

**Universal Periodic Review Austria**  
**Submission of the Österreichische Arbeitsgemeinschaft für  
Rehabilitation (ÖAR) – Dachverband der Behindertenverbände  
Österreichs (ÖAR) –**  
**Austrian National Council of Persons with Disabilities**  
**for the 10<sup>th</sup> session of the UPR Working Group in January 2011**

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The present report was compiled by ÖAR, the Austrian National Council of Persons with Disabilities, which has 78 member organizations.<sup>1</sup> The report focuses only on the most relevant issues for persons with disabilities, which were selected by the Disability Rights Convention Forum (BKF), a civil society forum concentrating on the status of implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD).<sup>2</sup> This forum consists of experts in the area of disability (including persons with disabilities themselves) and in the area of human rights. It was initiated by ÖAR in 2008 - the year of ratification of the CRPD in Austria - in order to include civil society in all areas affected by the Convention's implementation.

In Austria, human rights of persons with disabilities are neither recognized nor guaranteed in various areas. Thus, the **shift of paradigm** as stipulated in the CRPD has largely not been realized in Austria (e.g. an indicator for this is that it is still the Ministry for Social Affairs, which is mainly responsible for the Federal Government's obligations towards persons with disabilities). Comprehensive **accessibility** (physical, intellectual, social and communicative) is lacking. Inclusion of persons with disabilities in the area of **education** and **work** is not ensured. Moreover, measures to realize **independent living** are lacking. In order to realize comprehensive participation in society, it is necessary that inclusion of persons with disabilities and their representative organizations in all measures, which affect them, is guaranteed from the outset. At present, **participation** in this form is not sufficiently guaranteed in Austria.

## **1. Participation of persons with disabilities**<sup>3</sup>

### **Monitoring bodies**

An independent monitoring committee was swiftly established to oversee the implementation of the CRPD<sup>4</sup>. This committee, however, does not adhere to the Paris Principles due to the following reasons<sup>5</sup>:

1. The monitoring committee is embedded in the structure of the Ministry for Employment, Social Affairs and Consumer Protection and therefore lacks the mandatory independence. This connection to the ministry raises the impression that the realization of human rights of persons with disabilities is still confined to the social area. The CRPD undoubtedly stipulates a change of paradigm,<sup>6</sup> which has not yet been realized in Austria.

- 2.The independence of the committee is not enshrined by Austrian Constitutional Law.
- 3.The Monitoring Committee does not have the necessary, independently administered budget.

Additionally, at present no monitoring bodies exist in the individual Federal States of Austria as stipulated in Article 33, Para. 2 CRPD nor is there an independent agency to monitor institutions for persons with disabilities as enshrined in Article 16, Para. 3 CRPD.

### **Politics**

Currently, 3 (out of 183) Members of Parliament are persons with physical or sensory disabilities. This shows that so far the focus on participation in the political arena has been insufficient.<sup>7</sup>

### **Elections**

Blind people and persons with visual impairments or physical disabilities have the possibility to access polling stations with their personal assistants. In the electoral regulations, however, this possibility is not provided for persons with learning impairments. For them, the election authorities have to decide individually whether personal assistants or persons of trust are allowed to accompany them into the polling station.

Human rights as well as political education are scarcely provided for persons with learning impairments.

### **Involvement of civil society**

Persons with disabilities in Austria are organized in numerous groups and organizations, which nonetheless are mostly confined to urban areas. Apart from ÖAR (Austrian National Council of Persons with Disabilities) there are Independent Living Groups and various groups of persons with disabilities. Also, organizations of the church such as Caritas or Diakonie participate in policy discussions regarding persons with disabilities.

Although in Austria persons with disabilities and their representative organizations are invited to comment on reviews of laws or other measures, frequently their comments are not taken into account. This is either due to opposition of the rather influential Austrian commerce sector or for reasons of supposed lack of funds.

Therefore, equal participation in all areas of society, as enshrined in the CRPD,<sup>8</sup> has in fact not been realized in Austria. Timely inclusion and consultation with persons with disabilities rarely takes place.

### **Recommendations**

- **Establishment of a National Human Rights Institution in line with the Paris Principles, which also includes the mandate of the Monitoring Body as outlined in Section 33, Para. 2 CRPD (including monitoring bodies in the federal states and an authority in line with Section 16, Para. 3, CRPD).**
- **Gap analysis and development of a national action plan based on the outcomes of the analysis.**
- **Persons with disabilities and their representative organizations have to be included in all policy areas<sup>9</sup>; i.e. timely consultation on all measures which affect persons with disabilities and obligatory consideration of all their issues of concern (in line with the ‘Standards of Public Participation’<sup>10</sup>).**
- **Comprehensive political and human rights education for all persons with disabilities.**

- **Supporting measures for all persons with disabilities in election processes.**

## **2. Accessibility**

Austria does not have a national policy to establish comprehensive accessibility. Numerous barriers exist, which prevent persons with disabilities from equal and independent participation in many areas of life. There are only individual measures towards improvement of accessibility. Besides, the principle of accessibility is not realized in the Austrian Development Cooperation.

### **Social barriers**

The change of paradigm from exclusion to inclusion is hardly visible in Austria.

Public campaigns, which do not discriminate or exclude persons with disabilities in public discourse are lacking. The depiction of persons with disabilities in the media has to be changed – away from pity and towards self-determination and inclusion. Moreover, disability in Austria is still rather defined through the medical instead of the social model.

### **Physical barriers**

The Federal Act on Equalization of Persons with Disabilities (BGStG) was established in 2006 to monitor the prohibition of discrimination through barriers against persons with disabilities in all areas at the federal level. Measures to create accessible opportunities under the responsibility of the provinces exist only in very few of them. The BGStG provides persons with disabilities with a claim to compensation for facing barriers but it does not provide any obligation to remove those barriers. Compensation is very low and therefore does not amount to an incentive for businesses to actually remove barriers. Due to the long period of transition until the Act has to be implemented (until 2015), steps to eliminate physical barriers are taken based on the assessment and discretion of the businesses and their economic arguments.

Accessible medical and health care institutions are scarce; as a result persons with disabilities are rarely able to consult a doctor of their choice. Similar conditions prevail when it comes to access to public transport, shops, apartment buildings, schools and other health care services.

### **Communicative barriers**

Translation into sign language, subtitles, Braille print, large print, voice over and other alternative forms and means of communication exist only sporadically in Austria. Moreover, assistive devices are very expensive and not affordable for most people. More sign language interpreters are needed (currently: approx. 90, long-term requirement: approx. 1,000) and quality of interpretation has to be improved.

### **Intellectual barriers**

In Austria, the backlog demand for public information in easy-to-read versions is exceptionally high (especially for legal texts). There are no binding standards for the production of easy-to-read texts and no concrete criteria for distinct, comprehensive and consistent systems of orientation in public buildings for independent orientation especially for persons with learning disabilities.

At the same time, lack of information and education for the people concerned is evident.

## **Recommendations**

### **Social accessibility**

- Austria has to actively work towards an improvement of the image of persons with disabilities. In order to achieve this, extensive campaigns are necessary, which are diverse and intensive. Persons with disabilities have to be included in the development of these campaigns.
- The social model of disability has to be implemented in all norms and regulations (e.g. review of the definitions of disability in existing legal texts<sup>11</sup>) and in political practice. In relation to this a clearer definition of the terms reasonable accommodation and undue burden has to be developed.
- Awareness raising about ‘persons with disabilities’ has to be included in all curricula – from primary to tertiary education and in vocational training.

#### **Physical accessibility**

- Obligations for physical accessibility have to be considered in concepts for construction of housing and city planning and regional development. The topic ‘universal design’ has to be obligatory in the curricula of technical professional and vocational training.
- Binding standards for comprehensive and consistent orientation systems in public buildings have to be created.
- In order to protect persons with disabilities from discrimination the constitutions of the Federal States/Provinces (Länder) of Burgenland, Carinthia, Lower Austria, Styria, Vienna and Tyrol have to add provisions on equality and anti-discrimination. Lower Austria and Vienna have to establish the prohibition of discrimination with regard to access to and supply of goods and services of the Federal State and local communities.
- Legal claims for removal or omission of barriers.
- Adaptation of existing legal norms (e.g. laws on construction, traffic rules) in order to remove physical barriers.

#### **Communication accessibility**

- Existing standards for communication support for persons with disabilities have to be adapted and legally enshrined to be on an adequate and up-to-date quality standard (e.g. accessibility of media).
- Safety of all persons with disabilities in situations of risk / emergency situations have to be guaranteed and secured by law (including consistent regulations for emergency services for deaf, hard-of-hearing, deaf-blind and non-verbal people).
- Access to information and communication for deaf and deaf-blind people in sign language; legal claim for costs of sign language interpretation, writing assistance and alternative forms of communication.
- Right to sign language interpretation for all age groups and free choice of interpreters in legal procedures and notary public processes respectively.

#### **Intellectual accessibility**

- Public information has to be available in easy-to-understand language, especially with regard to legal texts, which concern persons with learning disabilities.

- **Funding for access to new information and communication technologies and systems, including the world-wide web for persons with learning disabilities (provision of affordable courses and adequate devices).**

### **3. Personal assistance and support for independent living<sup>12</sup>**

The availability of funding for personal assistance in Austria is dependent on the area of life in which assistance is needed.

#### **Support in case of need for care and personal assistance**

Persons with disabilities are provided with an attendance allowance as subsidy for higher expenditures for care services. They are legally entitled to receive this contribution (application required).

The amount of this attendance allowance, however, is calculated only by using medical examinations. Only basic needs e.g. personal hygiene are taken into consideration.

Depending on the extent of the need for care the monthly attendance allowance ranges between Euro 154.20 for level 1 and Euro 1,655.80 for level 7. With this amount, people with high needs for assistance cannot even cover their basic needs. Therefore, in most of the Austrian Federal States people who are entitled to allowances at level 5-7 have to live with their families or in institutions. The attendance allowance was established in 1993. Since then, it has only been readjusted three times and therefore its value decreased tremendously.

The **areas of work and employment** are under the responsibility of the Federal Government. Consequently, since January 1 2004, personal assistance at the work place is financed based on the guideline ‘for the support of personal assistance at the work place’.

Personal assistance at the work place includes all disability-related support services in the work place (e.g. assistance in the bath room during work hours) or the vocational training center, which includes traveling to and from work. Basis for this support is the so-called assessment of required support, which is conducted by the clients together with an institute of assistance service.

According to the guideline such institutes of assistance services shall be established nationwide, those run by Disabled People’s Organizations are to be preferred. One major concern is that the wages for personal assistants are much too low: Euro 7.42 per hour. Personal assistance can also be realized through an employment model. In those cases, however, clients of personal assistance only receive refunds for the wage hour rate and not for additional administrative costs for the assistance.

All **other areas of life** are under the responsibility of the 9 Federal States.

Apart from very few people who fought hard until they received their personal assistance – mostly in very complicated arrangements - only in a few of the Federal States personal assistance is funded outside of the work place. This means that in most federal states of Austria respective regulations are lacking and official arbitrariness is the rule. Currently, personal assistance is only available in Upper Austria, Tyrol and Vienna. Persons with learning disabilities/intellectual disabilities hardly ever receive support for personal assistance.

Due to the lack of financial support persons with severe disabilities as well as persons with learning disabilities do not have the freedom to choose individually where and with whom they want to live. Living in homes or institutions frequently remains their only option even though the structures in institutions encourage abuse and physical and sexual violence.

## **Support for self-determined decision making**

In Austria, persons with learning disabilities or persons with physical impairments are frequently given a guardian who is usually a relative or an attorney. Another option is to appoint a guardian through an association. The problem with this arrangement is that attorneys and solicitors can have more than 25 clients at a time. Personal contact with their client is therefore limited to a minimum (once a month). This cannot guarantee that the wishes of the person concerned are adequately respected. In the end, the guardians can make decisions at any rate and they can even decide against the will of their clients. This is not in line with article 12 CRPD.

## **Recommendations**

- **Adequate and sufficient ‘personal budget’ to provide the preconditions for a comprehensively independent life.**
- **Personal assistance has to be available for every person with disabilities. It has to be accessible, needs-based, and independent from income and wealth, free choice over organization and irrespective of the place of residence.**
- **Legal claims to comprehensive assistance which offers support for persons with learning disabilities and persons with physical disabilities in their everyday life (e.g. provision of networks of supporters who are well-known by the clients and who can assist them with decisions).**
- **Reform of the guardian ship law with a view to implement Article 12 and 19 CRPD.**

## **4. Education**

The current Austrian education system is not inclusive but rather, in spite of a review of the Education Acts, oriented along a concept of integration (in fact as well as in wording).

### **Early childhood development, care and education**

Age 0 – 6

This sector comprises nursery school and kindergarten and falls under the responsibility of the Federal States. Thus, there is no legally enshrined and enforceable claim for access to an inclusive kindergarten or all-day nursery. Social inclusion between age 2 and 6 is therefore not provided for all children equally.<sup>13</sup>

This fact causes a multitude of problems for families of children with disabilities and/or chronic diseases – evidenced by a lack of integration placements, long waiting lists for access to kindergarten of up to 3 years, lack of care and medical services during classes, very short periods of attendance at the kindergarten (e.g. 8 to 10 a.m.), lack of care services in the afternoon etc.

In 2009, the Federal government and the Federal States agreed on a mandatory year at kindergarten for pre-school children (one year before school age).<sup>14</sup>

A number of children are excluded from this mandatory year at kindergarten:

- children who are enrolled prematurely,
- children who cannot be expected to attend classes due to a disability or medical reasons or who have so-called “special pedagogical support needs”
- children living far away or facing difficult travel conditions between their home and the nearest child care institution.

For children with disabilities there is a high risk that they do not have access to early childhood development, care and education facilities due to these exceptions.

In practice, reasons for inaccessibility to early childhood education on the one hand have been lack of places at kindergarten, lack of financial resources, which also affect the availability of personnel, inadequate equipment and infrastructure of the classes etc. On the other hand, it has become evident that – similar to the situation at primary school level – access to early childhood development, care and education facilities also depends on local and regional traditions as well as underlying attitudes, competences and behavior of the staff.<sup>15</sup>

### **School age / compulsory education**

Age 6-14

Since 1993<sup>16</sup> and 1996<sup>17</sup> parents of children with disabilities have the opportunity to make a choice between primary school, secondary school, grammar school, comprehensive school, and special education.

Extent and form of integrative education vary in the respective Federal States and even within States and regions. There are school districts, which in fact abolished the special education schools and others in which debates on joint education of disabled and non-disabled children are still at the very beginning.

In 2006/2007 27,745 children with special needs<sup>18</sup> attended primary school, 52.58% of the children with special needs attended integrative classes while 47.42% attended special education schools<sup>19</sup>. In integrative education models it became apparent that often there is a lack of all-day care services. Consequently, parents are forced to decide to send their children to special schools because they at least provide all-day services. This forced decision contradicts the right to freely choose a school form.

In 2009, in the wake of the 15<sup>th</sup> review of the School Organization Act so-called special education centers were established. Those centers often take over a double function and are therefore subject to conflicts of interest. On the one hand they are supposed to support integration of children with disabilities in schools while on the other hand they have to fulfill the functions of special schools.

Children with disabilities only receive special support/tutoring if their special needs are recognized. For years, there have been controversies about the determination of special needs as precondition for receiving additional support because the education system's logic compels schools to 'label' as many children with special needs as possible in order to receive more (financial) resources.<sup>20</sup> This is also the reason for the differences in special needs prevalence in the different Federal States – ranging from 2.58 to 4.43%.

Students with intellectual disabilities, children with severe impairments as well as blind and deaf children are frequently separated from their peers. The number of those children in integrative classes is relatively low. Especially in level I of high school it is general practice that children with special needs are mostly taught in separate classes while their time spent in the regular class is confined to a minimum. In many classes, team teaching does not work because implementation of new forms of teaching fails due to lacking motivation of the teachers.<sup>21</sup>

### **9<sup>th</sup> year of compulsory schooling, equal access to general tertiary education, vocational training, adult education and life-long learning (starting from age 14)**

Compulsory schooling in Austria amounts to 9 years. So far, there is no legal right for children with disabilities to access the 9<sup>th</sup> year of compulsory schooling as well as to level II

of secondary school (including schools on agriculture and forestry), to tertiary and adult education and to life-long learning.

There is no equal access to tertiary education and most university departments are physically inaccessible. Curricula are only planned for persons without disabilities.

Equal access is not provided due to

- lack of legislation
- admission criteria
- only individually developed and available support measures for disabled students
- attitudes of heads of departments, teachers
- lack of inclusive pedagogy and education in teacher training.

### **Recommendations**

- **Legal implementation of the human right to inclusive education in the Austrian Constitution and all relevant legal texts, based on the CRPD.**
- **Provision of inclusive education for persons with disabilities has to be the responsibility of the education system and education policy instead of the social system and social policy.**
- **Increase of quality in the implementation of inclusive education and sufficient and adequate individual support measures (i.e. materials and human resources, availability of all-day care, classes comprising different levels, use of assistant teachers, sign language interpreters, joint basic training of general and special needs teachers etc.).**
- **Implementation of Austrian sign language as a language of instruction, bilingual education available in all Federal States, adequate promotion of sign languages and deaf culture.**

## **5. Work and employment**

A fundamental problem is that there are hardly any reliable data on the work situation of persons with disabilities.<sup>23</sup> Empirically based conclusions about whether the existing support systems for (re-)entry into the job market really benefit those who need them most are therefore unavailable.

The percentage of persons with disabilities among the total of unemployed people amounted to 15.03 % in May 2010.<sup>24</sup> Due to the constricted employment opportunities persons with restrictions in terms of health remain unemployed for much longer and have more difficulties to find work.<sup>25</sup> Two thirds of the companies which are obligated to employ persons with disabilities rather pay the monthly penalty) of Euro 223 instead of actually employing a person with disability.<sup>26</sup> A high number of persons with disabilities are not covered in unemployment statistics – i.e. those who are considered unable to work and those who work in segregated institutions and workshops.

### **Structures and forms of occupational therapy, workshops or skills-oriented activities:**

Currently, approximately 19,000 persons with learning disabilities and multiple disabilities<sup>27</sup> ‘work‘ in sheltered workshops, meaning in protected institutions, which are segregated from the job market.<sup>28</sup> These workshops represent programs of the Federal States in the framework of social services and support measures for persons with disabilities. This kind of work is not

valued as gainful occupation even though many people in these systems go to work regularly, work with machines and devices or even work externally for private businesses. Since social insurance depends on an income those people do not have their own social insurance (accident, health and pension insurance).<sup>29</sup> While in the area of health and pension insurance there is at least a claim for insurance through family members, this possibility does not apply to the area of accident insurance. Persons with disabilities in day care and occupational therapy do not receive wages (as set by collective agreement) but only small pocket money of sometimes as little as 10 Euro per month. They do not have unemployment insurance and are not included in statistics on unemployment. Legal regulations on workers'/employees' protection, holidays and sick leave, pension funds or trade union representation do not apply. In case of illness there are individual regulations in terms of continued payment of pocket money.<sup>30</sup>

Another central aspect of discrimination are the regulations on fitness for work, performance and earning capacity.<sup>31</sup> According to the Unemployment Insurance Act everybody who is neither disabled ('invalid') nor unable to work is fit for work. Regarding the term of 'invalidity' pertinent regulations can be found in the General Social Insurance Act (ASVG). The only decisive argument is whether the individual performance capacity is at least 50% of a physically or mentally healthy person. If performance capacity is lower those persons are considered unable to work.

In order to be among the beneficiaries according to the Employment of Persons with Disabilities Act, persons have to have a disability of at least 50%. However, there still has to be a (remaining) performance capacity of at least 50% as well. This rigid regulation is highly doubtful considering the relation between occupational integration and accompanying support. Whether in practice somebody is fit to work depends to an extent on support conditions and the available general framework and which supports the move towards occupational integration.

The 50% mark for performance capacity also has consequences for the division of competences between Federal Government (job market) and Federal States (social services) and contributes to big differences in the actual framework.

Another obstacle for persons with disabilities is the 'benefit trap', which means that quite often entry into the job market and gainful employment does not mean any financial appeal. This is because most social benefits (orphan's pensions, increased family support benefits etc.) will cease to be applicable as soon as a certain income level is reached. Therewith, the net income through the entry into the job market can turn out to be even lower than the benefit payments. What is more, in case of later unemployment the claim for those benefits can be lost for good and access to alternative services and opportunities is not guaranteed.

Therefore, absurdly as it is, entry into gainful employment can, in the long run, represent a rather high financial risk for persons with disabilities.

Currently, persons with disabilities are greatly **discriminated in education and vocational training**<sup>32</sup>. Only a small percentage of persons with disabilities have the opportunity to access vocational training.

Frequently, persons with disabilities are forced to retire prematurely because of their disability while at the same time they have to expect the same cutbacks as non-disabled persons who retire early on their own decision. Also, it is evident that 'disability pensions' or 'invalid pensions' are at the lowest level of pensions and that their length of entitlement to payments is shorter.

## **Recommendations**

- **Implementation of Article 25 to 27 CRPD based on preparatory work of working groups and existing pilot programs.**
- **Provision and guarantee of inclusive employment for all through establishment of comprehensive personal assistance<sup>33</sup>, which goes beyond assistance at the work place and makes independent living in all aspects of life possible.**
- **Free choice for persons with disabilities between occupation within the general job market and with available assistance or decent work in occupational therapy structures which are in line with social insurance and labor laws / social-economic structures (i.e. alternative or extended job market).**
- **Intensification and modernization of occupational/vocational rehabilitation to ensure maintenance / recovery of ability to work.**
- **Access to comprehensive rehabilitation has to be guaranteed to all, regardless of the cause of the disability.**
- **To all persons who have to retire because of their disability a guarantee has to be given that they will not sustain any cutbacks in their pension level.**

## **6. Poverty and disability**

Persons with disabilities frequently do not have the opportunity to secure an adequate standard of living. Social benefits like attendance allowance or increased family support benefits are not sufficient to reduce the risk of poverty for persons with disabilities in Austria. Generally, 12.3% of the Austrian population lives on the margins of poverty. Persons with disabilities face an above average risk of living in poverty of 18%<sup>34</sup> whereby women of working age are most affected by manifest poverty.<sup>35</sup> The main reasons for this are lack of, low quality of or segregate education and the consequently limited job opportunities.

### **Recommendations**

- **Introduction of a minimum living wage (“Mindestabsicherung”) for persons with disabilities.**
- **Measures to secure long-term financing of the social support and care system.**
- **Tax relief for persons with disabilities has to be readjusted.**
- **Steps towards alleviation of unemployment of persons with disabilities have to become the centerpiece of disability policies.**
- **Special support for women with disabilities has to be provided to realize their access to the job market (through action plans in the framework of the government’s initiative ‘promotion of employment’).**

<sup>1</sup> ÖAR in its capacity as Austrian umbrella organization of DPOs represents 78 member organizations, which in total have more than 400,000 individual members. For further information see [www.oeaar.or.at](http://www.oeaar.or.at).

Members: Allgemeine Unfallversicherungsanstalt, Ambulatorium Sonnenschein, ASSIST, assista Soziale Dienste GmbH, Balance, Bandgesellschaft, BBRZ Reha GmbH - BBRZ Österreich, Behinderten-Förderungsverein Neusiedl am See, Behindertenhilfe Bezirk Korneuburg, Behindertenhilfe Klosterneuburg, Behindertenintegration Ternitz Gemeinnützige GmbH, Caritas Österreich, CBMF - Club behindeter Menschen und ihrer Freunde, Club Handikap, Dachverband berufliche integrationaustria, debra-austria, design for all - Zentrum für barrierefreie Lebensräume, Diakonie Österreich, Die Steirische Behindertenhilfe, Elternselbsthilfe sehgeschädigter Kinder Österreich, Förderverein Odilien, Gesellschaft für ganzheitliche Förderung und Therapie NÖ GmbH, Gewerkschaft der Post- und Fernmeldebediensteten, Grete Rehor-Hilfsfonds für behinderte Menschen, Hilf selbst mit, Hilfsgemeinschaft der Blinden und Sehschwachen Österreichs, HPE-Österreich, Initiativ für behinderte Kinder und Jugendliche, Institut für Sozialdienste Vorarlberg, Institut für Soziales Design, Jugend am Werk, Kriegsoffer- und Behindertenverband, Lebenshilfe Österreich, Multiple Sklerose Gesellschaft Wien, Musische Arbeitsgemeinschaft, OÖZIV - Oberösterreichischer Zivil-Invalidenverband, Österreichische Multiple Sklerose Gesellschaft, Österreichische Autistenhilfe, Österreichische Blindenwohlfahrt, Österreichische Gesellschaft für Muskelkranke, Österreichische Hämophilie-Gesellschaft, Österreichische Vereinigung Morbus Bechterew, Österreichischer Behindertensportverband, Österreichischer Blinden- und Sehbehindertenverband, Österreichischer Gehörlosenbund, Österreichischer Schwerhörigenbund, Österreichischer, Verband für Spastiker-Eingliederung, Österreichisches Hilfswerk, Österreichisches Hilfswerk für Taubblinde und hochgradig Hör- und Sehbehinderte, ÖZIV - Österreichischer Zivil-Invalidenverband, Physio Austria, PlatO - Plattform anthroposophischer therapeutischer Organisationen in Österreich, pro mente austria, pro mente Wien, RollOn Tirol, Selbsthilfegruppe Down Syndrom, Seraphisches Liebeswerk der Kapuziner, 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, Verband aller Körperbehinderten Österreichs, Verband der Querschnittgelähmten Österreichs, Verein der Ganzheitsmedizin für Menschen mit und ohne Behinderung, Verein für berufliche Ausbildung und soziale Integration, Verein KoMiT, Vereinigung zugunsten körper- und mehrfachbehinderter Kinder und Jugendlicher, VertretungsNetz, Wien Work - Integrative Betriebe und AusbildungsgmbH, Wiener Hilfswerk, Österreichischer Gehörlosenbund.

<sup>2</sup> BKF is an open civil society forum and currently consists of 25 members.

<sup>3</sup> See Art. 29 CRPD.

<sup>4</sup> In accordance with Section 13 Federal Disability Act (BGBl I Nr. 109/2008).

<sup>5</sup> See Resolution of the UN General Assembly 48/134, Annex.

<sup>6</sup> Preamble lit. e) and Art. 2 CRPD.

<sup>7</sup> See Art. 29 CRPD.

<sup>8</sup> See Art. 1, 3, 4 CRPD.

<sup>9</sup> See Art. 4 (3) CRPD.

<sup>10</sup> Chancellor's Office and Federal Ministry of Agriculture and Forestry (eds.). 2009: Standards of Public Participation – Recommendations for Good Practice. Vienna. [http://www.partizipation.at/standards\\_pp.html](http://www.partizipation.at/standards_pp.html); Communication from the Commission. Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission. [http://www.partizipation.at/fileadmin/media\\_data/Downloads/com2002\\_0704en01.pdf](http://www.partizipation.at/fileadmin/media_data/Downloads/com2002_0704en01.pdf)

<sup>11</sup> See World Health Organization 2001, International Classification of Functioning, Disability and Health (ICF).

<sup>12</sup> See Art. 19 and 12 CRPD.

<sup>13</sup> Independent Monitoring Committee on the Implementation of the UN Convention on the Rights of Persons with Disabilities (Section 13 Federal Disability Act). 2009: Position paper regarding implementation of free and obligatory pre-school education in institutional child care facilities, Vienna. <http://www.monitoringausschuss.at> (last accessed 23 April, 2010).

<sup>14</sup> Section 15a B-VG (Federal Constitutional Act).

<sup>15</sup> Feyerer, E. 2009: Qualität in der Sonderpädagogik: Rahmenbedingungen für eine verbesserte Erziehung, Bildung und Unterrichtung von Schüler/innen mit sonderpädagogischem Förderbedarf. In: Specht, W. (Hrsg.): Nationaler Bildungsbericht Österreich 2009. Band 2: Fokussierte Analysen bildungspolitischer Schwerpunktthemen. Graz: Leykam, 73-98.

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- <sup>16</sup> Review of the School Organization Act (15. SchOG-Novelle) also refers to the review of Federal Acts like Education Act (SchUG), Compulsory Schooling Act (SchPflgG) and Employment of Teachers Act. 15.
- <sup>17</sup> 17th review of the School Organization Act.
- <sup>18</sup> Feyerer, E. 2009, p. 76.
- <sup>19</sup> Feyerer, E. 2009, p. 80.
- <sup>20</sup> Feyerer, E. 2009, p. 90.
- <sup>21</sup> Engl, W. 2004: Zur Situation von SchülerInnen mit geistiger Behinderung in Integrationsklassen der Sekundarstufe I aus Sicht der Elternberatung von Integration Wien. In: Integration: Österreich (Hrsg.): Weißbuch ungehindert behindert. Wien: Integration: Österreich, 46-49.
- <sup>22</sup> See Art. 27 CRPD.
- <sup>23</sup> See Art. 31, Para 1 CRPD.
- <sup>24</sup> <http://www.arbeitundbehinderung.at/de/arbeitsmarkt/arbeitsmarktdaten/gesamtarbeitslosigkeit.php>.
- <sup>25</sup> BMASK: Bericht der Bundesregierung über die Lage der Menschen mit Behinderungen in Österreich 2008.
- <sup>26</sup> Ombudsman for persons with disabilities Dr. Erwin Buchinger in "Die Presse", print edition, 7 May, 2010.
- <sup>27</sup> See Oliver Koenig: Report on the employment of disabled people in European countries.
- <sup>28</sup> See Oliver Koenig: Europäische Modelle eines institutionalisierten Ersatzarbeitsmarktes zwischen Entwicklung und Bewahrung.
- <sup>29</sup> See Art. 28 CRPD.
- <sup>30</sup> See Position of the Monitoring Committee: „Konventionsverletzung durch die Situation von Menschen in Tagesstrukturen, insbesondere in der so genannten Beschäftigungstherapie, Arbeit in Werkstätten oder „Fähigkeitsorientierten Aktivität“, 24. 3. 2010 [www.monitoringausschuss.at](http://www.monitoringausschuss.at).
- <sup>31</sup> See Oliver Koenig: Europäische Modelle eines institutionalisierten Ersatzarbeitsmarktes zwischen Entwicklung und Bewahrung.
- <sup>32</sup> See position of the Monitoring Committee on inclusive education, 2010, [www.monitoringausschuss.at](http://www.monitoringausschuss.at)
- <sup>33</sup> See Art. 19 CRPD.
- <sup>34</sup> Martin Schenk: VOM SCHÖNEN SCHEIN DER INTEGRATION - Menschen mit Behinderung am Rand der Leistungsgesellschaft, [www.lok.at/kongress](http://www.lok.at/kongress).
- <sup>35</sup> BMASK: Bericht der Bundesregierung über die Lage der Menschen mit Behinderungen in Österreich 2008, 34.