**Submission of the Austrian Disability Council on Austria to the Pre-Sessional Working Group of the CEDAW Committee, 73rd session**

**General remarks**

This submission provides supporting and supplementary information from the **Austrian Disability Council (Österreichischer Behindertenrat)** to the alternative report of the Litigation of Associations of NGOs against discrimination (Klagsverband) regarding the Implementation of the CEDAW Convention in Austria.

Austria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1982 as well as the UN Convention on the Rights of Persons with Disabilities (CRPD) and its optional protocol in 2008 and is, therefore, obliged to implement them. Both human rights treaties are of vital importance for the human rights of women and girls with disabilities; they intersect and reinforce each other.

This paper focuses on the situation of women and girls with disabilities in Austria, who are facing multiple forms of discrimination in every field of life, based on their gender and their disability.

**Art. 2 CEDAW Policy Measures / Art. 5 CRPD: Equality and Non-Discrimination**

**Constitutional framework and policy measures to implement the Convention concerning women and girls with disabilities**

In Austria, discrimination against persons with disabilities is prohibited in following laws: The “Federal Disability Act” (Bundes-Behindertengesetz BBG), the “Disability Employment Act” for all matters related to work (Behinderteneinstellungsgesetz BEinstG), and the “Disability Equality Act” (Bundes-Behindertengleichstellungsgesetz BGStG). The Disability Equality Act´s objective is to eliminate or prevent discrimination, and it allows for equal participation of persons with disabilities in life and society, multiple discrimination is included. However, the Disability Equality Act still does not include provisions for injunctive relief or claims for the removal of barriers or discriminatory behavior.[[1]](#footnote-1)

In case of multiple discrimination, the concerned women with disabilities have to approach the Social Ministry Service (SMS) and request a mediation. This prior mediation proceeding is mandatory and must be conducted at the SMS before a lawsuit can be brought before the civil court.[[2]](#footnote-2)

The lack of valid data in all areas concerning women with disabilities is an issue. Apart from regarding employment, there is hardly any data on women with disabilities in Austria. **Statistical data, disaggregated by disability and gender would be urgently needed to make the difficult situation of women with disabilities more visible.** This visualization would be necessary to underpin the need for policy measures (prevention of violence, awareness-raising, accessibility of victim support services, etc.). In achieving this, it would be important, that all stakeholders, who are collecting data (such as the Austrian Public Employment Service, the Social Ministry Service and Statistics Austria) use a uniform definition of disability, to make the data comparable.

**Women and girls with disabilities are often not covered in women policies.** To improve the situation of women with disabilities, it would be more appropriate to ensure the consideration of the disability perspective in all women’s policies.[[3]](#footnote-3)

**Suggested recommendations:**

1. Collect valid, accessible data on women and girls with disabilities to develop the urgently needed policy measures.
2. Ensure “Gender and Disability Mainstreaming” by all responsible bodies in all legal and political measures.
3. Ensure the consideration of the disability perspective in women´s policies.

**Art. 3 CEDAW: Guarantee of Basic Human Rights and Fundamental Freedoms / Art. 16 CRPD: Freedom from exploitation, violence and abuse**

**Violence against women with disabilities**

Women and girls with disabilities have **higher risks to experience physical, psychological and sexual violence**. For those women who live in institutions, these risks are even higher, because they favor **structural violence (physical, psychological, sexual violence) and forced treatment like five-point fixation.** Among women with disabilities, women with intellectual disabilities and women with hearing impairment suffer the most from discrimination and social exclusion.[[4]](#footnote-4)

Furthermore, there are **very few specialized victim protection facilities**. One exception is the NGO NINLIL (placed in Vienna) that fights against sexual violence against women with intellectual disabilities or multiple disabilities by providing counseling services, empowerment and networking. Existing services for women with disabilities are usually limited to Vienna. The National Action Plan on Disability 2012-2020 acknowledges that women with disabilities are in a less favorable position compared to other women and men. It is also stated that women with disabilities are subject to disadvantages when it comes to education, vocational training, professional life and old age.[[5]](#footnote-5)

The study “Access to specialised victim support services for women with disabilities who have experienced violence” (2014) conducted by the Ludwig Boltzmann Institute of Human Rights comes to the conclusion that there is a **general lack of awareness** regarding violence against women with disabilities. Furthermore, most of the victim support services are **not accessible** and **do not have the expertise** to support women with disabilities comprehensively. Environmental barriers are not the only challenge; **access to relevant information and the services on offer are also not adapted to the needs of women with disabilities**.[[6]](#footnote-6)

Women and girls with disabilities are not a homogeneous group. Therefore, it would be necessary to develop and strengthen low-threshold, community support services for the individual needs of women and girls with disabilities.

**Suggested recommendations:**

1. Develop and strengthen low-threshold, community support services for the individual needs of women and girls with disabilities.
2. Improve the protection from violence for women with disabilities.

**Art. 5 CEDAW: Sex Role Stereotyping and Prejudice, Art. 16 CEDAW: Equality in marriage and family / Article 8 CRPD: Awareness-raising, Art. 23 CRPD: respect for home and the family**

**Stereotypes of women with disabilities and their right to family life and marriage**

Women and girls with disabilities are still often seen as “asexual” and “passive beings” and therefore they do not receive sexual and reproductive health education in many cases. Pregnancy and motherhood by women with intellectual disabilities are still taboo subjects in Austria. Contraception is often used automatically, even without their informed consent. Abortions partly occur without providing adequate information or information that can be fully understood by the persons concerned. There are hardly any forms of support for accompanying women with intellectual disabilities during pregnancy and motherhood.[[7]](#footnote-7)

The narrative around women and girls has to be changed to promote a positive image of women and girls with disabilities. In the domains of marriage, family, motherhood of women with disabilities, no policy measures have been implemented.

**Suggested recommendations:**

1. Develop an awareness-raising campaign to promote, on the one hand, a positive image of women and girls with disabilities and, on the other hand, empowerment-strategies for women and girls with disabilities.
2. Introduce policy measures to ensure, that reproductive health services are made accessible to women and girls with disabilities (informative accessibility as well as environmental accessibility).

**Art. 10 CEDAW: Education, Art. 11 CEDAW: Employment / Art. 24 CRPD: Education, Art. 27 CRPD: Work and employment**

**Education and Labour market opportunities**

The education system in Austria is not inclusive, it is still focusing on segregation. integration. The ratification of the CRPD did not lead to changing the **policy of segregating women with disabilities**. There are still Special Schools, sheltered employment structures and large institutions. Women and girls with disabilities have even fewer chances in the education system, than do men with disabilities.

The new government program “Together for our Austria – 2017-2022” contains even plans on further developing the Special School sector instead of promoting inclusion.The way out of a Special School usually leads directly into **sheltered employment structures**, where women with disabilities do not have independent social insurance (except for accident insurance), do not receive wages based on collective agreements (but only some pocket money), or legal regulations on workers´ protection, paid leave and sick leave; employee provision schemes and labor relations (e.g. trade union representation) do not apply. [[8]](#footnote-8) Due to the fact, that there is still no inclusive education system, the prerequisites for an inclusive working environment are not being met.

The labor market participation of women with disabilities is lower than that of other women and also lower than that of men with disabilities. Therefore, they are also at greater risk of poverty. They are predominantly employed in low-paid, specifically female professional fields and at lower hierarchy levels.[[9]](#footnote-9)

**Suggested recommendations:**

1. Take inclusive education into action instead of further developing the Special School sector.
2. Ensure equal opportunities for women and girls with disabilities in the labour market (gainful employment instead of sheltered employment structures).

**Closing remarks:**

The new government program “Together for our Austria - 2017 - 2022” foresees financial cuts in the areas of work, education, health care, social affairs and research, which will affect women with disabilities to a large extent. It is important to emphasize the need for investments in women and girls with disabilities, as they are at higher risk of poverty and at higher risk to experience violence. Funding is also important for specialized victim support service for women with disabilities, for DPO´s (Disabled People´s Organisation), in education and employment opportunities. These are all investments in the future, because they help to ensure a society with inclusive, sustainable, economic growth and the effective enjoyment of human rights and freedoms by ALL women with disabilities.

The **Austrian Disability Council is the umbrella organization of the Austrian Disability Associations.** It comprises 82 Member Organizations and represents the interests of 1.4 million persons with disabilities in Austria. The Austrian Disability Council furthermore operates as the Austrian National Council to the European Disability Forum (**EDF**).

**Austrian Disability Council/Österreichischer Behindertenrat**

Address: Favoritenstrasse 111/11; A- 1100 Vienna

E-Mail: [www.behindertenrat.at](http://www.behindertenrat.at)

**European and International Department**

Gudrun Eigelsreiter

E-Mail: g.eigelsreiter@behindertenrat.at

1. Cf. Alternative Report of the Austrian Disability Council and the Civil Society 2018, p.5: <https://www.behindertenrat.at/wp-content/uploads/2018/07/2018-07-17-Alternative-Report-Austria_-English.pdf>, last accessed on: 09/25/2018. [↑](#footnote-ref-1)
2. Cf. Disability Equality Act, Art. 10 para. 2 and Art. 11: The Disability Equality Act (Behindertengleichstellungsgesetz, BGStG) <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004228>, last accessed on: 09/24/2018 [↑](#footnote-ref-2)
3. Cf. Alternative Report of the Austrian Disability Council and the Civil Society 2013, p.27: <https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf>, last accessed on: 09/26/2018 [↑](#footnote-ref-3)
4. Cf. Study „Access to specialised victim support services for women with disabilities who have experienced violence”: <http://women-disabilities-violence.humanrights.at/sites/default/files/reports/ws_3_empirischer_bericht_oesterreich.pdf> , last accessed on: 09/24/2018 [↑](#footnote-ref-4)
5. Cf. National Action Plan on Disability 2012-2020, p.20: <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=165> , last accessed on: 09/23/2018 [↑](#footnote-ref-5)
6. Cf. Study „Access to specialised victim support services for women with disabilities who have experienced violence”, p. 19: <http://women-disabilities-violence.humanrights.at/sites/default/files/reports/ws_3_empirischer_bericht_oesterreich.pdf> , last accessed on: 09/24/2018 [↑](#footnote-ref-6)
7. Cf. Alternative Report of the Austrian Disability Council and the Civil Society 2013, p.95-98: <https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf> , last accessed on: 09/26/2018 [↑](#footnote-ref-7)
8. Cf. Alternative Report of the Austrian Disability Council and the Civil Society 2018, p.20: <https://www.behindertenrat.at/wp-content/uploads/2018/07/2018-07-17-Alternative-Report-Austria_-English.pdf> , last accessed on: 09/26/2018 [↑](#footnote-ref-8)
9. Cf. Cf. Alternative Report of the Austrian Disability Council and the Civil Society 2013, p.133: <https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf> , last accessed on: 09/26/2018 [↑](#footnote-ref-9)