018

³⁵ Cf. https://www.gewaltinfo.at/themen/2016_08/gewalt-an-kindern-mit-behinderungen.php. Last accessed on 05/28/2018

³⁶Federal government Report on the Situation of Persons with Disabilities. Cf. <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>. Last accessed on 05/23/2018. "Young people who attended a special school often also spend the rest of their lives in specialized institutions such as sheltered employment structures or residential homes."

³⁷Cf. <https://www.wag.or.at/persoeliche-assistenz-pa/wer-bekommt-pa/> and: https://bildung.bmbwf.gv.at/ministerium/rs/2013_04.html. Last accessed on 05/23/2018

³⁸http://www.kinderjugendgesundheit.at/files/cto_layout/downloads/jahresbericht/LIGA_JB17_web.pdf p. 16. Last accessed on 05/23/2018

Deinstitutionalization of children and young persons with disabilities has not yet been accelerated, according to the Austrian Monitoring Committee.³⁹ Furthermore, there is very little data available on children and young persons with disabilities.

Questions for the LoI:

1. Does consistent, nationwide legislation on personal assistance for federal and regional schools exist for all types of disabilities, and how is it financed?
2. How many children with disabilities (expressed in absolute numbers and in percentage rates) receive personal assistance and to what extent? What are the prerequisites?

Awareness-Raising (Art. 8)⁴⁰

Since the last state review, the federal government has not carried out any effective campaigns to raise awareness and spread information about the significance of the rights of persons with disabilities and the content of the CRPD.

The study "Persons with Disabilities in the Austrian Media"⁴¹, which was conducted in 2017 on behalf of the Austrian Regulatory Authority for Broadcasting and Telecommunications (Rundfunk und Telekom Regulierungs-GmbH), the Ministry of Social Affairs and the Austrian Ombudsman Board, illustrates how little the principles of the CRPD are present in the minds of media professionals in Austria: "The media often use traditional stereotypes and forms of representation that render stories about persons with disabilities, especially emotive ones, more marketable. In particular it is tabloids, which have a wide reach and are therefore especially influential when it comes to forming public opinion, who make use of this strategy, thus painting a distorted, unrealistic and often even discriminatory picture of persons with disabilities."⁴²

The Federal Chancellery of Austria convened a working group that issues recommendations "concerning the representation of persons with disabilities in the media" (the recommendations are in line with the UN CRPD). The result was presented to the public and appeared in a publication by the Federal Chancellery of Austria in 2017.⁴³

Questions for the LoI:

³⁹ http://monitoringausschuss.at/download/stellungnahmen/de-institutionalisierung/MA_SN_DeInstitutionalisierung_final.pdf p. 8. Last accessed on 05/23/2018

⁴⁰CRPD/C/AUT/CO/1, paragraph 22, p. 4

⁴¹ Cf. [https://www.rtr.at/de/inf/Studie Menschen mit Behinderung](https://www.rtr.at/de/inf/Studie_Menschen_mit_Behinderung), p. 88

⁴²Cf.

[https://www.rtr.at/de/inf/Studie Menschen mit Behinderung/Menschen mit Behinderungen in Massenmedien Studie 2015 16.pdf](https://www.rtr.at/de/inf/Studie_Menschen_mit_Behinderung/Menschen_mit_Behinderungen_in_Massenmedien_Studie_2015_16.pdf), p. 87. Last accessed on 05/24/2018

⁴³Cf.

https://www.bundeskanzleramt.gv.at/documents/131008/370304/Empfehlung_zur_Darstellung_von_Menschen_mit_Behinderungen_in_den_Medien.pdf/0916d9df-1c41-4303-8c82-1122d52eac64. Last accessed on 05/29/2018

1. Please give details on what steps the Austrian government is taking to promote the positive image of children and adults with disabilities amongst government personnel, the media and the general public?

Accessibility (Art. 9)⁴⁴

An inclusive approach relating to accessibility which is applicable across Austria and in line with Article 9 of the CRPD was not developed.

The Disability Equality Act still does not include provisions for injunctive relief or claims for the removal of barriers or discriminatory behavior (cf. Art 5).

Austrian federalism also impedes the implementation of the CRPD in terms of accessibility.

Physical environment

There are still nine different regional building regulations. Existing construction standards only apply to buildings exceeding a certain minimum size or minimum capacity for which accessibility is required in public facilities or residential areas.

In 1993, the Austrian Institute of Construction Engineering (Österreichisches Institut für Bautechnik, OIB) was founded based on an agreement between the Regions, pursuant to Article 15a of the Austrian Federal Constitutional Law (Bundes-Verfassungsgesetz), in order to harmonize building regulations. The OIB issues guidelines that the Regions can incorporate into their respective building codes. Persons with disabilities are not part of the process of preparing those guidelines.

In 2015, the reference to ÖNORM B 1600 (the national standard for accessibility) was removed from the OIB guidelines for the first time and instead fewer requirements in terms of accessibility were defined.

As a result, the building codes of the Regions have deteriorated considerably (e.g. in Lower Austria, Upper Austria or Burgenland). These deteriorations lead to persons with disabilities being excluded from society. Ensuing protests by the disability organizations remain unheard⁴⁵.

It should be noted that the OIB guidelines are not suitable for the task of harmonizing building legislation across the Regions in the first place. Firstly, they only include requirements pertaining to construction engineering and leave it to the Regions to define which buildings have to be accessible⁴⁶, and secondly, the Regions can substantially deviate from the guidelines at any time.⁴⁷

⁴⁴CRPD/C/AUT/CO/1, paragraph 24, p. 4

⁴⁵ Cf. https://www.ots.at/presseaussendung/OTS_20180412_OTS0121/drohende-verschlechterung-der-barrierefreiheit. Last accessed on 05/29/2018

⁴⁶In Lower Austria, for example, a supermarket only has to be made accessible if its sales area exceeds 750 m² (section 46 paragraph 1 item 7 Lower Austrian Building Regulations), and in Burgenland, venues do not have to be made accessible per se (section 4 of the Building Code).

⁴⁷At the moment, this is most apparent in the Lower Austrian Regulations on construction engineering (Bautechnikverordnung).

Whether or not an annex or an alteration to a building has to be accessible varies from Region to Region⁴⁸. The building codes of the Regions do not include legal obligations to render older buildings accessible.

Furthermore, there are no concepts or strategies in place to ensure that living space is accessible.

In addition, legal provisions concerning accessible escape and evacuation measures and personal safety in public buildings do not exist; neither do normative principles for planning escape routes and ensuring personal safety.

Existing staged plans and plan excerpts by the Federal State in accordance with the Disability Equality Act are not easily available, are sometimes not at all available to the public and do not exist in accessible formats.

Only some of the Regions have issued such plans (Styria, Tyrol and Vienna). These do not include all buildings belonging to the Regions and municipalities. The due date for implementing these staged plans has not been brought forward.

Cultural funding by the Regions is still granted without regard to accessibility.

There is no legal requirement applicable across the whole country to make accessibility of public road space mandatory. In terms of the transport, comprehensive binding regulations are lacking, e.g. for trams. Despite a clear statement from the Committee following an individual complaint, the Federal Tramway Regulation (Bundes-Straßenbahn-Verordnung) was not amended⁴⁹.

Access to information and communication

Accessibility also encompasses the domains of information and communication including information and communication technologies and systems as well as access to goods and services that is thus enabled.

Austria has not yet taken steps to implement the EU directive 2016/2102 on the Accessibility of the Websites and Mobile Applications of Public Sector Bodies as well as the EN 301 549 (Accessibility Requirements Suitable for Public Procurement of ICT Products and Services in Europe).

There are no legal requirements for vocational training programs to include accessibility as a compulsory subject. Accordingly, the curricula for (vocational) schools, universities of applied sciences, universities, etc. do not include accessibility in a comprehensive sense as a stand-alone compulsory subject. Neither the federal government nor the relevant ministries have developed concepts or strategies pertaining to continued education on universal design and accessibility. Knowledge on personal safety or safe use relating to persons with disabilities is non-existent.

Because of a lack of materials in simple language, many persons with disabilities are still excluded from society. They rarely have access to health-related information⁵⁰,

⁴⁸Most building codes only render it mandatory if making a space accessible does not cause any disproportionate additional costs (e.g. section 46 paragraph 5 of the Lower Austrian Building Regulations).

⁴⁹Cf. <http://archiv.bka.gv.at/DocView.axd?CobId=61651>. Last accessed on 05/29/2018

⁵⁰ Cf. https://www.dachverband.at/wp-content/uploads/2017/02/1_Weber_Menschen_mit_Lernschwierigkeiten_und_komplexen_Beeintraechtigungen.pdf, last accessed on 05/30/2018

the news, product information, services or information about public bodies and authorities in simple language.

In Austria, there are no unified standards for interpreting services, including those for the justice system and the police. There is no unified, nationally applicable regulation for sign language interpreting and no legal entitlement to it. Compensation for the cost of necessary assistive technologies is lacking as well. There is no possibility of freely choosing a sign language interpreter in civil or criminal proceedings or in notary proceedings. In court, certified sign language interpreters are provided; however, the interpretation is not subject to quality assurance⁵¹.

At the moment, many public institutions or services cannot be accessed by deaf people, or can only be accessed in a restricted manner and after considerable additional effort has been made. Even though it is estimated that at least 600 Austrian Sign Language interpreters would be required across the whole of Austria, only approximately 100 Austrian Sign Language interpreters are available. Training for sign language interpreters is currently only offered in Linz, Graz and Vienna, but not in western Austria (Tyrol and Vorarlberg). In many cases, communication assistants, who have not been sufficiently trained, are used instead.

At the Austrian Broadcasting Corporation (ORF), the subtitling rate has barely increased since 2013. The timeslots during which Austrian Sign Language is available decreased sharply between 2016 and 2017 and is now less than it was in 2012. Private broadcasters hardly ever provide television programs with subtitles or Austrian Sign Language.

Questions for the LoI:

- 1) Which unified legal provisions require mandatory, comprehensive accessibility in buildings and public road space across the whole of Austria?
- 2) How many Austrian laws and regulations (in percent) are available in an easy-to-read format?
- 3) What percentage of the websites and apps of public authorities fulfil the requirements of the WCAG 2.0, provided they are subject to accessibility requirements in accordance with the Disability Equality Act or the E-Government Act?
- 4) Has the EN 301 549 been transposed into Austrian public procurement law?
- 5) What steps are the federal government taking in order to satisfy the need for sign language interpreters?

Situations of Risk and Humanitarian Emergencies (Art. 11)⁵²

There is no federal, systematic account of support measures for persons with disabilities in situations of emergencies. Warning systems in case of emergencies are not yet fully accessible. Information in simple language is only occasionally available. There is no plan addressing the inclusion of deaf people in disaster protection. The

⁵¹According to the Austrian National Association of the Deaf (Österreichischer Gehörlosenbund)

⁵²CRPD/C/AUT/CO/1, paragraph 26, p. 4

emergency number⁵³ for deaf people is generally regarded as a positive feature; however, it does have its weaknesses, as senders of an emergency call via text or fax do not get a confirmation that their message has been received and that help is on its way. For the moment, an emergency service app only exists in one Region (Lower Austria). Adaptations are also necessary in terms of risk protection and prevention. Evacuation plans usually do not consider persons with disabilities.

The situation of persons with disabilities who come to Austria seeking protection can only be described as drastic⁵⁴. The Federal Ministry of the Interior informed the Austrian Disability Council that approximately 200 places are reserved for persons with disabilities receiving basic services in Traiskirchen and in Gallsbach; however, professional care is not available.

Questions for the LoI:

- 1) Which steps are being taken to ensure that refugees with disabilities receive the assistive devices, care and support they need?
- 2) When will Austria join the "Charter on Inclusion of Persons with Disabilities in Humanitarian Action", and how will it be implemented?
- 3) Twin-track approach: What is being done to ensure that persons with disabilities have access to general aid programs in humanitarian emergencies? How is full individual support (e.g. rehabilitation, assistive devices) provided?

Equal Recognition before the Law (Art. 12)⁵⁵

In 2014, the Ministry of Justice started an exemplary participative process to revise the law on guardianship. After several years of intense work by everyone involved, particularly persons with learning disabilities and people with psychosocial disabilities, the second Protection of Adults Act (Erwachsenenschutzgesetz) was adopted unanimously by the National Council and entered into force at the 1st of July, in 2018. As a result, the possibility to act on behalf of another person was severely restricted and, in all cases, limited to a certain period of time and for specific measures.

Although it remained unclear for some time if there would be sufficient resources available to implement the law, funding appears to be secured now⁵⁶, despite the massive budget cuts to the justice sector envisaged by the federal government.⁵⁷

A second but nevertheless essential point is the fact that the success of the Protection of Adults Act will largely depend on implementation practices and available alternatives. As it stands, the law by itself cannot grant full protection from

⁵³ Cf. http://bmi.gv.at/Notrufnummern/notruf_gehoerlose.aspx . Last accessed on 05/29/2018

⁵⁴ Cf. <https://volksanwaltschaft.gv.at/artikel/Versorgung-von-UMF-Situation-in-Traiskirchen-unertraeglich> and https://www.aerzte-ohne-grenzen.at/sites/default/files/msf_traiskirchen_bericht_2015.pdf. Last accessed on 05/29/2018

⁵⁵ CRPD/C/AUT/CO/1, paragraph 28, p. 5

⁵⁶ Cf. <http://www.noen.at/niederosterreich/politik/erwachsenenschutzgesetz-finanzierung-fuer-schutz-von-behinderten-ist-fix-erwachsenenschutzgesetz-hartwig-loeger-80165143>. Last accessed on 05/29/2018

⁵⁷ Cf. <http://www.nachrichten.at/nachrichten/chronik/Einsparungen-Justiz-warnt-vor-dramatischen-Folgen;art58,2854957>. Last accessed on 05/29/2018

heteronomous decision-making and thus guarantee the right to autonomy for persons with disabilities in accordance with the CRPD. The Regions, for their part, also have to develop and implement programs to promote supported decision-making. In this respect, civil society representatives are not aware of any reform or funding plans. The results of the law are not predictable since the Act entered into force only July 1st, 2018.

Questions for the LoI:

1. Which measures will be taken by the Regions to support persons with disabilities in exercising their legal capacity?

Liberty and Security of the Person (Art. 14)⁵⁸

Since the last State review, the legal situation has only changed minimally. From July 1, 2018, the Nursing Home Residence Act (Heimaufenthaltsgesetz) also applies to residential homes and other institutions for the care and education of minors. As a result, for the first time a court-based legal mechanism assessing the measures that restrict the freedom of children and young people, is possible. Apart from this, the legal bases (Nursing Home Residence Act and Hospitalization Act (Unterbringungsgesetz) were merely adapted in line with the Protection of Adults Act (cf. Art. 12). Thus, the recommendations of the Committee from the first state review have not been implemented. The substantial criticisms stated in the last civil society report remain.⁵⁹

Questions for the LoI:

- 1) Are there trainings for medical personnel to prevent abusive practices against persons with disabilities?

Freedom from Torture and Cruel, Inhuman or Degrading Treatment or Punishment (Art. 15)⁶⁰

Following a decree by the Federal Ministry of Health on July 22, 2014, the use of cage beds was prohibited in Austria as of July 1, 2015. However, doctors as well as the people concerned criticize (with different intentions) that **as a result, five-point restraints⁶¹ and sedation are now increasingly being used as alternative measures to restrict freedom**; these measures are often perceived to be more restrictive than cage beds. The elaboration and development of alternatives in accordance with the CRPD is lacking.

Questions for the LoI:

⁵⁸CRPD/C/AUT/CO/1, paragraph 30 and 31, p. 5

⁵⁹ https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf . Last accessed on 05/29/2018

⁶⁰CRPD/C/AUT/CO/1, paragraph 33, p. 5. Last accessed on 05/29/2018

⁶¹Cf. <https://www.aekstmk.or.at/507?articleId=6077> . Last accessed on 05/29/2018

1. How is Austria planning to ban all measures amounting to torture, cruel, inhuman or degrading treatment or punishment, including measures aiming to restrict the movement of persons with disabilities such as five-point restraints and sedation?

Freedom from Exploitation, Violence and Abuse (Art. 16)⁶²

The situation has barely changed since the last State review⁶³. There were only slight improvements to criminal law following the 2015 Criminal Law Amendment Act (Strafrechtsänderungsgesetz)⁶⁴ and the 2017 Amendment to the Criminal Code (Strafgesetznovelle)⁶⁵. The annual report on Preventive Human Rights Monitoring⁶⁶, prepared by the Austrian Ombudsman Board, still points out considerable drawbacks; for instance, strategies for the prevention of violence and sufficient funding for trained staff as well as adequate facilities are still lacking. The lack of participation of persons with disabilities is extremely concerning.

Questions for the LoI:

1. Are strategies for the prevention of violence a prerequisite for institutions – focused on persons with disabilities – to receive public funding?

Living Independently and Being Included in the Community (Art. 19)⁶⁷

Deinstitutionalization

There is no plan for comprehensive measures towards deinstitutionalization for the time being and as far as we know, there is no valid data available. There are no unified legal provisions across the whole of Austria concerning assisted living in one's own apartment. Hundreds of young persons with disabilities are still placed in retirement homes because support to live independently do not exist. The Austrian Ombudsman Board estimates that approximately five percent of retirement home residents are less than 60 years old.⁶⁸

Personal Assistance (PA)⁶⁹

⁶²CRPD/C/AUT/CO/1, paragraph 35, p. 6

⁶³Cf. https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf. Last accessed on 05/29/2018

⁶⁴ Cf. https://www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00204/fname_436445.pdf. Last accessed on 05/29/2018

⁶⁵ Cf. https://www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00506/fname_644909.pdf. Last accessed on 05/29/2018

⁶⁶ Cf. <http://volksanwaltschaft.gv.at/downloads/3ge1p/Parlamentsberichtpercent202017percent20-percent20Präventivepercent20Menschenrechts-kontrolle.pdf>. Last accessed on 05/29/2018

⁶⁷CRPD/C/AUT/CO/1, paragraph 37, p. 6

⁶⁸ 2014 report by the Austrian Ombudsman Board to the National Council and the Federal Council. Cf. https://www.parlament.gv.at/PAKT/VHG/XXV/III/III_00154/imfname_401787.pdf, p. 31. Last accessed on 05/25/2018

⁶⁹CRPD/C/AUT/CO/1, paragraph 39, p. 6

Following a five-party petition⁷⁰ on personal assistance in 2011, the Minister for Social Affairs at the time was charged with the formation of a working group for unified federal regulation on personal assistance. This working group convened several times but did not produce a result. Persons with disabilities were not included in the work of the working group.⁷¹ Since then, there have been no further efforts towards unified regulations.

As a result, **there are nine responsible Regions with differing regulations.**

Self-determination is still defined using the **medical model of disability**. For this reason, potential recipients of services are very limited (e.g. they are usually not available to people with learning disabilities).

The fact that the number of hours available is either limited, the hourly payment rate is too low, or both, poses a serious problem⁷².

Following the financial compensation for the years 2017 to 2021, the Regions and municipalities receive an additional annual amount of 300 million euros which they can spend on nursing, health and social issues and therefore also on deinstitutionalization⁷³. Funding for personal assistance per hour of support does not come close to covering the actual costs. In Vienna, for example, the hourly rate has not been adjusted since 2008. As a consequence, the allowance for personal assistance is essentially reduced every year⁷⁴, indirectly forcing persons with disabilities to opt for working contracts that do not correspond with social provisions for fully insured employees.

In Upper Austria, the number of hours available is limited to a maximum of 250 hours per month within the service model⁷⁵. The fact that the amount of benefits depends on the amount of income is especially disadvantageous for people needing many hours of support, as it means that these people are often driven into poverty⁷⁶.

In Styria, only people with physical or sensory disabilities are granted approximately 133 hours per month⁷⁷.

⁷⁰Cf. https://www.parlament.gv.at/PAKT/VHG/XXIV/A/A_00105/index.shtml. Last accessed on 05/29/2018

⁷¹Cf. <https://www.bizeps.or.at/wann-werden-vertreter-der-betroffenen-in-die-arbeitsgruppe-miteinbezogen/>. Last accessed on 05/29/2018

⁷² Limited number of hours available - e.g. Upper Austria: maximum of 250 hours per month within the service model Cf. https://www.persoeliche-assistenz.at/ausmass_und_kosten.html. Styria: approx. 133 hours per month <http://www.soziales.steiermark.at/cms/beitrag/11843358/439/>. Last accessed on 05/29/2018

⁷³Cf. https://www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_13168/imfname_671652.pdf. Last accessed on 05/29/2018

⁷⁴Cf. <https://www.bizeps.or.at/wie-geht-es-in-wien-weiter-mit-persoelicher-assistenz/>. Last accessed on 05/29/2018

⁷⁵Cf. https://www.persoeliche-assistenz.at/ausmass_und_kosten.html. Last accessed on 05/29/2018

⁷⁶Cf. https://www.persoeliche-assistenz.at/ausmass_und_kosten.htm. Last accessed on 05/29/2018

⁷⁷Cf. <http://www.soziales.steiermark.at/cms/beitrag/11843358/439>. Last accessed on 05/29/2018

In the last few years, individual Regions have attempted to selectively modify programs for personal assistance or, if they did not yet exist, to at least start pilot projects⁷⁸ to that end⁷⁹.

In any case, the current government program⁸⁰ of the federal government does hint at an urgent need for harmonization.

Personal assistance in the workplace has been subject to unified federal legislation since 2004, there is a 2011 directive with the title "personal assistance in the workplace".⁸¹ that has several weak points. It governs support at the workplace and at university. During a job search, there is no legal entitlement to personal assistance. Establishing employment contracts including social insurance is the goal. People with learning disabilities, however, are not eligible because they often do not have the required care allowance level and because they do not have access to the so-called "primary labor market".

In 2011, as a result of this directive on personal assistance at the workplace⁸², hours of support for time away from the workplace (sick leave, holidays, rehabilitation measures) were reduced for the first time because they were not considered to be working hours under an employment contract subject to compulsory insurance. The original regulation from 2004⁸³ included provisions for full hours of support during these times. In 2017, the Ministry of Social Affairs presented the Austrian Disability Council with further considerations relating to budgetary cuts.

The aforementioned directive also stipulates the convocation of an Assistance Conference⁸⁴ in the form of an advisory group for each Region to guarantee that full personal assistance is granted. However, this Conference is hardly ever used in any of the Regions, thus robbing assistance users of their right to represent themselves.

Approximately 450,000 Austrians receive a **care-allowance** in order to cover additional expenses related to their care. Its purpose is to enable people requiring care to lead an autonomous life. However, the care allowance has not been adequately valorized since its introduction in 1993, resulting in a decline in value of

⁷⁸Cf. <https://www.behindertearbeit.at/45917/tirol-persoenliches-budget-fuer-selbstbestimmtes-leben-und-gesellschaftliche-teilhabe>. Last accessed on 05/29/2018

⁷⁹Cf. <https://www.salzburg.gv.at/themen/soziales/menschen-mit-behinderungen/persoенliche-assistenz>. Last accessed on 05/29/2018

⁸⁰Cf. https://www.bundestkanzleramt.gv.at/documents/131008/569203/Regierungsprogramm_2017-2022.pdf/b2fe3f65-5a04-47b6-913d-2fe512ff4ce6, p. 119. Last accessed on 05/29/2018

⁸¹Cf. https://www.sozialministeriumservice.at/cms/site/attachments/7/6/7/CH0011/CMS1199712266329/rl_persoенliche_assistenz_am_arbeitsplatz.pdf. Last accessed on 05/29/2018

⁸²Cf. https://www.sozialministeriumservice.at/cms/site/attachments/7/6/7/CH0011/CMS1199712266329/rl_persoенliche_assistenz_am_arbeitsplatz.pdf. p. 4. Last accessed on 05/29/2018

⁸³Cf. https://www.ris.bka.gv.at/Dokumente/Erlaesse/ERL_14_000_20030000_001_44101_58_6_03/ERL_14_000_20030000_001_44101_58_6_03.html. Last accessed on 05/29/2018

⁸⁴Cf. https://www.sozialministeriumservice.at/cms/site/attachments/7/6/7/CH0011/CMS1199712266329/rl_persoенliche_assistenz_am_arbeitsplatz.pdf. p. 7. Last accessed on 05/29/2018

30 percent. For this reason, the care allowance is less and less able to fulfil its purpose.⁸⁵

Questions for the LoI:

- 1) Are there any unified regulations applicable across the whole of Austria pertaining to PA outside of an employment contract or education?
If not, what measures and under which timeframe will the government ensure that all persons with disabilities can benefit from personal assistance, independently of their place of residence?
- 2) Are payments for PA made directly to the assistance users, to insurance institutions or to the assistance service center?
- 3) How many residential homes for persons with disabilities are there in Austria, broken down by number of places available for residents?
- 4) How many persons with disabilities are placed in residential homes for elderly people?
- 5) In which Regions do people with learning disabilities receive appropriate assistive support in accordance with the CRPD?
How will the Federal State ensure that there is also a unified regulation at this regard?

Personal Mobility (Art. 20)

The criteria according to which mobility support in the form of benefits (benefits in kind or financial benefits) is granted, as well as the amount of these benefits, continue to depend on the applicable legislation (regional or federal law) and on the responsible insurance institution (Pension Insurance Institution (PVA), Regions, Social Ministry Service Center (Sozialministeriumservice), etc.). This results in **unequal treatment and insufficient support for applicants**.

Benefits are often granted only for their professional life and never for their personal life.

At the moment, there is also no contact point that provides advice on benefits for persons with disabilities and supports them during the application process. This often renders the process of claiming benefits much more difficult.

Questions for the LoI:

1. Is there a one **contact point** ("one-stop-shop") in Austria that provides counselling and assistance relating to mobility support?
2. Is the funding of provision of assistive devices regulated consistently across the whole of Austria and is it ensured for both work and leisure time?

⁸⁵ Cf. <https://www.behindertenrat.at/2018/05/25-jahre-pflegegeld-in-oesterreich-was-bleibt-uebrig/>.
Last accessed on 05/29/2018

Education (Art. 24)⁸⁶

Developments

Civil society representatives have not noted any significant changes relating to inclusive education since the last State review. From a legal standpoint, the Austrian education system is still oriented towards the concept of integration.⁸⁷ The present **Austrian educational system** does not provide inclusive education, neither in the Austrian legislation nor in practice. There is **no firm political commitment to an inclusive education system for everyone**.

A lack of legal provisions, a shortage of resources and inadequate framework conditions hinder the implementation of inclusive education for all educational institutions. The fact that political figures, the Federal State and the Regions as well as administrative authorities are not prepared to raise awareness within society means that inclusive education in accordance with the CRPD is not being implemented!

Children with disabilities receive special educational support if they are granted **“special educational needs (SEN)”** status⁸⁸. The assessment SEN in compulsory schooling (until the 15th birthday) is still **based on the medical model of disability** – in terms of only focusing on the person’s impairment⁸⁹. Children with SEN, who have not the ability to follow the curriculum, still lack the opportunity to attend Secondary Level II schools - general and vocational high schools (Allgemeinbildende und Berufsbildende höhere Schulen) - after finishing compulsory education because politicians are not willing to create the appropriate legal framework. General high schools are not even legally required to put “inclusive education” into practice.⁹⁰

During the academic year 2015/2016, 567,544 students were taught at general compulsory schools, 30,701 of these students had SEN, corresponding to 5,4 percent. Of these 30,701 students with SEN, 19,717 (64.2 percent) receive compulsory education in an integrated manner, but due to insufficient resources this does not confirm to UN CRPD standards with Article 24.⁹¹

The fact that **hardly any** valid data is available continues to pose a serious problem; this also applies to data concerning elementary education.

Austrian Sign Language is not sufficiently used and taught at school. There is a lack of interpreters and instructors proficient in sign language to deliver bimodal bilingual lessons. Furthermore, teaching materials in Austrian Sign Language are lacking. Initial and further training possibilities for teachers in Austrian Sign Language are not classified according to the Common European Framework of Reference for

⁸⁶CRPD/C/AUT/CO/1, paragraph 43, p. 6-7

⁸⁷ Cf. <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=362>, p. 19. Last accessed on 07/09/2018

⁸⁸ Cf. https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf, p. 105. Last accessed on 07/09/2018

⁸⁹Cf. Section 8 paragraph 1 Compulsory Education Act (Schulpflichtgesetz) in its 2017 version, no.138

⁹⁰ Cf. https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf . Last accessed on 05/29/2018

⁹¹Cf. <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>; p. 81 et seq. Last accessed on 05/28/2018

Languages (CEFR),⁹² even though the National Council adopted a resolution on this matter in 2017. Children of Deaf Adults (CODA) also do not yet have the language-related support they need.

Presently, Braille teaching material is neither prepared nor provided to a sufficient extent.⁹³ This situation is exacerbated by the lack of related data.

Inclusive Model Regions

In Austria, three inclusive **Model Regions** (Styria, Carinthia and Tyrol) were defined; in these Model Regions, measures for implementing an inclusive education system were to be developed and tested. Their findings were to be utilized to gradually expand this scheme across the whole of Austria. The aim is to get all Austrian Regions involved until 2020. However, the development of these Model Regions only started during the academic year 2015/16. Until now, no further Region has been officially declared a Model Region.

A 2017 interim report by the Federal Institute for Educational Research, Innovation and Development of the Austrian School System (Bundesinstitut für Bildungsforschung, Innovation und Entwicklung des österreichischen Schulwesens) demonstrated that concepts and information on implementation strategies are not available to the responsible school principals and school supervising authorities. A lack of resources (particularly staff resources), too much bureaucracy and the fact that the number of working hours for teachers is insufficient continues to cause serious problems.⁹⁴

In 2013, a **new form of teacher training (PädagogInnenbildung neu)** was launched; its aim was to make knowledge and experiences on inclusive education available to all teachers no matter in which school types they will work. Information on special education is now embedded to a greater extent in training for primary school teachers with a focus on inclusive education and in training for secondary school teachers specializing in inclusive education. **The federal government is planning on abandoning this concept and reintroducing specific training for special school teachers**⁹⁵. Civil society representatives believe there is a risk of regressing to the old model, in which segregation and special education is encouraged.

The **2017 Education Reform Act (Bildungsreformgesetz)**, which was developed by the government without any participation from persons with disabilities - including children with disabilities and parents - neither mentions inclusive education, nor does it stipulate any measures to this end with regard to individual school laws.

At the beginning of the mandate of the **federal government** in December 2017, a government plan was proposed which indicates a dangerous regression compared to

⁹²Cf. <http://www.europaeischer-referenzrahmen.de/>. Last accessed on 05/29/2018

⁹³ According to the BSVÖ – the Austrian Federation of the Blind and Partially Sighted. Cf. www.bsvoe.at. Last accessed on 07/09/2018

⁹⁴Cf. Wissenschaftliche Begleitung der inklusiven Modellregionen, Bundesinstitut für Bildungsforschung, Innovation & Entwicklung des österreichischen Schulwesens, Erich Svecnik, Ulrike Sixt, Claudia Pieslinger, p. 46. Cf. https://www.bifie.at/wp-content/uploads/2017/05/Inklusive_Modellregionen_final.pdf. Last accessed on 05/24/2018

⁹⁵Cf. <https://www.oevp.at/download/Regierungsprogramm.pdf>, p. 62. Last accessed on 05/29/2018

the positive tendencies of the last years. The legal acts that have been passed by the government up until now seem to indicate that the government plan will be fully adhered to; for example, the introduction of separate remedial German classes (Deutschförderklassen) has already been legally implemented.

The **2017 government program** puts special emphasis on performance. Before they even start school, children are to be tested on their performance via a strictly regulated examination procedure; subsequently, a specific school type within a differentiated school system is assigned to them. Special needs education and special schools are promoted, negating any research findings on inclusive education as well as the stipulations within the CRPD. A substantial increase in sanctioning and monitoring options is planned. There is reason to fear that innovative aspects of the new teacher training program will be eliminated due to the reintroduction of training for special school teachers.

The amendment to the Education Acts in April 2018 stipulates that knowledge of the German language is to be a prerequisite for attending school; the necessity to include **Austrian Sign Language** was not considered and inclusive education was not envisaged. There is a lack of staff and financial resources to ensure effective linguistic Early Childhood Intervention in German and Austrian Sign Language for deaf and hard-of-hearing children.

University Graduates with Disabilities

University students with disabilities encounter vastly differing framework conditions at individual universities. In general, there are **no resources to ensure equal opportunities** for persons with disabilities available to the tertiary education sector. It is left to the individual universities and higher education institutions to take measures, either on their own initiative or via projects.⁹⁶ Furthermore, there are only a few competent contact persons who are themselves experienced in terms of having disabilities.

In Austria, persons with disabilities have only been legally entitled to attend teacher training without any restrictions since 2015. Whereas higher education institutions providing teacher training are involved in numerous initiatives in order to ensure equal access to training, school authorities and teaching staff have substantial reservations in regard to colleagues with disabilities. "There are still too many 'barriers in people's minds', meaning that there are not enough measures to raise awareness among stakeholders within the Austrian education system (school management, potential 'future teacher colleagues', teachers' unions, professors,

⁹⁶ For example, deaf and severely hearing impaired students are supported through the project "GESTU: Gehörlos erfolgreich studieren" (studying successfully as a deaf person) in Vienna only; they are provided with sign language interpreters, speech-to-text interpreters and tutors. However, according to a survey carried out by the Institute for Advanced Studies (Institut für Höhere Studien, IHS), there is too few support staff available. Furthermore, interpreting services are only provided for students pursuing their first degree. Research report, „Abschätzung der Bedarfslage an ÖGS-DolmetscherInnen in Primär-, Sekundär- und Tertiärbildung sowie in Bereichen des täglichen Lebens“, Jakob Hartl, Martin Unger, p. 26.

https://bildung.bmbwf.gv.at/schulen/sb/oegs_bedarfslage_dolmetsch.pdf?61edk0. Last accessed on 05/24/2018

parents, students) and for society at large.”⁹⁷ **In conclusion, we state that the goals of Article 24 of the CRPD have not been met due to the circumstances described above; on the contrary, according to the government program 2017-2022 for example, special schools are promoted in Austria.**⁹⁸

Several **vocational training programs** are still not open to deaf people because occupational laws and regulations require the ability to speak and use one’s voice in order to participate in the study program and practice the profession. These restrictions are not practical since there is a lack of staff proficient in sign language in the healthcare and education sector, for example.⁹⁹

Questions for the LoI:

- 1) How many posts in education for persons with disabilities - relating to the directive on the appointment of posts (Stellenplanrichtlinie) - were provided to the Regions by the Federal State for the period 2008-2018, broken down by years?
Compare these numbers to the number of students with special educational needs during the same time period.
- 2) How many children are being taught in integrative settings according to the curriculum for children requiring additional support? Total number per Region? Comparison between integrative settings and special schools? Provide a tabular representation of the developments within the last ten years.
- 3) What are the measures taken by the State to promote and encourage training and hiring teachers with disabilities?
- 4) Is Austrian Sign Language stipulated as a language of instruction in the School Education Act (Schulunterrichtsgesetz) and during teacher training? Which measures are being taken to implement Austrian Sign Language as a language of instruction?
- 5) How was inclusive education, in accordance with the CRPD, enshrined in school laws such as the Compulsory Education Act (Schulpflichtgesetz), the School Organization Act (Schulorganisationsgesetz) or the School Education Act (Schulunterrichtsgesetz)?
- 6) In which schools, in what forms and using which funds are support staff and school assistants employed in addition to teaching staff, and how are they trained?

⁹⁷ „PädagogInnen mit Behinderungen – Teilhabe im österreichischen Bildungssystem?“, Behindertenpolitisches Grundlagenpapier und Abschlussbericht 2013-2016, MMag. Gregor Zamarin, 2016. Cf. https://www.bundessache.at/media/file/20_Abschlussbericht_-_Grundlagenarbeit.pdf. p.153. Last accessed on 05/29/2018

⁹⁸Article 19 section 8 paragraph 1. Cf. https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2017_I_138/BGBLA_2017_I_138.html. Last accessed on 05/24/2018

⁹⁹Cf. <http://bafep.scp.ac.at/die-bafep/eignungspruefung>, or <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009623>. Last accessed on 05/30/2018

Health (Art. 25)

Full health insurance exists in Austria. Since 2010, people on the “needs-based minimum benefit system” have been integrated into the health insurance system (this includes many persons with disabilities). However, **this regulation will expire on December 31, 2018**. If no follow-up regulation is agreed upon, this would result in people once again receiving welfare health insurance certificates, which, in turn, leads to stigmatization and means that the people affected would de facto no longer be able to freely choose their doctor.¹⁰⁰

A free choice of doctor, however, is vital for persons with disabilities because many doctor’s practices and hospitals are still not fully accessible¹⁰¹.

The legislator does not make any considerations for full accessibility, as demonstrated by the 2017 Health Reform Implementation Act (Gesundheitsreformumsetzungsgesetz). Within the framework of this law, access to health of people with learning disabilities or visual or hearing impairments is completely ignored.¹⁰²

Although individual measures are planned by the Federal State, the Regions and social insurance institutions in order to improve access to mental health services for children and young people, support is still insufficient due to a lack of availabilities in health care settings and a lack of medical specialists in private practice.¹⁰³

In order to increase health literacy within the population, the Austrian Platform on Health Literacy (Österreichische Plattform Gesundheitskompetenz, ÖPGK)¹⁰⁴ was founded in late 2014. A specific measure concerning people with learning disabilities was also included in the agenda.¹⁰⁵ At the moment, however, it is only limited to the Region of Vienna. Corresponding measures in the other Regions are not known.

Questions for the LoI:

- 1) How will the government ensure that persons with disabilities continue to benefit from the general health insurance after the expiration of the current regulation, on 31st December 2018?

¹⁰⁰Cf. https://www.band.at/wp-content/uploads/2018/04/PA_DAS-BAND_Gesundheit-ohne-Barrieren_2018-04-13.pdf. Last accessed on 05/29/2018

¹⁰¹Cf. <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>; p. 153. Last accessed on 05/29/2018

¹⁰²Cf. Statement by the Austrian Disability Council on the 2017 Health Reform Implementation Act (Stellungnahme des Österreichischen Behindertenrats zum Gesundheitsreformumsetzungsgesetz 2017): <https://www.behindertenrat.at/2017/11/stellungnahmen-2017/>. Last accessed on 05/22/2018

¹⁰³ Cf. <http://volksanwaltschaft.gv.at/downloads/3ge1p/Parlamentsberichtpercent202017percent20percent20Präventivepercent20Menschenrechts-kontrolle.pdf>, 53 et seq. Last accessed on 05/29/2018

¹⁰⁴Cf. https://www.bmgf.gv.at/home/Gesundheit/Gesundheitsreform/Gesundheitskompetenz/Oesterreichische_Plattform_Gesundheitskompetenz_OePGK. Last accessed on 05/29/2018

¹⁰⁵ Improvement of health competence of persons with learning disabilities as well as training of hospital personnel regarding communication with persons with disabilities. Cf. <https://oepgk.at/massnahmen/geko-wien/>. Last accessed on 05/29/2018

Habilitation and Rehabilitation (Art. 26)

In Austria, provision of different forms of rehabilitation (medical, professional, social and pedagogical) is completely scattered across the Federal State, the Regions, social insurance institutions and the Public Employment Service (AMS). Rehabilitation services vary according to the cause of the disability and the insurance status of the person in question. Therefore, equal needs are treated in an unequal manner.¹⁰⁶

Questions for the LoI:

- 1) Are there the same quality of standards of rehabilitation services irrespective of the cause of the disability (work accident, recreational accident or birth-related disability) consistently applied across the whole of Austria?
- 2) Is there a single contact point ("One-Stop-Shop") in Austria in order to receive all types of rehabilitation of the highest quality?

Work and Employment (Art. 27)¹⁰⁷

The situation in the labor market relating to persons with disabilities is complex. Since the 2013 State report, **hardly any improvements** regarding the labor market in Austria have taken place. The unemployment rates of persons with disabilities have increased dramatically since 2013¹⁰⁸. Due to the **insufficient availability of data**, it is almost impossible to give a valid account of persons with disabilities in the labor market.

There is still **no inclusive education system**; as a result, the prerequisites for an inclusive working environment are not being met. The federal government that has been in office since December 18, 2017 is even planning on further developing the Special School sector instead of promoting inclusion.

Even though it is stated in the new **government program (2017 – 2022)** that persons with disabilities be added as a target group of the **Public Employment Service**, no specific objectives have been fixed and there is no dedicated budget to finance them. The **current dual budget** for 2018 and 2019 includes cuts to the general labor market budget. This primarily affects long-term unemployed persons, a group in which the number of persons with disabilities is disproportionately high.

As part of the **Inclusion Package** that was adopted in October 2017, it was announced that an additional 45 million euros would be spent on the employment of persons with disabilities. Up until now, no specific suggestions for possible measures have been presented and no participative consultation procedure on the application of funds has been initiated. Some have even claimed that only a fraction of the allocated funds will reach the people concerned, while the majority of the money will be used to plug existing holes in the budget.

¹⁰⁶Cf. Art. 27 on the term "causal welfare state"

¹⁰⁷ CRPD/C/AUT/CO/1, paragraph 47, p. 7

¹⁰⁸Cf. <https://www.behindertennrat.at/wp-content/uploads/2018/05/Arbeitsmarktdaten-2013-2017.xlsx>. Last accessed on 05/29/2018

Structural Problems

In Austria, **social legislation** is usually negotiated by the social partners¹⁰⁹ and enacted by the Parliament. At the moment, persons with disabilities are only marginally represented within social partner organizations. As a result, their concerns have barely been considered within the current legislation.

Austria is a **causal welfare state**, meaning that the competent authority and thus the quality of benefits depend on the circumstances under which a specific event occurred. As a result, similar needs correspond to varying benefits (e.g. work-related accidents are better regulated than accidents happening during leisure time, personal assistance at the workplace is in a privileged position compared to personal assistance for leisure time).

Due to the **federal structure** of Austria, benefits which fall under the responsibility of the Regions exist in nine different versions (e.g. sheltered employment structures, personal assistance for leisure time).

So, persons with disabilities are confronted with many legal **terms and classifications** such as "capacity to work", "invalidity" or "degree of disability" in their everyday lives. These terms and categories are sometimes defined in contradictory ways in individual federal or regional laws. As the different authorities use varying terminology according to the specific case of application, the benefits granted by each authority work together badly or not at all. For this reason, persons with disabilities are often deprived of the chance to find a solution that addresses their problems adequately and provides them with a secure income.¹¹⁰

The **assessment procedures** and **assessment bodies** represent another problematic issue because they differ depending on whether they relate to an assessment of the degree of disability in terms of the Disability Employment Act or the Federal Disability Act (Bundesbehindertengesetz), whether they relate to a classification according to the Federal Care Allowance Act (Bundespflegegeldgesetz), the evaluation of the individual need for assistance according to regional laws, or to medical assessments to determine the capacity to work according to the Unemployment Insurance Act (Arbeitslosenversicherungsgesetz) or according to the General Social Insurance Act (Sozialversicherungsgesetz). Assessment procedures are still based on the **medical model of disability**, the human rights approach to assessing the need for benefits is not taken into consideration. In order to receive benefits, those concerned have to undergo separate assessment procedures at each insurance institution. These multiple assessments are not only perceived as extremely stressful by the people in question, but they also lead to differing legal results that are non-transparent and cause great legal uncertainty.

Current Upswing in the Labor Market

After years of crisis, the **Austrian labor market** has been recovering considerably. Persons with disabilities, however, rarely benefit from this boom. Women are still

¹⁰⁹ According to the typology by Esping-Andersen, Austria is a conservative-corporatist welfare state.

¹¹⁰ For example, the Public Employment Service is only responsible for people considered to be fit for work. Thus, this classification results in great differences and discrimination in terms of designing and receiving benefits.

more heavily affected by this situation than men; there is still a pay gap between women and men of approximately 16 percent.¹¹¹

According to the Public Employment Service, the **number of unemployed people under the Disability Employment Act increased by 29.5 percent between 2013 and 2016**. The Social Ministry Service Center indicates that the number of unemployed persons with disabilities who are classified as registered rose by 22.43 percent over the same period of time.¹¹²

Figures from March 2018¹¹³ show that the unemployment rate among “persons with no health-related placement restrictions” has decreased by 11.1 percent, whereas it has only dropped by 2 percent for “persons with health-related placement restrictions”. Persons with disabilities are more frequently affected by unemployment and remain unemployed for longer periods of time. The federal government’s plan to eliminate unemployment assistance and transfer long-term unemployed people to the needs-based minimum benefit system, in which access to their assets is permissible, represents a serious threat to the livelihoods of persons with disabilities.

Persons with disabilities who are classified as unfit for work and are employed through sheltered employment structures are not covered by unemployment statistics. Furthermore, people who feel resigned because of the difficult situation within the labor market and have thus withdrawn from it, as well as those who have never participated, are not registered in the data.

The Disability Employment Act (Behinderteneinstellungsgesetz)

The obligation to employ persons with disabilities still applies only to businesses with more than 24 employees. These only represent 2,9 percent of all Austrian businesses. Of these businesses, only approximately 22 percent are fulfilling their obligation. The others prefer to free themselves from their obligation by paying a compensatory tax amounting to at least 257 euros per month for each person with disabilities who is not employed.

For the past few years, persons who were already classified as registered in accordance with the Disability Employment Act before taking on a specific job have only gained dismissal protection after four years with one company (previously this period was six months). When this measure was introduced, it was expected that it could potentially dispel reservations of businesses towards persons with disabilities. Unfortunately, this expectation did not come true, instead the legal position concerning the employment status of persons with disabilities in a new job has deteriorated considerably.

The Disability Employment Act uses an **outdated definition of disability and refers to the “degree of disability”** in order to determine when protection is to be granted.

Placement Restrictions and Incapacity to Work

¹¹¹Cf. http://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/soziales/gender-statistik/einkommen/043944.html. Last accessed on 04/05/2018

¹¹²Cf. <https://www.behinderterrat.at/wp-content/uploads/2018/05/AL-Zahlen-AMS-und-SMS-2013-2016.xlsx>. Last accessed on 05/28/2018

¹¹³Cf. http://www.ams.at/docs/001_uebersicht_aktuell.pdf. Last accessed on 04/05/2018

People with placement restrictions and an additional need for support rarely have access to measures aiming at professional orientation or qualification. The authorities often declare them to be unfit for work **early on** (after leaving school); thus, they have to rely on sheltered employment structures.

Whether or not support measures are successful is only evaluated via quantitative placement rates. This often means that only those requiring little support can benefit from these measures. In terms of having access to support measures, the place of residence, available funding, age and gender are deciding factors. There are no transparent criteria to ensure that measures are provided according to need.¹¹⁴

Sheltered Employment Structures

At the moment, approximately 23,000 persons with disabilities work within sheltered employment structures¹¹⁵. This work is not classified as gainful employment. These structures are measures taken by the Regions in accordance with the respective regional laws on disability assistance which contain differing regulations. Therefore, people in sheltered employment structures **do not have independent social insurance** (except for accident insurance), **do not receive wages based on collective agreements** (but only some pocket money), and legal regulations on **workers protection**, paid leave and sick leave, employee provision schemes and labor relations (e.g. trade union representation) do not apply.¹¹⁶

In Vienna, the service “fully assisted living” is only available to those who work in sheltered employment structures or take part in a program for vocational qualification or labor integration measures.¹¹⁷

Welfare Trap

The so-called “Welfare Trap” represents a further obstacle for persons with disabilities. In many cases, starting paid employment based on a collective agreement does not provide any financial incentives. Most transfer payments (orphans’ pensions, increased family allowance, etc.) stop completely when certain income limits are exceeded; as a result, available net income may even decrease after taking up a job. There is no guarantee that lost benefits will resume in case of job loss. Thus, taking up paid employment may represent a financial risk for persons with disabilities.

Public Awareness

The public is often unaware of the skills persons with disabilities have, as well as of existing barriers. There are individual organizations that are doing an excellent job of

¹¹⁴ Responses by the members of the Austrian Disability Council suggest that access for people who require high levels of support is barely possible due to quantitative targets at the Public Employment Service. At the same time, there is a noticeable decrease in skills-enhancing projects at the Social Ministry Service Center.

¹¹⁵Cf. <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>, p. 111. Last accessed on 05/29/2018

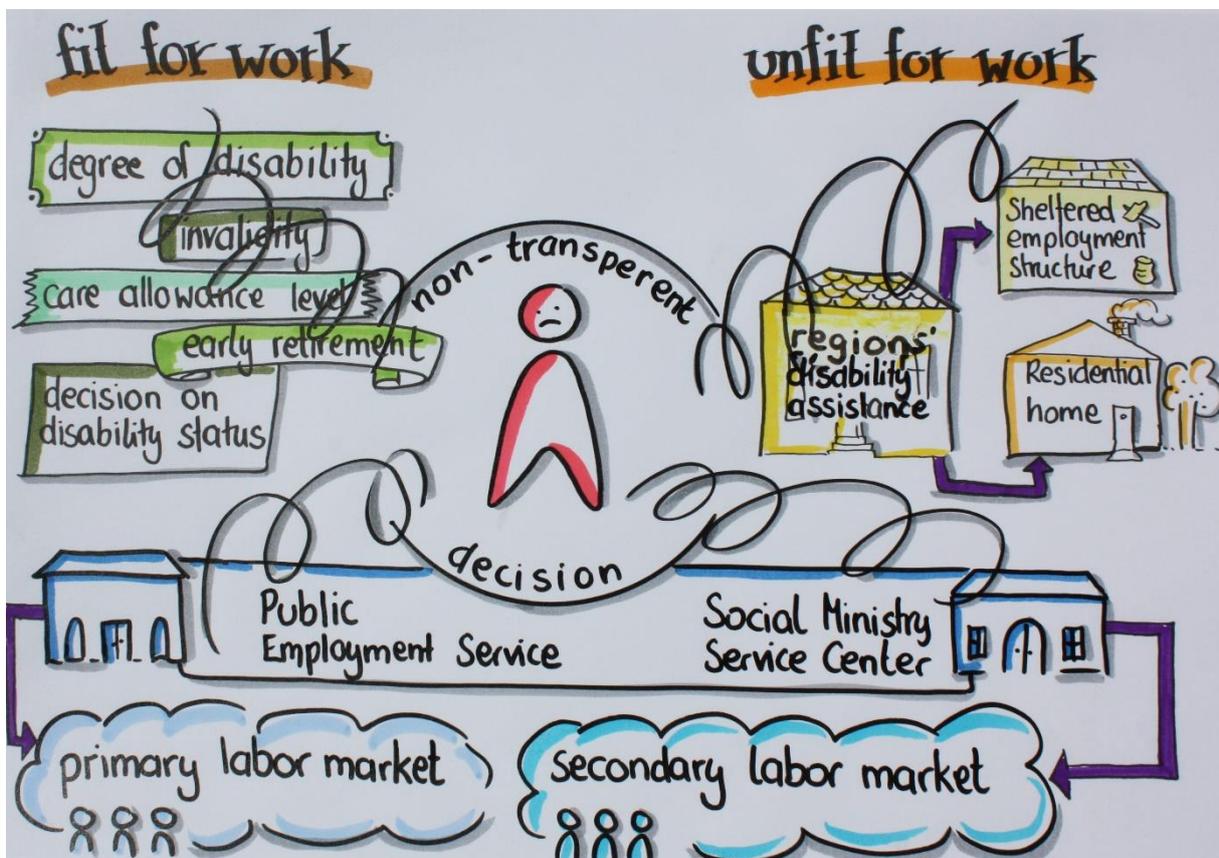
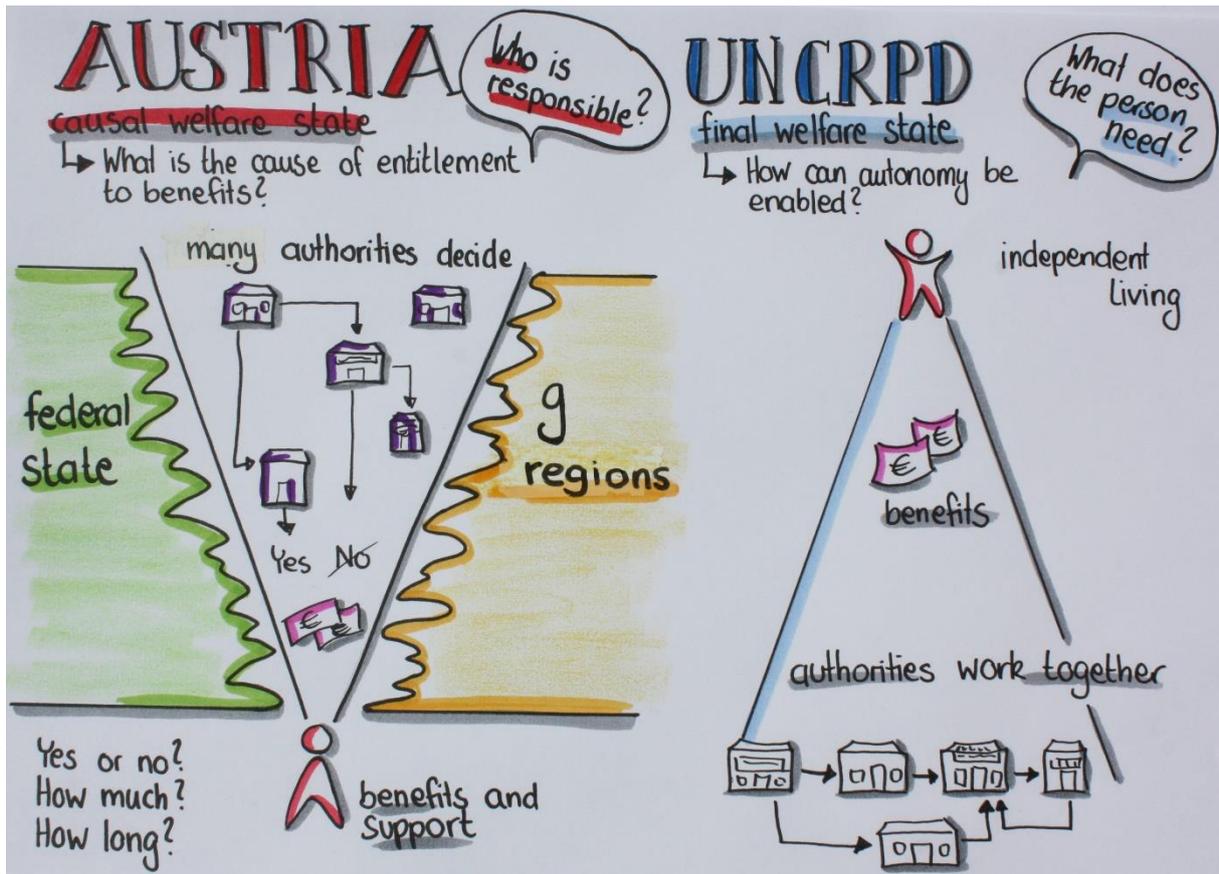
¹¹⁶ A working group of the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, in cooperation with representatives of the Regions and without participation from persons with disabilities, has been considering the inclusion of said group into health and pension insurance schemes since 2009; until now, no results have emerged.

¹¹⁷This form of forced labor affects approximately one quarter of all people in Austria who work within a sheltered employment structure.

informing the public. In the media, however, there is a lack of **positive role models** that could have a significant impact on public awareness.

Questions for the LoI:

1. Employment Gap: What is the employment rate of persons with disabilities - disaggregated by types of impairment, including those who are classified as unfit for work - in comparison to the general population?
2. To what extent do the Federal State, the Regions, municipalities, decentralized legal bodies, chambers, universities, other public and entrusted legal bodies and private employers fulfil their obligation to employ persons with disabilities?
3. Until Art 27 CRPD is implemented, which specific measures have been/ will be taken by Austria to ensure that people in sheltered employment structures are remunerated adequately (minimum wage under collective agreement) and receive social insurance so that they can lead a life in dignity in the midst of society?
4. What is the share of young persons with disabilities in the last two years of compulsory schooling (equivalent to eight and ninth grade) compared to the share of young persons with disabilities taking part in training schemes in accordance with the Compulsory Training Act (Ausbildungspflichtgesetz)?



Artist: Petra Plicka, ©DABEI Austria

Participation in Political and Public Life (Art. 29) ¹¹⁸

In general, Austria is making an effort to make voting accessible. In a 2014¹¹⁹ study, the EU Agency for Fundamental Rights stated that persons with disabilities are not excluded from the right to vote in Austria. Following election monitoring in 2017, the OSCE reached the same conclusion.¹²⁰ However, there are some regulations governing **regional elections**, e.g. in Lower Austria¹²¹ and Burgenland¹²², which contain stipulations that may exclude persons with disabilities from voting.

Usually, there are tactile ballot templates¹²³ for voters with visual impairments, as well as some accessible polling stations. The percentage of accessible polling stations varies from Region to Region.¹²⁴

In 2016, a political party proposed to restrict voting rights for persons with disabilities¹²⁵ but this did not gain a majority in Parliament. In the course of the 2016 presidential run-off election, the Constitutional Court (Verfassungsgerichtshof) had to examine a challenge of the election¹²⁶ filed by a representative of said party on several points. One of the proposed reasons for the challenge was related to postal voting - more specifically, the request to obtain a voting card¹²⁷ - by persons placed under guardianship. It was based on the question of whether persons under guardianship can request a voting card themselves or whether it can only be requested by the guardian. The challenge was upheld; however, the Constitutional Court objected on this particular point, clarifying that requesting a voting card forms part of an individual's right to vote and may not be restricted as a result of the obligation to request a voting card through a guardian.

Many measures concerning full accessibility are currently only regulated partially within electoral laws¹²⁸ or depend on voluntary action by the electoral authorities.

¹¹⁸ CRPD/C/AUT/CO/1, paragraph 49, p. 7

¹¹⁹ The Right to Political Participation for Persons with Disabilities: Human Rights Indicators. Cf. <http://fra.europa.eu/en/publication/2014/right-political-participation-persons-disabilities-summary>. Last accessed on 05/29/2018

¹²⁰ Final Report - Early Parliamentary Elections <http://www.osce.org/odihr/elections/austria/370866>. Last accessed on 05/29/2018

¹²¹ Section 69 paragraph 4 Lower Austrian Regulations Governing the Elections of Regional Diets (NÖ Landtagswahlordnung)

¹²² Section 54 paragraph 3 Regulations Governing the Elections of Regional Diets in Burgenland (Burgenländische Landtagswahlordnung)

¹²³ Cf. <https://www.bizeps.or.at/wie-funktionieren-stimmzettel-schablonen-fuer-sehbehinderte-oder-blinde-menschen/>. Last accessed on 05/29/2018

¹²⁴ 86 percent of all polling stations in Tyrol are accessible. Cf. <http://www.tt.com/politik/landespolitik/14022540-91/vp-wahlwerbung-in-gemeindebrief.csp> and almost 50 percent of polling stations in Vienna are accessible <http://wien.orf.at/news/stories/2868703/>. Last accessed on 05/29/2018

¹²⁵ Cf. <https://kurier.at/politik/inland/verfassungsrechtler-oehlinger-ueber-vilimsky-forderung-richter-dazwischen-zu-schalten-ist-absurd/221.342.437>. Last accessed on 05/29/2018

¹²⁶ Conclusion of the Constitutional Court (VfGH-Erkenntnis). Cf. https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT_20160701_16W_10_0006_00. Last accessed on 05/29/2018

¹²⁷ Cf. <https://www.bizeps.or.at/das-recht-zu-waehlen-und-die-pflicht-dies-zu-unterstuetzen/>. Last accessed on 05/29/2018

¹²⁸ Section 52 Federal Law on National Council Elections (Nationalratswahlordnung) and section 39 European Election Regulations (Europawahlordnung)

Accessible information on the electoral process and on the electoral programs of individual parties is also lacking.

Questions for the LoI:

1. What steps has the State taken to ensure all persons with disabilities enjoy their right to vote, including by, inter alia, implementation of full accessibility in all processes and facilities?

Specific Obligations (Arts. 31–33)

Statistics and Data Collection (Art. 31)¹²⁹

In part, Austria has some very detailed statistics at its disposal, particularly regarding employment. In other domains, however, data on persons with disabilities is only sporadically available and of insufficient quality¹³⁰. There is still a pronounced lack of valid, recent data for most domains of relevance to persons with disabilities. This applies to domains pertaining to the Federal State as well as to the Regions. Not only are there insufficient framework conditions to collect data and generate studies, but there is also not enough funding to ensure that projects can be conducted in a scientifically sound manner.¹³¹ As there are varying definitions of the term disability¹³² - different institutions, such as the Public Employment Service, the Social Ministry Service Center or Statistics Austria use different terms, collected data is not easily comparable¹³³.

Questions for the LoI:

1. Are persons with disabilities fully included (as advisors, trainers, data collectors, subjects, etc.) in the collection and analysis of data that affect them?

International Cooperation (Art. 32)

There were small steps taken towards inclusion as the Austrian Development Agency included questions on accessibility and on reaching out to disadvantaged groups in the Social Standards Assessment¹³⁴ for project proposals as well as in the Manual

¹²⁹ CRPD/C/AUT/CO/1, paragraph 51, 7

¹³⁰ Cf. <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>, p. 158. Last accessed on 05/29/2018

¹³¹ E.g. in the children's health sector. Cf. http://www.kinderjugendgesundheit.at/uploads/Liga_Bericht_2015_web.pdf. Last accessed on 05/29/2018

¹³² Cf. http://www.bham.at/BehVertr/01_Beh/Beh_01.htm#BedeuBeh_6. Last accessed on 05/29/2018

¹³³ Cf. http://momentum-kongress.org/cms/uploads/documents/Beitrag_Wegscheider12_5_2011_2245.pdf. Last accessed on 05/29/2018

¹³⁴Cf. http://www.entwicklung.at/fileadmin/user_upload/Dokumente/Projektentwicklung/Social_Standards_Assessment.docx. Last accessed on 05/29/2018

Environmental and Social Impact Management.¹³⁵ Additionally, several projects with a specific focus on persons with disabilities were promoted. The Austrian Development Cooperation (Österreichische Entwicklungszusammenarbeit, OEZA) has been involved in the European Consortium Project "Bridging the Gap" for the implementation of the Convention in partner countries.

Effective mechanisms to ensure systematic inclusion of persons with disabilities in the Austrian Development Cooperation in a strategic and operational manner do not exist. Unlike gender and environmental protection, disability is not a mandatory cross-sectoral issue.

The Austrian Development Cooperation does not systematically assess and evaluate inclusion and the implementation of the twin-track approach. Funding by the Ministries and the Regions is not taken into account. Participation in the development and monitoring of strategies is only sporadic; the Austrian Development Cooperation working group "Persons with Disabilities" is rarely used. Even though the current National Action Plan 2012-2020 aims to implement the twin-track approach, the measures proposed to that effect are insufficient and some were terminated a long time ago.

Questions for the LoI:

- 1) How many projects funded by the Austrian Development Cooperation have a specific focus on persons with disabilities, compared to the total number of projects?
- 2) How does the government ensure that its funding is used in accordance with the rights of persons with disabilities to promote inclusion and accessibility?
- 3) How does the implementation and monitoring of the 2030 Agenda for Sustainable Development ensure a human rights-based approach to disability and the adherence to the principle of "leaving no-one behind"?

National Implementation and Monitoring (Art. 33)¹³⁶

The independence of the Monitoring Committee was improved by the so-called Inclusion Package (Federal Law Gazette I 2017/155). The legal framework stipulates valorized funding that is at the disposal of the association¹³⁷; therefore, it is in compliance with the Paris Principles.

In contrast, the nine regional Monitoring Committees still do not come close to fulfilling the standards of the Paris Principles. With the exception of the Styrian Monitoring Committee, they were set up within public institutions, usually within anti-discrimination offices of the Regions. In many cases, they are chaired by public officials.

¹³⁵ Cf.

http://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/Handbuecher/Environmental_and_Social_Impact_Management/Manual_Environmental_and_Social_Impact_Management.pdf.

Last accessed on 05/29/2018

¹³⁶CRPD/C/AUT/CO/1, paragraph 53, p. 8

¹³⁷CRPD/C/AUT/CO/1, paragraph 54, p. 8

The amendment to the Upper Austrian anti-discrimination law (State Law Gazette 2017/51) led to a further deterioration of the framework conditions for the Monitoring Committee. Now, the chair of the Monitoring Committee does not have to be legally trained anymore. The only requirement is for them to have been employed by the Region of Upper Austria up to that point.¹³⁸ The existing Monitoring Committee in Upper Austria has not been operational for years because it was set up within an anti-discrimination office that did not have a head of office for an extended period of time.

Questions for the LoI:

1. How does the federal government ensure that the Monitoring Committees of the nine regions are in line with the Paris Principles?

Vienna, July 12th, 2018

¹³⁸Cf. <https://www.klagsverband.at/dev/wp-content/uploads/2017/05/Stel-OpercentC3percent96-ADG-1.pdf>. Last accessed on 01/17/2018

Attachment

The Austrian Disability Council

Our vision: An inclusive society for all people

Our mission statement: We are fighting for the removal of barriers and for increasing the participation opportunities of people with disabilities. We represent the interests of 1.4 million people with disabilities in Austria and are the negotiating partner at the political table.

Our goals as a political lobby and advocacy organization are: coordination of the various interests of our member organizations as well as the implementation of the UN CRPD, which Austria ratified in 2008.

Our tasks: Collection of various documents and digital media, collaboration on numerous panels and commissions, preparation of political proposals, advocacy regarding all areas concerning persons with disabilities and consequently the attempt to realise these proposals and demands on the national and international level.

The Secretariat: Administration, Legal Department, EU and International Department, Public Relations

Involved organisations

- Austrian Disability Council - Österreichischer Behindertenrat
- Arbeitsgruppe Behinderung und Entwicklung der Globalen Verantwortung
- BIZEPS – Behindertenberatungszentrum, Zentrum für Selbstbestimmtes Leben
- BSVÖ- Blinden- und Sehbehindertenverband Österreich
- Brozek Power Consulting e.U.
- Bundes-Behindertenanwaltschaft
- DABEI Austria
- Das Band
- FAB Pro.Work
- Forum Selbstvertretung
- Hilfsgemeinschaft der Blinden und Sehschwachen
- Integration Wien
- Klagsverband
- Lebenshilfe Österreich
- Licht für die Welt
- ÖGLB – Österreichischer Gehörlosenbund
- ÖZIV Bundesverband
- Pädagogische Hochschule OÖ
- pro mente kärnten GmbH
- SLIÖ – Selbstbestimmt Leben Österreich

- Verein UNIABILITY

Member organizations of the Austrian Disability Council:

- Allgemeine Unfallversicherungsanstalt (AUVA)
- Ambulatorium Sonnenschein
- ASSIST gemeinnützige GmbH
- assista Soziale Dienste GmbH
- Assistenz24 gemeinnützige GmbH
- BBRZ Österreich
- Behindertenhilfe Bezirk Korneuburg
- Behindertenhilfe Klosterneuburg
- Behindertenintegration Ternitz Gemeinnützige GmbH
- Blinden- und Sehbehindertenverband Österreich (BSVÖ)
- Caritas Österreich Zentrale
- CBMF – Club behinderter Menschen und ihrer Freunde
- Club Handikap
- dachverband berufliche integration austria
- Dachverband Der Steirische Behindertenrat
- DAS BAND – gemeinsam vielfältig
- debra-austria - Interessengemeinschaft Epidermolysis bullosa und Verein zur Förderung der Epidermolysis bullosa-Forschung
- Diakonie Österreich Behindertenarbeit
- Down-Syndrom Österreich
- Epilepsie Interessengemeinschaft Österreich
- Epilepsie und Arbeit Gemeinnützige Beratungs- und Entwicklungs GmbH
- Forum für Usher Syndrom, Hörsehbeeinträchtigung und Taubblindheit
- Gesellschaft für ganzheitliche Förderung und Therapie NÖ GmbH
- Gewerkschaft der Post- und Fernmeldebediensteten
- Gewerkschaft vida
- Grete Rehor-Hilfsfonds für behinderte Menschen
- Hilfsgemeinschaft der Blinden und Sehschwachen Österreichs
- Hilfswerk Österreich
- HPE-Österreich
- Initiativ für Kinder und Jugendliche mit Behinderungen
- Institut für Sozialdienste Vorarlberg (IfS)
- Integration Wien - Gemeinsam Leben – Gemeinsam Lernen
- Jugend am Werk (JAW)
- KoMiT GmbH - Konduktiv Mehrfachtherapeutische Zentren und Integration
- Kriegsopfer- und Behindertenverband Österreich (KOBV)
- Lebenshilfe Österreich
- Multiple Sklerose Gesellschaft Wien
- Multiple Sklerose Landesgesellschaft Steiermark
- Musische Arbeitsgemeinschaft

- Netzwerk St. Josef
- OÖZIV – Oberösterreichischer Zivil-Invalidenverband
- Österreichische Autistenhilfe
- Österreichische Blindenwohlfahrt
- Österreichische Hämophilie-Gesellschaft
- Österreichische Multiple Sklerose Gesellschaft
- Österreichische Vereinigung Morbus Bechterew
- Österreichischer Behindertensportverband
- Österreichischer Gehörlosenbund (ÖGLB)
- Österreichischer Schwerhörigenbund (ÖSB)
- Österreichischer Verband für Spastiker-Eingliederung
- Österreichisches Hilfswerk für Taubblinde und hochgradig Hör- und Sehbehinderte (ÖHTB)
- ÖZIV Bundesverband - Interessenvertretung für Menschen mit Behinderungen
- ÖZIV Kärnten - Interessenvertretung für Menschen mit Behinderungen
- ÖZIV Steiermark - Interessenvertretung für Menschen mit Behinderungen
- ÖZIV Tirol - Interessenvertretung für Menschen mit Behinderungen
- ÖZIV Vorarlberg - Interessenvertretung für Menschen mit Behinderungen
- ÖZIV Wien - Interessenvertretung für Menschen mit Behinderungen
- Persönliche Assistenz GmbH
- Physio Austria
- PlatO – Plattform anthroposophischer therapeutischer Organisationen in Österreich
- pro mente austria - Gesellschaft für psychische und soziale Gesundheit
- pro mente Wien - Gesellschaft für psychische und soziale Gesundheit
- RollOn Austria
- slw Soziale Dienste GmbH
- SOB 31 Verein zur Förderung kultureller Aktivitäten von Menschen mit Behinderung
- Sozialtherapeutikum Eggersdorf
- Sprachrohr für Menschen in anthroposophisch orientierten Lebens- und Werkstätten
- Steirische Vereinigung für Menschen mit Behinderung
- Therapiezentrum für halbseitig Gelähmte
- UNIABILITY – Arbeitsgemeinschaft zur Gleichstellung von Menschen mit Behinderungen und chronischen Erkrankungen an Österreichs Universitäten und Hochschulen
- Verantwortung und Kompetenz für besondere Kinder und Jugendliche
- Verband der Querschnittgelähmten Österreichs
- Verein BALANCE – Leben ohne Barrieren
- Verein ChronischKrank
- Verein für originelle Inklusion -VOI
- Vereinigung sehbehinderter Menschen
- VertretungsNetz – SACHwalterschaft, PATIENTENanwaltschaft, BEWOHNERvertretung

- Wien Work – Integrative Betriebe und AusbildungsgmbH
- Wiener Hilfswerk
- Wiener Sozialdienste Förderung & Begleitung GmbH