



Convention on the Rights of Persons with Disabilities

Distr.: General

11 May 2023

Original: English
Arabic, English, French and
Spanish only

Committee on the Rights of Persons with Disabilities

Combined second and third reports submitted by Austria under article 35 of the Convention pursuant to the optional reporting procedure, due in 2018*

[Date received: 17 October 2019]

* The present document is being issued without formal editing.



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List of Abbreviations

ADA	Austrian Development Agency
AMS	Arbeitsmarktservice – Public Employment Service
EAFRD	European Agricultural Fund for Rural Development
ESF	European Social Fund
EEA	European Economic Area
FLG	Federal Law Gazette
HG	Hochschulgesetz 2005 – Act on the Organisation of University Colleges for Teacher Education 2005
IT	Information technology
SLG	State Law Gazette
NAP	National Action Plan
NEBA	Netzwerk Berufliche Assistenz – Network for Occupational Assistance
NGO	Non-government organisation
OIB	Österreichisches Institut für Bautechnik – Austrian Institute for Constructional Engineering
ÖBB	Österreichische Bundesbahnen – Austrian Federal Railways
OPCAT	Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SDGs	Sustainable Development Goals
SEN	Special educational needs
UG	Universitätsgesetz 2002 – Universities Act 2002
UNCRPD	United Nations (UN) Convention on the Rights of Persons with Disabilities
WAI	Web Accessibility Initiative
WCAG	Web Content Accessibility Guidelines

Introduction

1. Austria ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in summer 2008 (Federal Law Gazette (FLG) III No. 155/2008) and deposited the instrument of ratification on 26 September 2008 in New York.
2. On 12 October 2018, the CRPD Committee handed over to Austria a list of issues with 45 questions which need to be answered by 1 October 2019. These answers were drawn up from the contributions of all of the federal ministries and all of the Länder, and form Austria's combined second and third country report.
3. This document is the version of the country report limited to 21,200 words. For more detailed information see the country report adopted by the Federal Government of Austria on 4 September 2019.

Replies to the list of issues prior to reporting (CRPD/C/AUT/QPR/2-3)

Reply to paragraph 1 of the list of issues prior to reporting

4. Regarding legislative proposals, Austria is guided by its endeavour to implement the UNCRPD and the concepts of inclusion, which it contains. This applies to future legislation, to amendments of already existing legal norms, and to general reviews of existing legislation and the need for adaptations resulting from them. It also concerns internal decrees and guidelines within the administration.
5. Some of the most important legislative changes at a federal level are as follows:
 - (i) With the coming into force of the Second Protection of Adults Act (FLG I No. 59/2017) on 1 July 2018, a comprehensive reform of the previous legislation on guardianship was carried out. The Ministry of Justice gave particular consideration to the fundamental values of the UNCRPD. The reform was drawn up within a broadly-based participative process. More detailed information is included in the answer to question 25;
 - (ii) The employment of people with disabilities in the public sector was simplified in mid-2016. For details see the answer to question 42;
 - (iii) The National Action Plan on Disability 2012–2020 adopted in 2012 formulates the objectives of the federal government in the field of education and includes plans for the development of an inclusive school system;
 - (iv) A significant step towards the realisation of this goal is the Binding Guideline on the Development of Inclusive Model Regions drawn up in 2015 by the Ministry of Education;
 - (v) The federal framework law on the introduction of new training for teachers (FLG I No.124/2013) laid down that inclusive education be included in the new training for all teachers;
 - (vi) The Act on the Organisation of University Colleges for Teacher Education 2005 and an amendment to the 2002 Universities Act in 2017 laid down that curricula have to observe the objectives of Art. 24 of the UNCRPD.
6. For further details on the field of education see the answers to the questions 14, 17, 19, 20, 21 and 41.
7. At a regional level, above all legislation on equal opportunities and participation for people with disabilities was amended. In Upper Austria, for example, an amendment to the Upper Austrian Equal Opportunities Act (State Law Gazette (SLG) No. 10/2015) introduced a personal assistance service which provides those affected with a greater degree of independence. Official decisions about services have to be issued in easy-read or easy to understand versions.

8. Salzburg will focus on further improvements in social participation in an amendment in autumn 2019.
9. Tyrol draws attention to the Tyrolean Participation Act, SLG No. 32/2018, in which the principles and key demands of the Convention were laid down.
10. The Vorarlberg Act on the Promotion of Equal Opportunities for People with Disabilities, SLG No. 30/2006, and the regional government's Regulation on the Granting of Assistance for Integration, SLG No. 22/2007, allow a certain amount of room for manoeuvre in the comprehensive participation and inclusion of people with disabilities with the requirement that their individual need for assistance should be given particular consideration.
11. The fundamental principles of the Viennese equal opportunities act (SLG No. 45/2010) and the Styrian disability act (SLG No. 45/2010), which was amended in 2014, correspond to the UNCRPD, they proceed from a social model in their definition of disability. Participation, equal opportunities and self-determined access are core elements.

Reply to paragraph 2 of the list of issues prior to reporting

12. An important law in the field of participation in working life is the Disability Employment Act (BEinstG). As defined by this federal act, disability is the effect of a – non-temporary – physical or mental impairment or an impairment of the functioning of the senses which can make participation in working life more difficult. An anticipated period of over six months is considered non-temporary.
13. The Assessment Regulation based on Section 14 para. 3 of this law came into effect on 1 September 2010. The most important improvements in the Assessment Regulation are the introduction of function-based instead of diagnosis-based assessment and a considerable optimisation of the assessment of mental illness, which is of increasing significance.
14. After an evaluation in 2012 and a discussion process between the Ministry of Social Affairs, the Austrian Disability Council and the Federal Chamber of Labour, the interim result was that the existing Assessment Regulation should be complemented by a comprehensible model. However, due to the complexity of the material, the work on the inclusion of social criteria in the Assessment Regulation has not yet been concluded, and is being continued with great intensity.
15. If long-term care benefit is applied for, people are visited at home, in a nursing home, or, if required, in hospital by a doctor or a nurse. The assessor makes enquiries about the need for help and support of the persons requiring care, and also speaks to the main carer or a trusted person. The person is also examined and their medical history is noted. The decision about the correct care stage is made by the relevant social insurance institution or a court.
16. The particularly intensive care of severely disabled children and young people is taken into account via a flat-rate hardship supplement when at least two separate severe functional impairments are present.
17. In the case of people with a severe learning or mental disability – particularly dementia – a flat-rate hardship supplement is granted too.
18. The legal basis: Section 4 paras. 3–6 of the Federal Long-Term Care Benefit Act and the Assessment Regulation in relation to the Act (Section 1 paras. 5–6.).
19. In the Länder there are various assessment models. In Burgenland, for example, the overall situation of the affected persons is evaluated by psychologists employed by the regional authority who are specialised in this field.
20. In Salzburg, the active involvement of people with disabilities is encouraged in relation to access to benefits and support services. Affected persons can, if they wish, participate in the decision on the measures to be taken (team counselling) and express their opinion.
21. During an inspection in 2012, the Austrian Court of Audit recommended to the Ministry of Social Affairs and the region of Styria that the terms used in relation to disability

should be standardised on the basis of the UNCRPD. Styria followed up this recommendation.

22. The region of Styria and the federal government now both apply a definition of disability which takes social aspects as well as medical ones into account and whose main focus is the participation of people with disabilities in everyday life (cf. Section 1a Styrian Disability Act).

23. Tyrol draws attention to the legal text which defines a person with disabilities as someone who has long-term physical, mental and learning disabilities or sensory impairments which – in combination with various barriers – can prevent them from full, effective and equal participation in society. (Section 3 of the Tyrolean Participation Act).

24. In Vorarlberg, case management and support planning in individual cases are used for the assessment of disabilities.

25. In Vienna, the assessment of whether a disability is present is carried out on the basis of Viennese Equal Opportunities Act. As defined by this law, people with disabilities are those who – due to non-age related physical, learning or mental impairments, or as a result of sensory impairments – are at a considerable disadvantage in their development or in important areas of life. The assessment takes place on the basis of clinical/psychological and medical reports. In the assessment of needs on site, the clients are the main focus: with their resources, need for support and goals with regard to the benefits or services they have applied for.

Reply to paragraph 3 of the list of issues prior to reporting

26. In 2012, the Austrian government adopted the National Action Plan on Disability 2012–2020 (NAP on Disability). It contains the principles of Austrian disability policy and constitutes the politically binding programme for the implementation of the UNCRPD.

27. At the end of 2018, of the 250 measures of the NAP :

- 170 measures (68%) had been implemented or were being implemented according to plan;
- 69 measures (27.6%) had been partly realised or were being prepared, and
- 11 measures (4.4%) had not yet been implemented.

28. The measures of the NAP are financed from the respective budget of the ministry responsible for them.

29. An evaluation and continuation of the NAP on Disability for the period 2021–2030 is currently being worked on. The results of the evaluation are to be included in the new NAP.

Reply to paragraph 4 of the list of issues prior to reporting

30. Participation is a central aspect of the Austrian National Action Plan on Disability. As the current National Action Plan is set to expire next year, the work on the next NAP has begun and persons with disabilities will be fully involved in this process. The Ministry of Social Affairs has already begun the creation of a total of 25 teams reflecting the responsibilities of the federal ministries and the regional governments. These teams will develop proposals for objectives and indicators as well as for concrete measures. Disabled persons' organisations will play a central role in these teams.

31. Disabled persons' organisations are involved – by the respective ministry – in the preparation of legislation (consultation procedure), particularly in those areas which affect disabled people.

32. In addition, people with disabilities are represented in the highest-level advisory body in the field of disability policy, the Federal Disability Advisory Board. As of 11 August 2014, the Federal Disability Advisory Board has been extended by law by a representative of

persons with learning disabilities and by the chairperson of the Monitoring Committee (amendment to the Federal Disability Act, FLG I No. 66/2014).

33. Whenever legislation is changed, ministries carry out an outcome-oriented impact assessment to analyse the effects of the law on disabled people and on the equal treatment of women and men.

34. The multi-year reform process for the preparation of the Second Protection of Adults Act (see the answers to questions 1 and 25) can be viewed as a best practice for the participative preparation of legislation. From the very beginning, self-advocates have been involved. The reform process and its participative approach were also supported by academics (cf. Lamplmayr/Nachtschatt (eds.) *Observing Legislative Processes: Implementation of the CRPD* (2016) pp. 70–82).

35. As part of the Diversity Management structural programme of the Federal Ministry of the Interior, a permanent working group on disability was established. Representatives of a wide range of NGOs are also members of this working group.

36. Disabled people are also represented on several regional policy advisory boards.

37. In the preparation of the Tyrolean Participation Act, the Legislative Theatre was considered to be an example of best practice in participation. In this process, people with disabilities, their families, service providers and representative groups were involved. In the Social Affairs Department of Lower Austria, for example, self-advocates participated in all of the working groups in the field of people with special needs.

Reply to paragraph 5 of the list of issues prior to reporting

38. Due to the recommendation of the UN Committee on the Rights of Persons with Disabilities, a new German translation of the UNCRPD was made. It was published on 15 June 2016 in the Federal Law Gazette (<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=19>).

39. To this end, a working group under the leadership of the Ministry of Foreign Affairs was established, which consisted of representatives of academia, civil society organisations, several ministries and the Monitoring Committee.

40. To accompany the new translation, an easy read version was also created in close cooperation with representatives of disabled people (<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=214>).

Reply to paragraph 6 of the list of issues prior to reporting

41. A significant improvement of the legal instruments to ensure the equal treatment of people with disabilities was provided as part of the Inclusion Package (FLG I No. 155/2017) which was adopted on 12 October 2017 by the National Council.

42. In the case of harassment due to a disability, there is now a legal right to take out an injunction.

43. The requirement for a recommendation from the Federal Disability Advisory Board before a class action can be initiated was dropped.

44. A class action to establish a discrimination can also be initiated by the Disability Ombudsman and the Klagsverband (Litigation Association of NGOs Against Discrimination).

45. In the case of large corporations (such as banks or insurance companies), there is also the possibility to initiate a class action for injunction and the elimination of discrimination.

46. The legal instruments of the Länder are also being improved on an ongoing basis.

Reply to paragraph 7 of the list of issues prior to reporting

47. Please see the answer to question 6.

Reply to paragraph 8 of the list of issues prior to reporting

48. In accordance with the Federal Disability Equality Act, multiple discrimination has to be taken into account in the amount of damages awarded.

49. In the conciliation proceedings in connection with the Federal Disability Equality Act, as of 31.12.2018 there were only 20 cases of multiple discrimination out of a total of 2,761 cases concluded. Of these, five ended with a settlement, 14 without a settlement, and one application for proceedings was withdrawn.

50. The anti-discrimination legislation of the Länder takes multiple discrimination into consideration, for example by awarding increased damages.

Reply to paragraph 9 of the list of issues prior to reporting

51. Within the framework of Austrian labour market and disability policy, equality between women and men is a principal of action and forms an integral part of its realisation.

52. The subsidies offered by the Ministry of Social Affairs are taking into account the different life situations and needs of female and male participants.

53. In the field of sports, the 2017 Federal act on the promotion of sports also includes measures to support women: the promotion of nationwide initiatives for the equality of men and women in sports (Section 5 para. 3 point 3) and the promotion of women's and girls' sports (Section 14 para. 1 point 5).

54. In the field of criminal law, the extension of the rights of victims according to Section 66 f of the Code of Criminal Procedure forms another important aspect, particularly the focus on the great need for protection of women and girls with disabilities. This can extend to 24-hour support.

55. In Upper Austria, for example, the framework guideline on gender mainstreaming as a supplement to the Upper Austrian Equal Opportunities Act for an increased focus on equal opportunities between women and men in the context of inclusion, and in Salzburg's Equal Opportunities Act the strategy of gender mainstreaming for all fields of the regional administration and regional policy, are worthy to mention.

56. In Vienna, there are, for example, special measures to prevent the discrimination of women with disabilities, such as the *Zeitlupe advice centre*, which offers peer counselling for women with disabilities as well as the *Kraftwerk advice centre*, which is dedicated to psychosocial advice in cases of the sexual abuse of women with learning difficulties.

Reply to paragraph 10 of the list of issues prior to reporting

57. Women and people with disabilities are both key target groups of the Public Employment Service (*Arbeitsmarktservice* – AMS). The labour market policy goals of the AMS for 2019 aim to focus strongly on women in the award of subsidies. In this way, women with disabilities in particular can be supported individually by using the wide range of programmes specific to women.

Reply to paragraph 11 of the list of issues prior to reporting

58. Principally, all women's and girls' advice facilities in Austria are points of contact also for women and girls with disabilities (see contact points for advice for women and girls:

- <https://www.frauen-familien-jugend.bka.gv.at/frauen/anlaufstellen-und-frauenberatung/beratungseinrichtungen.html>, Faktenatlas;
- <http://www.faktenatlas.gv.at/articles/frauenberatung.php>).

59. These contact points receive content-related and financial support in Austria in return for ensuring accessible information and advice.

60. A women's help line on the issue of violence has been set up which also has an emergency number for deaf people (<http://oegsbarrierefrei.at/frauenhelpline/>).

61. Special projects for women and girls with disabilities are:

- The association Hazissa (since 2008 in Graz), a project to prevent the sexual abuse of children, young people and people with disabilities;
- The association Ninlil (since 1998 in Vienna), a recognised service centre for women to which women with learning difficulties or multiple disabilities can turn in the case of sexual violence.

62. The study "Access to victim protection facilities by women with disabilities who have experienced violence" was funded by the Federal Chancellery/ Department of Women's Affairs, the Ministry of Social Affairs and the EU, and carried out by the Austrian branch of the Ludwig-Boltzmann Society for the Promotion of Academic Research. The study was presented to the public in 2015.

63. Gender mainstreaming and the equality of the sexes is one of the goals of all the programmes for the participation in working life of people with disabilities. On the part of the Ministry of Social Affairs, care is taken, that there is no gender-specific direct or indirect discrimination, and that the design of programmes promotes equal opportunities.

64. In addition, care is taken to ensure that no women and men are narrowed down or restricted in their occupational opportunities by stereotyped roles, because individual abilities and not gender should determine a person's choice of occupation. Women and men have equal access to the range of subsidies on offer.

65. All of the data on the integration into working life of people with disabilities is recorded in a gender-specific way and published regularly.

66. In the Länder, there are also a large number of measures for women with disabilities, for example, the project 'Be Healthy – Health Courses for People with Learning Difficulties' in Vienna, which aims to increase the health competence of women with learning difficulties, as well as the promotion of the previously mentioned association Ninlil.

67. In 2018, the region of Vienna drew up a comprehensive study on the living conditions of women with disabilities in order to find out how they really live and to adapt measures accordingly.

68. In Upper Austria, the framework guideline on gender mainstreaming places increased emphasis on equal opportunities for women in the context of inclusion. The following organisations are especially provided with funding by the Land: Senia, an association in Linz, which offers advice especially for women with disabilities and holds events on the topic of sexuality and disability. The Empowerment Centre and the Association for the Promotion of Employment for People with Disabilities both provide special courses for women.

69. In Styria, the association "Independent Living in Styria", which is supported with regional funding, is dedicated among other things to the inclusion of women with disabilities.

Reply to paragraph 12 of the list of issues prior to reporting

70. In spite of the economic and financial crisis, which affected most countries worldwide, Austria has not made any spending cuts, which would have a negative effect on the provision of services for girls and boys with disabilities.

71. Children's health is one of the main issues of the health reform and the activities of the social insurance institutions. For example, the nationwide establishment of rehabilitation

centres for children and young people has been pursued vigorously, and the financing of rehabilitation for children after illness or due to a disability or development disorder has now been unified and secured.

72. In the outpatient sector, the extension of care for children and young people with developmental disorders in the fields of physiotherapy, logopaedic therapy and mental health is a main goal of measures to ensure care provision which is as close to home as possible. In Vienna, for example, in recent years four new outpatient clinics have been established for children up to the age of ten and their families.

73. The support for children and young people programme of Lower Austria currently cares for around ten disabled children in shared accommodation. However, the reason they are living in this accommodation is not their disability, but that their well-being is endangered by adult reference persons.

74. In Upper Austria, the following services can be taken advantage of (information for 2018):

- Comprehensive early support: total costs approx. €3.3m;
- Personal assistance for children aged six and above: budget approx. €8.8m;
- Mobile support for children aged three and above: budget approx. €11.6m;
- General therapy facilities: budget approx. €5.8m;
- Free therapeutic measures in competence centres for children and young people: budget approx. €1.3m;
- Wide-ranging subsidies for technical and therapeutic aids: approx. €5.5m.

75. In Salzburg the association VIA advises parents of children with autism spectrum disorder and their educators on site in childcare facilities.

76. The outpatient clinic for developmental diagnosis and therapy provides a wide range of therapies in all districts. For children with delayed developments and hearing and visual disabilities, there is outpatient and mobile early support.

77. The psycho-social care and advice centre for children and young people with mental illnesses and psycho-social problems offers diagnosis and treatment via a multi-professional team. Health Care for Children at Home provides support for families who cannot manage the care of their sick children alone.

78. As of February 2019, 512 children and young people aged between 6 and 18 in Salzburg were being provided with nursing care at schools. Styria offers numerous high-quality services for children with disabilities, which begin as early as possible. There have been no cost-cutting measures in this field and none are planned.

79. In Tyrol, all services provided in conjunction with the Participation Act have to be provided in every region. In order to enable children with disabilities to live with their families, the following services – among others – are provided at home as far as possible. Mobile early support (at home), mobile support for children and young people from the age of 6, school assistance, lessons at home, parent-child groups, holiday offers, family support for children and young people, communication and orientation services, individual and group support for people with autism spectrum disorder, therapies, day care for children and young people.

80. The region of Vorarlberg is making increased efforts to ensure that outpatient health rehabilitation and social participation can take place close to people's families and their social environment. There are five advice centres for early support in the Land.

81. Two advice centres for child and youth psychiatry offer comprehensive advice, diagnoses, support, therapies and case management. The resources for the psychotherapeutic care of children and young people have been increased.

82. Inpatient care of children and young people with mental impairments in Vorarlberg takes place in integrative socio-educational shared accommodation which is additionally supported by specialist external advice from children's and young people's psychiatrists.

83. In Vienna, the Children's and Young People's Support department provides a wide range of outpatient support measures for children receiving long-term care benefit so that they can live with their families. The following figures refer to 2017 (as at 31.12):

(a) 96 children were supported intensively as part of support for families (average of 12 hours per week), while 51 families were supported on an outpatient, low-threshold basis for a maximum of 9 hours per week. 67 families took advantage of the opportunity to have their children looked after at an external location for an average duration of 19 days, in order to give their parents a break. There are 23 places available for 24-hour care for children with disabilities who live at home with their families;

(b) Eight outpatient clinics for child development diagnostics and for the promotion of development provide diagnosis, psychological counselling, social advice and comprehensive therapies. In 2018, a total of 5,164 children received support. Mobile early support was provided for 522 children in 2018;

(c) No cost-cutting measures are planned. Families with children with disabilities can obtain increased subsidies for the parental contribution.

Reply to paragraph 13 of the list of issues prior to reporting

84. In Austria, the Länder are responsible for these services. They have submitted the following information.

85. In Burgenland, there are no institutions in which children with disabilities can be accommodated. A small number of disabled children are therefore accommodated in other Länder.

86. Within the framework of the Carinthian Equal Opportunities Act, 209 school children and young people are cared for, of whom 63 are in institutions on a full-time basis.

87. The Lower Austrian Children and Young People's Support department currently provides care for around 746 children via foster parents. Around 10% of these children have a disability. However, the reason they are living with foster parents is not their disability, but that their well-being is endangered by adult reference persons.

88. In Upper Austria, in 2018 a total of 211 children with impairments (up to the age of 17) were cared for full- or part-time in an institution in accordance with the Upper Austrian.

89. Equal Opportunities Act. In the residential groups of institutions, particularly those for children and young people, emphasis is placed on living in groups of mixed ages and gender with a family-like feel: that is, groups as small as possible with educators they are accustomed to. Group sizes vary between three and a maximum of eight persons. The 'mobile rather than inpatient' strategy has the goal of achieving an extension of mobile services in the homes of people with impairments. Up to the year 2020, an extension by 53,593 hours is planned, and there is a budget of around €12m in 2019 for mobile care and help. In the field of personal assistance, there is an extension by 52,000 hours and a budget for 2019 of around €9.9m.

90. In 2018, 30 children were resident in institutions run by the Salzburg support programme for people with disabilities.

91. In 2019, eleven children were cared for in other Länder or abroad. These institutions were chosen because they can ensure specialised support and training. Overall, the figures are going down.

92. In Styria, support for children with disabilities largely takes place in their accustomed family environment. There are boarding schools for children with disabilities, which are approved on the basis of a special concept and can be used in particularly difficult care situations. In these boarding schools, 31 children are looked after up to the age of 14.

93. In Tyrol, the principle of 'mobile rather than inpatient' applies, and work has been carried out for years now on the de-institutionalisation of people with disabilities, particularly children and young people. There are 22 places for wholly inpatient long-term

accommodation (365 days a year) for children and young people as well as four boarding homes (three of which are connected to a school).

94. Vorarlberg: The question of de-institutionalisation is hardly relevant here in the field of integration support, as the focus is increasingly on a social model with measures to reduce the burdens on families. Children with or without disabilities are only accommodated in institutions if there are reasons to suspect that their well-being is at risk.

95. The number of children with disabilities in Vienna who do not live with their parents and are in institutions amounted to 130 as of 31.12.2018.

Reply to paragraph 14 of the list of issues prior to reporting

96. The Federal Constitutional Act on the Rights of Children ensures among other things the equal treatment of children with disabilities (Art. 6).

97. According to this federal constitutional law on the rights of children, every child which has been permanently or temporarily removed from its family environment (and lives in an institution which provides long-term care or accommodation) is entitled to special protection and support from the state (Art. 2 para. 2).

98. The educational policy goals of the federal government are formulated in the NAP on Disability 2012–2020, which provides for the development of an inclusive school system with the goal of creating inclusive model regions in all of the Länder.

99. In the form of the Children's Classification Regulation to the Federal Long-term Care Benefit Act introduced on 1 September 2016, uniform standards for the assessment of the care needs of children and young people were introduced.

100. In the Länder, the rights of children with disabilities are the competence of the children and young people programme of the respective region, the Ombudsman for Children and Young People, or the Disability Ombudsman of the region.

Reply to paragraph 15 of the list of issues prior to reporting

101. The General Comments of the Committee were published on the website of the Ministry of Social Affairs with external links to:
www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx (in English) and www.gemeinsam-einfach-machen.de/GEM/DE/AS/Home/as_node.html (in German).

102. Together with the stakeholders, the measures of the inclusion package were drawn up at the Ministry of Social Affairs and adopted in autumn 2018. They are now being implemented in stages. There are plans for awareness raising with regard to participation in employment, and explicitly also for "comprehensive information campaigns on the contents of the UNCRPD and the rights of people with disabilities".

103. In the Länder, a series of measures to make the public familiar with the UNCRPD have been taken, for example:

- In Burgenland an annual day of action called Miles of Diversity, and training of public sector staff;
- In Lower Austria, public relations work and awareness-raising happenings; in Salzburg, raising of awareness for the equal participation and inclusion of people with disabilities;
- In Styria, numerous awareness-raising measures, such as an international conference on employment and disability entitled potentials@work, an Inclusion Day, and an Inclusion Prize, the Styrian Social Day;
- In Vorarlberg, awareness raising, particularly via the Living Your Opportunities campaign (a competition for inclusive companies), the Information Pool of the Integration Support programme of the Office of the Regional Government, advertisements in the media;

- And in Vienna via links to relevant web pages.

Reply to paragraph 16 of the list of issues prior to reporting

104. Section 97 of the Criminal Code has been in force unchanged since 1 January 1975. Since then, there have been numerous legal improvements to protect people with disabilities in criminal law; for example, here are just a few from the recent past:

- The inclusion of people with disabilities among those groups and persons who are protected by the offence of incitement (Section 283 Criminal Code), FLG I No. 103/2011;
- The alignment of the penalties for the sexual abuse of defenceless or mentally impaired persons with those for rape and sexual coercion with the 2013 Sexual Crime Law Amendment Act, FLG I No. 116/2013;
- The recognition of criminal acts committed against people with disabilities because of their disabilities as hate crimes by placing them under the corresponding aggravating factor of Section 33 para. 1 (5) of the Criminal Code, FLG I No. 112/2015;
- The Second Protection of Adults Act, FLG I No. 59/2017.

105. For pregnant women and parents-to-be who are considering having the risk of deformities of their unborn children evaluated, different organisations provide comprehensive information. Here one can talk about the advantages and disadvantages of the examinations, their accuracy and informative value, but also the possible consequences such as abortion.

106. If a pre-natal diagnostic examination has a positive or conspicuous result, psycho-social advice and support is particularly important in order to mitigate the strain on the pregnant woman/ the parents-to-be, and to talk about possible further steps.

107. Detailed and free advice and information on issues of pre-natal diagnostics is offered by advice centres for pregnant women and families in Austria (<https://www.familienberatung.gv.at/beratungsstellen/>).

108. For these reasons, Section 97 of the criminal code has not led to any further stigmatisation and stereotyping of people with disabilities.

Reply to paragraph 17 of the list of issues prior to reporting

109. In publicly accessible federal buildings, attention is paid to accessibility in accordance with the staged plans of the Federal Disability Equality Act, which will be implemented by the end of 2019. Accessibility is also taken into consideration at public events.

110. The Legal Information System of the Republic of Austria – RIS – offers barrier-free access without charges to the legal provisions of the federal government and the Länder, and to the official announcements of the social insurance system. It also provides access to EU law, to jurisdiction, to selected legal norms of local authorities and to selected decrees of the ministries. Accessibility is judged here according to the current state of technology.

111. As early as 2013, accessibility was given at the facilities of all youth organisations, which received a basic subsidy in accordance with the Federal Youth Promotion Act.

112. From 2013 onwards, the Federal Ministry of Family and Youth Affairs was able to support family advice centres directly in the implementation of measures to achieve accessibility (amendment to the Family Advice Subsidies Act, FLG I No. 61/2013). In the years 2013–2015, around €1.8m was spent on subsidies for measures of this kind. Since the end of 2015, all of the around 400 family advice centres in Austria have been accessible.

113. In the field of education, as part of the schoolbooks campaign the Federal Chancellery makes educational materials available for pupils with special needs with the involvement of the Federal Institute for the Blind.

114. As specially adapted educational materials, the necessary tools are made available to pupils who are blind or have visual disabilities as well as specifically adapted schoolbooks. Digital versions of schoolbooks are also being developed and adapted for lessons.

115. For deaf pupils, some lessons are offered in Austrian sign language, and teachers are being trained on an ongoing basis to use sign language. There are classes held in sign language or bilingual lessons (Austrian sign language and German) in almost all facilities for deaf people and in integrated classes.

116. Comprehensive up-to-date and relevant information, is offered by the database CISONline operated by the Federal Ministry of Education, Science and Research (<https://www.cisonline.at/home/>).

117. The accessibility of public services, particularly in the fields of education, health and social affairs, is being gradually extended by the Länder.

118. In the field of administration, official decisions are issued in easy read or easier to understand versions, for example in Upper and Lower Austria and in Styria. Public sector websites are predominantly designed to be accessible.

119. In the field of children's educational and care facilities, attention is paid to the formation of integration groups with reduced numbers of children as well to the additional deployment of assistants for the integration of these groups. In schools, assistants are provided for children with disabilities in all Länder.

120. The Styrian Act on the Education and Care of Children, for example, lays down that at least one toilet "should be reserved for accessible equipment." In practice, at least one accessible toilet/washroom is provided.

121. In Salzburg, for example, there is an accessibility campaign in which measures to create accessibility are being taken at all levels. Every two years the offices of the regional administration draw up a report on the current state of the measures.

122. Tyrol has drawn up a staged plan for the final implementation of accessibility in all of the buildings owned by the Land. The regional music schools and museums are accessible and offer regular further training for their educational staff as well as awareness raising projects.

123. The region of Vienna has a staged plan linked to the Viennese Anti-Discrimination Act, according to which a gradual reduction of constructional barriers will take place.

124. In Lower Austria, the model project entitled "*medinklusion*", an outpatient clinic for people with disabilities was established at the regional hospital in Melk offering services ranging from surgery and gynaecology to internal medicine for persons with learning disabilities. Outpatient treatment is carried out with the support of a specially trained coordinator, and information is available in easy read versions.

Reply to paragraph 18 of the list of issues prior to reporting

125. On the basis of the legal foundations, Austrian Federal Railways (ÖBB) have drawn up a staged plan for the implementation of the Disability Equality Act (see <https://konzern.oebb.at/de/vielfaeltige-oebb/behinderung/barrierefreiheit-etappenplan-ausblick2016>). As a result, by the end of 2015 stations with a daily frequency of 2,000 persons or more as well as those in district and regional capitals were restructured to be accessible. Due to the committed realisation of the measures, 75% of passengers are now able to use accessible stations. ÖBB-Infrastruktur AG is now working vigorously to ensure that in 2025, 90% of passengers will benefit from accessible stations. Feedback and suggestions from passengers with disabilities and reduced mobility form part of the Masterplan for 2025. New acquisitions by ÖBB-Personenverkehr AG and ÖBB-Postbus GmbH will be made according to the criteria of accessibility.

126. In practice, accessible transport means not only transport facilities, but also accessible communication. This includes providing information offers and guidance and orientation systems based on the multi-sensory principle. In Cooperation with ÖBB Schienenverkehr

(rail transport), representatives of the Federal Educational Institute for the Blind and the Austrian Association of the Blind and Visually Disabled have started work on the creation of a version of the online rail travel information service which is designed for blind people.

127. In local rail travel, around 70% of journeys are made with accessible trains. The proportion of non-accessible services will fall below 10% by 2024 thanks to significant investments in the stock, whereby accessible alternatives will be offered for the remaining non-accessible ones.

128. In connection with the measures for the implementation of the Austrian dementia strategy, the Ministry of Social Affairs has recently subsidised the project dementia sufferers using public transport. The goal was the development of a brochure with recommendations for staff of transport companies on how they can contribute towards improved social participation of people with dementia-related impairments.

129. Among the measures of the Länder, the following are worthy of special mention:

130. Lower Austria: all of the buses in the eastern region have been accessible since a tender in 2016 including voice output.

131. The usage of infrastructure by blind persons is currently not fully complete; the retrofitting of tactile guidance systems is being intensified.

132. In Upper Austria there are currently around 5,000 regional bus stops. As part of the award of contracts for transport services, the safety of each bus stop is being gradually examined. If this results in a need for reconstruction, their accessibility is taken into account.

133. Regional buses (vehicles): according to the operational statistics for bus lines, a total of 966 buses were in operation in Upper Austria in 2018. Information is available on the accessibility of the city buses and contracted buses (72% of vehicles). Of a total of 154 city buses in Upper Austria, all are accessible. 543 regional buses are in operation on public contracts – the proportion of accessible buses here is 73%. This proportion is gradually being increased. Full accessibility will be reached in 2021.

134. In Tyrol, there is a service team available for enquiries about the accessibility of the facilities at stations or stops.

135. The relevant information is available on the internet and at stations and stops.

136. A total of 355 buses are operated in the Vorarlberg transport association. 78% of these are low-floor buses with folding wheelchair ramps. The remaining vehicles are regional buses (with steps). Of these, 28% are equipped with a wheelchair lift at the middle door. All vehicles are equipped with an automated 'next stop' display. With the introduction of new on-board technology (2019/2020), additional information will also be automatically displayed/announced.

137. The public space in Vienna is designed in such a way that its accessible use and an independent lifestyle is principally possible. For example, 93% of all kerbs are dropped in a standard way at road junctions and crossings for the benefit of wheelchair users. Accessibility in the public space is thus almost ubiquitous for persons with restricted mobility.

138. For blind people and those with visual impairments, roads and squares in the vicinity of important places such as transport hubs and stations, traffic light systems, public facilities and the major shopping streets of Vienna are covered by tactile ground surface indicators. At present, around 48km of tactile guidance systems have been constructed to support independent use of the public space.

139. Underground trains and stations and the Viennese bus fleet are already accessible to a large extent. More than half of trams are also accessible for people with disabilities. Due to the gradual replacement of old, non-accessible trams by new accessible Bombardier Flexity models in the near future, the tram fleet will also soon be fully accessible. Current service interruptions are indicated on the website of Vienna public transport and its accessible app (second sensory channel).

140. The Vienna public transport company (Wiener Linien) introduced a tactile guidance system around nine years ago, which was developed jointly with disabled persons' organisations.

141. Information on the accessibility of public transport can be found at <http://www.wl-barrierefrei.at/>.

Reply to paragraph 19 of the list of issues prior to reporting

142. There has been a legal framework for the accessibility of official websites since 2004 (Section 1 para.3 E-Government Act; see also question 17), which sets standards for websites and applications which are comparable with Directive (EU) 2016/2102. It can therefore be assumed that due to this already existing legal obligation, the requirements of Directive (EU) 2016/2102 are adhered to by all public offices of the federal government.

143. In the meantime, the Directive was implemented at the federal level by the Web Accessibility Act (FLG I No. 59/2019).

144. At a regional level, regional laws have been enacted in most cases. For example, in Upper Austria 75% of websites are accessible.

Reply to paragraph 20 of the list of issues prior to reporting

145. In order to be able to estimate the number of sign language interpreters required, a study was jointly commissioned in 2013 by the Ministry of Social Affairs, the Ministry of Education and the Ministry of Science.

146. The training of sign language interpreters takes place in the university sector, at the universities of Graz and Salzburg.

147. At the Institute for Theoretical and Applied Translation Studies of the University of Graz, a BA and a Master's degree can be taken in Austrian Sign Language.

148. Since 2016, the University of Salzburg has offered a degree course in Translation and Interpreting for Sign Language, Written German and International Sign Language (MODUS Salzburg). The Ministry of Education provides financial support for this degree course.

149. Research and courses on sign language, the history of deaf people and their culture are carried out at the University of Klagenfurt at the Centre for Sign Language and Deaf Communication. The centre operates the Austrian Sign Language database LedaSila, and cooperates on international projects. From 2014–2016, a four-semester degree course in Sign Language Teaching was also held at the University of Klagenfurt.

150. The GESTU (Successful Studying for Deaf People) service centre at the Vienna University of Technology offers advice and support for students who are deaf or hard of hearing at all universities in Vienna. As part of GESTU, specialist gestures from the field of academia and research are (further) developed, collected in a database and published.

151. For the use of sign language in court cases please refer to the answer to question 28.

Reply to paragraph 21 (a) of the list of issues prior to reporting

Strengthening of monitoring measures in connection with accessibility

152. In the federal administration, the issues of accessibility and design for all are taken into consideration in internal initial and continuous training for staff. In the field of IT, training on the accessibility of web contents and online offers is carried out. Corresponding IT monitoring mechanisms are in use.

153. At the Federal Ministry of Finance, there are measures for nationwide quality assurance and for ensuring uniform standards in the realisation of the accessibility of buildings, including inspections of individual locations with the involvement of specialists.

154. The funding used by the Historical Buildings Authority for the maintenance and realisation of the accessibility of historically significant buildings owned by the Republic of Austria is set out in a corresponding building programme. The monitoring takes place on a quarterly basis. In all of these measures, the Historical Buildings Authority regularly consults an external expert.

155. In the realisation of European Social Fund (ESF) programmes, the issue of accessibility is part of the first level control examination. Recommendations are made regarding accessibility, whose realisation is monitored in the subsequent year during follow-up checks.

156. In contracts for subsidies awarded by the Ministry of Social Affairs, the general terms of the contract stipulate adherence to and consideration of the legislation on disability equality. If the terms of the contract are not adhered to, the subsidies can be wholly or partly suspended and repayment demanded.

157. In the field of justice, building measures to remove barriers to accessibility are paid for from the general budget of the body involved (Data Protection Authority, Federal Administrative Court, Supreme Court, Higher Regional Court, prisons).

158. The EU support programme EAFRD (European Agricultural Fund for Rural Development) subsidises investments for the creation of accessibility in facilities funded by the programme and in offers from the organiser of other social services.

159. In the Länder, there is also a wide range of measures to strengthen monitoring mechanisms.

160. For example, an expert body for accessible construction was established in the region of Salzburg in 2016.

161. In Tyrol, accessibility is taken into account in the award of subsidies for the construction of housing.

162. In Vienna, subsidies for projects for the creation and improvement of accessibility in daycare facilities are thoroughly examined with regard to planning, costing and the appropriateness of the price. In all inspections as part of quality assurance audits, the accessibility of facilities is also inspected, and there is a systematic survey of accessibility at all daycare facilities every three years.

163. In Styria, subsidies for measures to create accessibility in the field of children's education and care, for example, require previous approval by the authorities. After their completion, an inspection on site takes place to ensure that the measures have actually been realised.

Reply to paragraph 21 (b) of the list of issues prior to reporting

Curricula for universal design and accessibility

164. In the current curricula of the academies for constructional engineering (FLG II No.262/2015) and the colleges for constructional engineering (FLG II No. 240/2016), accessibility is a fixed element of the professionally-related learning results and as an educational and teaching task. In the curriculum of the colleges, accessibility is also listed in the skills profile of the subject.

165. The curricula at vocational schools are oriented towards the development of comprehensive professional competence in the relevant working environment. An integral part of this professional competence is the ability to take into account the applicable professional norms, guidelines and legal provisions when solving tasks arising in a given situation. This also applies to the fields of universal design and accessibility.

166. In the tertiary education, the drawing up of curricula is carried out independently by universities. The Vienna University of Technology and the Graz University of Technology both include modules on accessible construction in their architecture degrees. At the Graz University of Technology, a Sustainable Construction working group has been established

which deals with the issue of accessibility in teaching and research. As part of the Bachelor's degree in Architecture at the University of Innsbruck, accessible construction is covered in an optional module. In the Architecture degrees at the Universities of the Arts as well as in the Landscape Planning and Landscape Architecture degrees at the Vienna University of Natural Resources and Life Sciences, the issue of accessibility is viewed as an integral element and as a cross-sectional issue.

167. At the Joanneum Graz University of Applied Sciences, there is an obligatory course on the topic of accessible construction in the Construction Planning and Construction Industry degree programme.

Reply to paragraph 21 (c) of the list of issues prior to reporting

The award of public contracts and accessibility

168. Sections 107 and 275 of the Federal Public Procurement Act as well as Section 60 of the Federal Public Procurement Act on Concessions 2018, FLG I No. 65/2018, each contain a provision on the accessibility of services. This lays down that when a service is procured which is intended for use by natural persons, the technical specifications must be set in such a way that the criteria of universal design – including accessibility for people with disabilities – are taken into account. If there are existing accessibility requirements due to an act of the European Union, the technical specifications have to take them as a point of reference in so far as such criteria are affected. The obligation to procure accessible services can only be ignored in cases where there are factual reasons for this.

Reply to paragraph 22 of the list of issues prior to reporting

Regarding target 11.2

169. Austrian transport policy views the development of public transport systems as an essential goal with regard to an affordable, needs-oriented and accessible range of services. With regard to the specific realisation, please refer to the staged plan for transport (see also <https://konzern.oebb.at/de/vielfaeltige-oebb/behinderung/barrierefreiheit-etappenplan-ausblick2016>), which highlights the strategic measures for its achievement while at the same time containing an evaluation of the progress made.

Regarding target 11.7

170. In the creation of public spaces where people like to spend their time, the Sustainable Development Goals will be taken into account in the ongoing work, particularly within the framework of cooperation in various working groups and committees of the Austrian conference on spatial planning.

171. In the Länder, in Lower Austria, for example, special attention is paid to ensuring access to affordable, accessible and sustainable transport systems for everyone.

172. In Salzburg, the Sustainable Development Goals have found their way into the creation of measures within the framework of the regional action plan.

173. In Tyrol, the extension of accessible leisure offers in nature is being pursued with vigour.

Reply to paragraph 23 of the list of issues prior to reporting

174. In accordance with Section 2 para. 1 of the 2005 Federal Basic Care Act, the federal government has to take account of the special needs of persons in need of protection as far as possible. The following measures were taken at a federal level:

- Asylum seekers with a particular need for support are assigned to a special medical care unit. This special care unit staffed by particularly trained support personnel has a lift and accessible sanitary facilities;

- Further improvements of the infrastructure of support facilities take place by adapting them to the respective needs, requirements and specific possibilities.

175. Here are some exemplary measures from the Länder.

176. Lower Austria is obliged, because of Section 6 para. 4 of the Lower Austrian Basic Care Act, to take the special needs of people with disabilities into consideration in matters of basic care. Therefore special support facilities are provided for the care of these groups of persons as part of the refugee aid programme.

177. The range of basic care services of the region of Upper Austria is accessible, particularly in the Regional Services Centre (Landesdienstleistungszentrum – LDZ), or can alternatively be made use of electronically. If necessary, the language barrier can be overcome by video interpreting in the LDZ.

178. The accessible centre for the target group of refugees with disabilities in the City of Salzburg was closed at the start of 2018. Due to the low number of cases, specific individual solutions are found for refugees with disabilities. In addition, as part of basic care, support services are granted to this target group (e.g. care and medical support, special transports, medical aids).

179. In Styria, persons eligible for subsidiary protection were included in 2018 among those who can claim benefits according to the Styrian Disability Act. The region of Styria is also responsible for the basic care of foreigners who are in need of help and protection. In Styria, accessible places for asylum seekers are available if required.

180. In the region of Tyrol, the measures offered are the Tyrolean integration compass, an entitlement to the minimum income and disabled support services, and language courses and support during training measures via subsidies in accordance with the Labour Market Act.

181. In Vienna, there are alongside minimum standards for the whole of Austria also additional quality guidelines for aid for refugees in Vienna. These state that people should be accommodated according to their individual needs, e.g. in single rooms with their own bathroom/toilet or with barrier-free access. These requirements can be fully covered in Vienna.

182. The services offered include social advice within the framework of basic care. Migrants, asylum seekers and refugees can make use of the psycho-social services centre in Vienna. Accessible communication is enabled via a video interpreting system.

Reply to paragraph 24 of the list of issues prior to reporting

183. Risk management and prevention in the case of disasters in Austria is characterised by the especially dense nationwide provision of operational resources and personnel at a local level, ensuring that people with disabilities can be assisted quickly and efficiently in emergencies.

184. The tasks of emergency response and disaster relief are predominantly fulfilled by local authorities and voluntary emergency services.

185. Within the framework of its tasks as the coordinating entity of the federal government, the Ministry of the Interior (BMI) places great emphasis on informing and educating the general public, as for example information and training measures for vulnerable groups such as children or older people.

186. In order to better inform all sections of the population about current dangers, the BMI has introduced the KatWarn warning system, via which warnings and news from the authorities can be received via mobile phone or communicated through other information channels. On its accessible website, the BMI offers comprehensive information about civil defence for the public, also available in easy-read format.

187. The Ministry of Defence points to the significance of the disaster relief provided by the Austrian army as part of deployments abroad (Section 2 para 1 point d of the 2001

Defence Act). In this context, the Austrian army pays particular attention to the special situation of people with disabilities.

188. Upper Austria and Tyrol highlight the fact that their disaster plans unreservedly take the needs of people with disabilities into consideration.

Reply to paragraph 25 of the list of issues prior to reporting

189. In essence, the newly-organised court-based legal assistance which was newly-structured by the Second Protection of Adults Act regulates the representation of persons in legal matters. However, according to the law, this may only become effective if the person affected cannot manage their affairs themselves with the help of support.

190. Section 239 para. 2 of the Austrian Civil Code gives examples of how adult persons whose ability to make decisions are limited due to mental illness or a comparable impairment can be supported. This includes, for example, support from their families, other persons close to them, care facilities, facilities of the support for the disabled system and social services, groups of peers, advice centres and instruments such as ‘assisted bank accounts’ or a ‘foresight dialogue’.

191. In practice, assisted bank accounts are offered by social services organisations. This tool is intended to help people who are receiving support, have difficulties in recognising and adhering to payment priorities and are therefore at risk of homelessness to cope with the payments they need to make in order to live independently. A foresight dialogue is a structured communication process for conversations between nurses, carers and doctors with residents of retirement and nursing homes. It is about the wishes of the residents to lead a good life in the home, but also about what is important to them when death is approaching. This communication tool takes their self-determination seriously and strengthens it. The law also provides for structural provisions so that courts can give support priority over representation. For example, in every procedure, a clearing from an association for the protection of adults must be obtained upon the request of a court-appointed guardian. These associations work through the resources of the affected person according to social work criteria and with the involvement of the expertise of peers. Finally, they make a recommendation for or against the appointment of a guardian.

192. Selective guardianship is a form of guardianship, which a person who no longer has the full ability to make decisions can use to select a guardian himself or herself. In this process, the person can lay down that the guardian can only act with their agreement.

193. As a key principle, Section 241 para. 1 of the Civil Code states that a person who has been appointed as a representative (a person authorised by a patient to manage their affairs, or a guardian), has to work toward a situation where the represented person can structure their life according to their wishes and desires and can, as far as possible, be enabled to take care of their affairs themselves.

194. In the sensitive area of consent to medical treatment, Section 252 para. 2 of the Civil Code also specifies that the person providing treatment has to provenly make an effort to involve people who can provide support to the adult person in making his or her own decisions. These can be members of their family or other persons they are close to.

195. Lower Austria has carried out a study on longer-term planning for requirements in terms of facilities for people with learning disabilities for the years 2020 and 2025. The new programme Our Old Age (“*Wir im Alter*”) was adapted accordingly, and since 1.1.2018 has included Living and Day Structure in One.

196. The evaluation of personal assistance for persons with sensory or physical disabilities is currently also taking place in a participative approach for the purpose of the calculation and forecasting of future needs.

197. In Upper Austria, the following institutions in particular provide assistance in decision-making:

- Empowerment Centre: advice and training centre for people with impairments on their way to self-determination; subsidies in 2018 around €300,000;
- Peer advice: free information, support and advice for more autonomy and individual responsibility. Highly competent advice thanks to the comprehensive training of peers – regulated by the Upper Austrian Social Professions Act. Expenditure in 2017: approx. €500,000;
- Personal future planning: a special form of advice which is intended to help people with disabilities to change their lives in the direction they wish for, to talk about their own wishes and goals and how these goals can be achieved. Expenditure in 2018: approx. €227,000;
- Careers planning information, advice and support;
- Assisted account: support for people who have difficulties in recognising and adhering to payment priorities and dealing with payments, which are necessary for them to continue living independently.

198. Within the framework of the Styrian support programme for people with disabilities, the following were created: a service called ‘living-space oriented accompanied budget’ is being tested as a pilot project, an academic course for peer advisors, regional advice centres, a training and advisory hub (Andritz Training and Competence Centre), the self-advocates association called Self-Determined Living in Styria, and the assisted account scheme.

199. In Tyrol, people with disabilities can, within the framework of the Participation Act, take advantage of advice services such as peer support and experienced involvement.

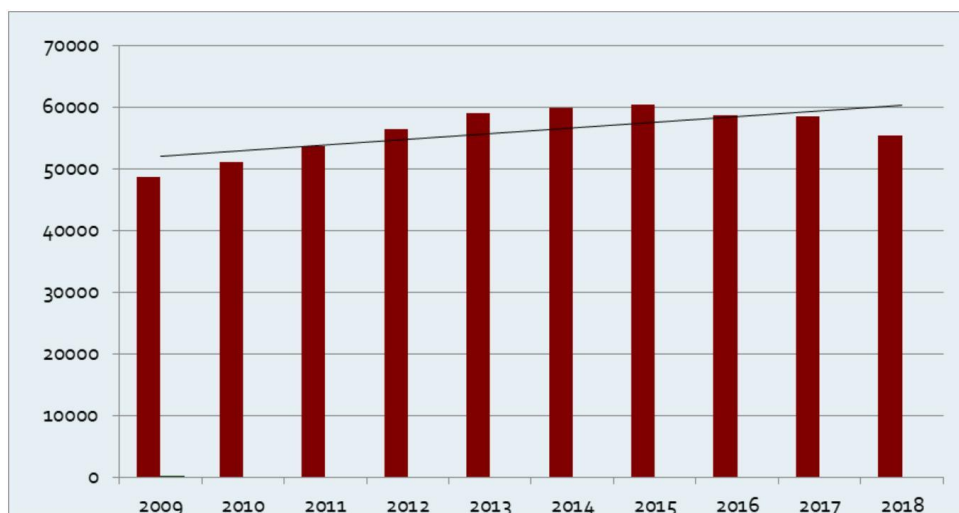
Reply to paragraph 26 of the list of issues prior to reporting

200. The number of ongoing court-ordered guardianships or cases of so-called substituted decision-making can be illustrated as follows (figures at the beginning of each year):

Table 1

Number of court-ordered guardianships

<i>Year</i>	<i>Number of guardianships</i>
2009	48 659
2010	51 155
2011	53 609
2012	56 499
2013	58 986
2014	59 910
2015	60 461
2016	58 606
2017	58 548
2018	55 462

Diagram 1

201. The diagram shows an upward trend until 2015. The largest number of guardianships were in 2015; in the three subsequent years they fell by eight percent.

202. According to the new statistics on the ‘representation of adults’, a total of 50,204 court-ordered guardianships were ongoing on 1 January 2019. The downward trend is thus continuing.

Reply to paragraph 27 of the list of issues prior to reporting

203. In 2018, the Ministry of Justice offered a total of 16 further training courses on the new legislation on the protection of adults for judges and judicial officers. In cooperation with adult protection associations and the Federation of Austrian Homes, specialist conferences on the Second Protection of Adults Act were held in the Länder.

204. In addition, all prospective judges and state prosecutors have to complete an obligatory fundamental rights module during their training.

205. In 2018, several further training courses were also held for the staff of adult protection associations, for doctors, lawyers and bank employees.

206. The brochure of the Ministry of Justice on the essential contents of the Protection of Adults Act has been placed on its website www.justiz.gv.at in several versions. There are versions in English, Turkish, Serbo-Croat and an easy-read version.

Reply to paragraph 28 of the list of issues prior to reporting

207. With regard to the accessibility of court buildings, the Ministry of Justice has set minimum standards, which enable the accessibility and usability of the entrance area, an information point (service centre), at least one courtroom and a toilet for people with restricted mobility and those with sensory disabilities. The plans for the implementation of the staged plan for federal buildings can be viewed at: <https://www.justiz.gv.at/web2013/home/buergerservice/informationen-und-hinweise/etappenplan-bundesbauten~2c94848525f84a63012e0ed5898136ff.de.html>.

208. The current accessibility of court buildings is shown on the website of the Ministry of Justice for every Austrian criminal and civil court under the heading ‘Reachability’. The information provided shows that the vast majority of Austrian courts are already accessible for people with reduced mobility.

Sign language interpreters

209. In a list of general sworn and court-certified interpreters, which is freely available on the internet (<https://sdgliste.justiz.gv.at>), sign language is given as a separate language.

210. The requirement to involve a sign language interpreter in proceedings where a party, an accused person or a victim is deaf, extremely hard of hearing or has a speech impediment, is laid down in the procedural regulations for courts of law (cf. in particular Section 73a Code of Civil Procedure and Section 56 para. 7 Code of Criminal Procedure). The related costs are borne by the state, including those costs, which occur for the contact with their legal representatives, which are a procedural necessity.

211. In administrative (penal) proceedings too, parties or persons to be questioned who are vocally impaired, deaf or extremely hard of hearing have the right to use an interpreter (Section 38a Administrative Proceedings Act, Section 33 para. 2 Administrative Offences Act). With the Federal Act FLG I No. 57/2018, this right in proceedings at administrative courts in administrative penal cases was improved in that it now includes the contact between the accused and his or her defence counsel (Section 38a of the Act on Administrative Court Proceedings).

212. With regard to the rights of victims of crimes, please refer also to the answer to question 34.

213. In addition, there is a plan to remove the term “mental disability” from the relevant laws on judicial process and to replace it with the term “an impairment of the ability to make decisions which is comparable with a mental illness”.

Reply to paragraph 29 of the list of issues prior to reporting

214. Austria ratified the Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 18 December 2002 (OPCAT) on 4 December 2012. The OPCAT Implementation Act, FLG I No. 1/2012, transferred the tasks of the national prevention mechanism to the Austrian Ombudsman Board and the commissions engaged by it with effect from 1 July 2012. By transferring these tasks to the Ombudsman Board, existing structures could be used and adapted, and efficient legal protection ensured.

215. Together with six regional multi-disciplinary commissions, institutions are inspected in which the deprivation or restriction of personal liberty occurs or can occur, for example in prisons or care homes. The inspections extend to institutions and programmes for people with disabilities. The limitation of personal liberty or the medical treatment of mentally ill persons may only take place without their consent if they seriously endanger the lives of themselves or others, and where there is no other alternative. If a person to whom this applies is in a home due to a court order, a judge must regularly examine this order, and the patients’ ombudsman must examine the admissibility and proportionality of the measure in accordance with the Hospitalisation Act.

216. If a person is in a home at their own request, this must be monitored on an ongoing basis by the independent representatives of home residents, which are based at the adult protection associations. This is in accordance with the federal law on the protection of personal liberty during stays in homes and other nursing and care institutions (Residential and Nursing Homes Act). If the home residents’ representatives call for it, a judge must examine the case here too.

217. Please also see the answer to question 31.

Reply to paragraph 30 of the list of issues prior to reporting

218. The Convention on Human Rights and Biomedicine has not been ratified by Austria until now. The question of whether the Additional Protocol will be adopted by Austria or not is therefore not relevant at the present time.

Reply to paragraph 31 of the list of issues prior to reporting

219. In agreement with the Ministry of Health, in 2014 the Ministry of Justice established by decree that the use of psychiatric intensive beds (net beds) as well as other cage-like beds does not correspond to European standards and is therefore not permissible and that such means may no longer be used from 1 July 2015.

220. The personal freedom of residents in old-age and nursing homes, in institutions for people with disabilities, and also in hospitals, is protected in Austria by the Residential and Nursing Homes Act. Since 1 July 2018, institutions for the care and upbringing of minors are also covered by the field of application of this law. It permits intrusions upon personal liberty in such institutions only as a last resort to prevent a person damaging him- or herself or others. Those affected have the possibility to call on a court to examine their deprivation of liberty.

221. In order to ensure effective legal protection, the law states that those affected should be provided with a representative familiar with the issue (residents' representative) who attends to their interests and helps them to assert their rights, particularly with regard to the institution, but also in any court proceedings that may take place. The representation of residents is the task of adult protection associations, which are financed by the federal government. In 2017, around €6.4m was spent on this issue. Due to the inclusion of institutions for the care and upbringing of minors in 2018, the expenditure has increased considerably.

Reply to paragraph 32 of the list of issues prior to reporting

222. Divergences in the development of gender are based on a multitude of different causes, due to which a person cannot be genetically and/or anatomically clearly identified as being female or male. These persons are supported by multi-disciplinary teams at specialised facilities. Serious interventions in order to establish a specific gender are, as far as possible, delayed until the person affected has reached an age when their understanding of and insight into the situation are well developed.

Reply to paragraph 33 of the list of issues prior to reporting

223. Medical care in prisons is oriented towards the principle of equivalence and is generally the same as the care provided to persons in the outside world. One of the – few – divergences is that prisoners are not allowed to choose their own doctor. The individual cases mentioned in the report were analysed in detail, and the findings from them were put into practice. They have changed the nature of support in that they now form an integral part of today's actions (IT-based).

224. In order to support prisoners with physical impairments, prisons are designed to be accessible. In addition to medical care, persons with mental illnesses are offered comprehensive complementary services (ergotherapy etc.).

Reply to paragraph 34 of the list of issues prior to reporting

225. At the end of 2016, the Ministry of Social Affairs commissioned the study "Experiences and the Prevention of Violence against People with Disabilities." A monitoring group involving the Ombudsman Board, the Disability Ombudsman and the organisations of people with disabilities was established. Work started in January 2017, and the final report is planned for autumn 2019.

226. This study has the following goals:

- Collecting data on violence and sexual abuse against people with disabilities who use the facilities of the support programme for people with disabilities or who live in psychiatric institutions or prisons for persons with mental illnesses;
- Establishment of factors, which promote the occurrence of violence and sexual abuse;

- Proposing effective measures to prevent violence and sexual abuse, and highlighting examples of good practice in the field of prevention and support.

227. The study is also intended to shed light on the special aspect of violence against women with disabilities and to point out suitable prevention options.

228. People with disabilities who become victims of violence have entitlements in accordance with the Victims of Crime Act, FLG No. 288/1972. This is dependent on them having suffered physical injury or damage to their health due to an illegal and deliberate offence, which will probably lead to a prison sentence of over six months for the perpetrator. The law provides for numerous kinds of financial aid, therapeutic measures (psychotherapy) and flat-rate damages. An administrative procedure decides on the benefits, which a person is entitled to.

229. As part of prevention work, the Ministry of the Interior carries out awareness raising via events, training courses, lectures, further training and public relations work on the issue of human trafficking.

230. In accordance with Section 66a para. 1 of the Code of Criminal Procedure, victims of crime have a right to the prompt establishment of their special need for protection. Victims with disabilities are in the category of those with a need for protection. This has to be examined in each individual case. Victims who are particularly in need of protection have the right:

- To demand to be interviewed – if possible – by a person of the same sex during the investigation;
- To refuse to answer questions about the details of the offence when they find its description unbearable, or questions about highly personal aspects of their lives;
- To demand that they are questioned gently during the investigation and in the trial;
- To demand that the public is excluded from the trial;
- To be informed immediately and automatically of the release or escape of the accused, and
- To have a person they trust present during questioning.

231. In the judiciary, numerous (interdisciplinary) further training events are offered on the topic of the protection of victims. As part of their training, all prospective judges and state prosecutors have to work at a centre for the protection of victims or a welfare institution for at least two weeks. People with disabilities can turn to the patients' and disability ombudsman's office at any time in Burgenland. In institutions of the support programme for people with disabilities, the residents' representatives are on hand to help them.

232. In Lower Austria, the obligatory risk evaluation questionnaire is used in case of suspicion of physical, psychological or sexual violence, or when a person with disabilities is neglected, so risks can be recognised as early as possible.

233. In Upper Austria, there are obligatory performance and quality standards for providers of services for people with disabilities, which are also monitored by the authorities. They refer to standards regarding personnel and construction, plus points as:

- Obligatory installation of interest groups;
- Persons of trust for people with disabilities in institutions;
- Cooperation with family members, doctors and therapists;
- Empowerment centre;
- Peer advice;
- Training of staff in non-violent communication, in dealing with violence in institutions;
- And in crisis intervention.

234. In Salzburg, inspections take place regularly in institutions for people with disabilities (in 2018: visits to 50 locations). Measures within the framework of specialist supervision to provide protection against exploitation, violence and misuse are for example: Personal conversations with clients, checks on the contents of the organisation's documentation, checks on whether there is a concept for protection against violence, checks on the existence of crisis and emergency plans and of independent complaints procedures for clients.

235. In Tyrol, service providers are obliged to draw up a plan for protection against violence before an operating licence is issued. Subsequently, the respective authority is obliged to carry out supervision. As part of supervisory activities, there are various monitoring mechanisms as well as measures and sanctions against violations.

236. The prevention of violence in an institutional setting is of great significance in Vorarlberg. The facilities of the integration support programme offer a range of training courses for their staff. Manuals on how to proceed have been created in close cooperation with the entities working for the prevention of violence.

237. To prevent violence from occurring, Vienna has relevant guidelines as well as an ombudsman's office in the Social Vienna Fund, and all of the independent organisations involved are subject to regular quality audits.

Reply to paragraph 35 of the list of issues prior to reporting

238. In addition to the answer to question 29, we would like to refer you to the work of the Ombudsman Board as a national prevention mechanism for the prevention of torture in accordance with the OPCAT.

239. In addition, in order to protect and promote human rights, it is incumbent upon the Ombudsman Board – also in the field of the administration of the relevant Land in the implementation of Art. 16 para. 3, and to prevent all forms of exploitation, violence and abuse to regularly visit and inspect institutions and programmes which are intended for people with disabilities.

240. The recommendations of the Ombudsman Board to the relevant authorities, the comprehensive annual report on its activities to Parliament, and optional reports on individual observations, have proven to be effective instruments for raising awareness and promoting the development of suitable solutions.

241. The National Strategy on Mental Health aims to promote psycho-social health, and also contains goals regarding action to be taken against stigmatisation and discrimination etc. To this end, a working group was established in January 2018.

242. The region of Burgenland carries out regular inspections in the institutions of the support programme for people with disabilities. In proceedings on the granting of support for people with disabilities, the overall situation of the disabled person is evaluated by specialists from the Psychological Service of the region.

243. The Lower Austrian monitoring committee supervises the realisation of and adherence to the human rights of people with disabilities in the region. As the Lower Austrian anti-discrimination authority (not subject to directives), the officer responsible for equal treatment has to promote the realisation of the principle of equal treatment and to carry out attempts at arbitration.

244. As an independent institution of the region of Lower Austria, and which is not subject to directives, the Lower Austrian Patients' and Care Ombudsman's office works to assert the rights of patients and the residents of homes. The following measures are already being implemented in Upper Austria:

- A general framework for health promotion (Upper Austrian Health Fund Act 2013);
- The promotion of psycho-social health:
 - Multi-disciplinary care centre for eating disorders (Neuromed Campus);
 - Integrated dementia care;

- Neurological linguistic outpatient clinic (autism);
- Outpatient clinic for people with impairments (Barmherzige Brüder Linz);
- The Healthy Community project;
- Strengthening of the psycho-social health of young people;
- In psycho-social advice centres, persons who require help receive confidential and anonymous advice and support. Crisis intervention for those affected and their families is also provided. Budget 2018: €5.5m.

245. In Vorarlberg, institutions are inspected by the patients' ombudsman's office as well as the visiting commissions of the regional and federal Ombudsman Boards.

246. Please also see the answer to question 34.

Reply to paragraph 36 of the list of issues prior to reporting

247. Fundamentally, any medical treatment which violates a person's physical integrity has to be viewed as bodily harm and as the violation of a protected right and is thus illegal, so only effective consent to the illegal intervention can justify it. If no effective consent has been given, it can be assumed that there is an entitlement to damages for such treatment.

248. Persons authorised by a person to manage their affairs or guardians are not allowed to agree to the sterilisation of a person who is not able to make a decision whom they represent, unless there is otherwise a risk of lasting physical suffering, a risk of death or of severe damage to the person's health. Such agreement is also subject to approval by a court in accordance with Section 255 of the Civil Code.

249. For minors, Section 163 of the Civil Code also contains an absolute ban on medical interventions which are intended to permanently sterilise them. Neither the affected minor nor its parents can give their consent to such an intervention.

Answer to paragraph 37 of the list of issues prior to reporting

250. In accordance with the 1967 Family Burdens Equalisation Act, a supplement in addition to normal family allowance is granted, it has increased as follows:

Table 2

Increase in the supplementary amount

	<i>1.7.2014 to 31.12.2015</i>	<i>1.1.2016 to 31.12.2017</i>	<i>From 1.1.2018</i>
<i>Up to 30.6.2014</i>	<i>8.4%</i>	<i>+1.9%</i>	<i>+1.9%</i>
Supplementary amount of family allowance for severely disabled children	138.3	150	152.9
			155.9

251. Parents who have a child with a disability for whom family allowance is received (regardless of the age of the child) are also entitled to the corresponding Family Bonus Plus. This has created a significant extension of tax relief.

252. With regard to housing, additional expenditure on accessible design in one's own home can be deducted from tax as exceptional costs, such as the installation of a disabled toilet, or the installation of a lift.

253. Long-term care benefit is an earmarked benefit to partially cover care-related additional costs, and therefore does not increase taxable income. It enables the person in need of care to stay at home in their accustomed environment (for longer) and gives them a degree of independence.

254. Long-term care benefit can be claimed when the following conditions are given:

- A constant need for support and assistance due to a physical, mental, sensory or psychological disability which will presumably last for at least six months;
- A constant need for care of at least 65 hours a month, and
- Normal residence in Austria, although long-term care benefit can also be granted in the EEA and in Switzerland under certain circumstances.

255. The level of long-term care benefit is divided into seven stages depending on the extent of the care required, but independently of the cause of the need for care.

256. From 2020, the amount of long-term care benefit at all stages will be annually adjusted due to an amendment of the Federal Long-term Care Benefit Act, whereby the increase will be based on the pension adjustment factor.

Personal assistance

257. In Burgenland, since 2012 up to 40 hours per month are paid for by the Land within the Personal Assistance pilot project.

258. The region of Lower Austria grants personal assistance to persons with physical disabilities who are of working age from care stage 5, as long as they live in their own accommodation or a joint household. In 2017, 104 persons received a supplement to personal assistance. The expenditure on this amounted to €2.3m.

259. In the region of Salzburg, a pilot project on personal assistance was carried out which from mid-2019 changed over to being a permanent operation with a budget of €840,000. In Tyrol, there are offers of mobile assistance, e.g. mobile support and personal assistance in the form of individual guidance. These services can also be granted in the form of a personal budget. As at July 2019, around 400 persons were receiving personal assistance.

260. The system of personal assistance is also being further developed and extended in Vorarlberg.

261. In Upper Austria, around €8.8m was spent on personal assistance in 2018, around €11.6m for mobile support and assistance, around €250,000 for 24-hour care, and around €5.5m on subsidies for social rehabilitation.

262. In Vienna, a subsidy supplementing long-term care benefit is offered which is a direct cash benefit for the organisation of personal assistance in the field of leisure activities. This individual form of support is based on the principles of self-determined living.

Housing

263. In most Länder there are similar concepts of (partially-) supported housing with the goal of enabling people to live as independently as possible. The necessary support comes in the form of personal assistance, mobile care, support bases etc.

264. In Lower Austria, for example, there is a living assistance programme to provide selective support for people with disabilities in their own homes. Here, the organisation involved determines the number of hours together with the person receiving assistance. For the year 2017, the organisations received a total of 31,850 hours.

265. In Upper Austria, among the different accommodation types available there are also types such as 'smart home' where the flats have relevant technical equipment. In the realisation of intensive projects recognised scientific findings are taken into account in the choice of location: e.g., the availability of a wide range of services, good transport connections and accessibility.

266. In Styria, the service 'personal budget' was added to the catalogue of services of the Styrian support programme for people with disabilities (Section 22a Styrian Disability Act). The target group for the personal budget were originally persons with sensory impairments and/or severe mobility issues who are aged 18 and over, have legal capacity, and also have the ability to organise a network of helpers or other assistance themselves. In July 2017, the

potential number of recipients of the personal budget were increased by removing the requirement for being 18 years old and having legal capacity.

267. In Tyrol, the extension of regional housing offers in small residential groups forms the centrepiece of planning for the needs of people with disabilities. Alongside subsidies for accessible construction, local authorities are financially supported in the accessible construction or conversion of local authority buildings.

268. In Burgenland there is a project entitled Integration Support in which people with mental illnesses and social disabilities as well as young people in difficult situations are supported in matters of everyday life, and whose existing degree of independence should be maintained and further developed as far as possible. In the past three years, an average of around 9,600 hours of support were provided to around 70–80 clients. The cost of the project is around €440,000 per year.

269. In order to support inclusion in the community and an independent life, Vienna takes two essential steps: alongside the shift from fully-supported accommodation (residential buildings and shared flats) to partially-supported living (extra-mural support), the extension of a network of small flats with a support facility close by is being accelerated. These groupings of bedsit flats are located within an inclusive setting with individual flats for people with and without disabilities.

Social assistance

270. A benefit which all of the Länder grant to ensure the livelihoods and housing of people in need is the means-tested minimum income, otherwise known as social assistance. In many cases, people with disabilities are dependent on this benefit.

271. In the past, some of the people who needed increased support due to a disability or a need for care, and wanted to take advantage of an inpatient setting for this purpose, lost all of their assets. The Constitutional Court has, in the meantime, clarified that people with disabilities no longer have to fear that they will lose their entire assets when they decide to be looked after in an inpatient setting.

Reply to paragraph 38 of the list of issues prior to reporting

272. The operational programme Employment Austria 2014–2020, and particularly the respective investment priorities, form the basis for the spending of the resources of the European Social Fund (ESF). Of the entire ESF funding which is made available to Austria for the period 2014–2020, almost 30% – a total of around €128m – is reserved for measures for people with disabilities, and particularly young people who are at risk of exclusion from the labour market and for young people with disabilities.

273. The Sozialministeriumservice, the Federal Office for social and disability services with an office in every Land, organises the Youth Coaching and Production School programmes of the Occupational Assistance Network (Netzwerk Berufliche Assistenz – NEBA) for young people with disabilities and for young people who are at risk of exclusion from the labour market, as well as the fit2work company advisory service for businesses which employ older workers with health issues. These programmes are co-financed from ESF funding.

274. For some projects within the framework of the Integration Support scheme of the Länder, funding has been awarded from the European Agriculture Fund for Rural Development (EAFRD).

275. With regard to personal assistance, please refer to the answer to question 37.

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276. The Länder are responsible for these services in Austria.

277. Lower Austria:

(a) Inpatient facilities include shared flats (for 3–5 persons with disabilities or psychological impairments), residential groups (for 6–15 persons with disabilities or psychological impairments), residential buildings (for 17 plus people with disabilities or psychological impairments) and rehabilitation institutions;

In 2017 there were 68 residential buildings, 82 residential groups, 33 shared flats and 51 individual flats and flats for two persons. In addition there were eleven rehabilitation institutions, e.g. for people with drug or alcohol problems;

(b) As of 1.1.2018, the guidelines for a new support programme came into effect, and is entitled *Us in Old Age* – support for people with learning disabilities and with multiple disabilities in old age. Currently, 37 people with disabilities are taking part in this programme. Additional facilities are planned.

278. Upper Austria:

(a) The following tables show the number of residential facilities according to the number of places;

Table 3

Fully supported accommodation in Upper Austria

<i>Fully supported accommodation places</i>	<i>Institutions</i>
1–4 places	13
5–9 places	74
10–14 places	35
15–19 places	22
20–29 places	16
30–49 places	4
50–99 places	7
>100 places	4

Table 4

Partially supported accommodation in Upper Austria

<i>Fully supported accommodation places</i>	<i>Institutions</i>
1–4 places	136
5–9 places	45
10–14 places	3
15–99 places	1

(b) 2018: 21 residents in homes for senior citizens.

279. Salzburg:

(a) The following table shows the number of residential facilities according to the number of places;

Table 5

Fully supported accommodation in Salzburg

<i>Number of residential buildings</i>	<i>Number of places in the buildings</i>
1	5
1	6
3	8
1	9
3	10
2	11

<i>Number of residential buildings</i>	<i>Number of places in the buildings</i>
2	12
7	13
4	14
4	15
2	16
3	17
3	18
3	20
1	24
1	29
1	30
1	32
1	35
2	36
1	56

(b) Accommodation for senior citizens: 31 places at four locations.

280. Tyrol:

(a) 98 housing facilities in the whole of Tyrol Total capacity around 940, currently used around 800;

Table 6

Distribution of housing facilities in Tyrol

<i>Places</i>	<i>Institutions</i>
1–4 places	21
5–9 places	33
10–14 places	35
15–19 places	3
20–29 places	3
30–49 places	2
>50 places	1
>100 places	0

(b) These are not recorded separately.

281. Vorarlberg:

(a) Residential homes for people with disabilities:

Integration aid (support programme for people with disabilities)

- 33 residential buildings are managed (residential homes) with residential groups. 6 residential buildings have places for 14–22 persons. 27 residential buildings have places for 3–14 persons.
- 307 persons live in the residential buildings on an inpatient basis. 195 persons live in their own flats and experience more differentiated outpatient support.

People with mental illnesses

- Fully supported accommodation with an on-call service at night: A total of 46 places in four residential homes;

- Transitional accommodation – partially supported: a total of 87 places in ten residential homes and shared flats;
 - Long-term accommodation – partially supported: a total of 34 places in four residential homes and shared flats;
- (b) Persons with disabilities in residential homes for senior citizens.
- 2 persons live in accommodation groups of a senior citizens' home. These persons are additionally offered special support by staff trained in the education of people with disabilities.

282. Vienna:

(a) Ten residential homes and eight shared flats at 17 locations were subsidised to provide a total of 450 places in homes.

The following types of accommodation are subsidised by the Social Vienna Fund:

Fully supported accommodation

- 1,457 places;
- 127 recognised facilities run by 17 organisations;

(b) Persons over the age of 65 who are cared for in fully-supported accommodation or in groups of bedsit flats can take advantage of day care in the facility. In addition, a residential building of the organisation Lebenshilfe is financed especially for older people with disabilities, in which 18 persons currently live.

283. A total of 45 senior citizens with disabilities in Vienna live in three facilities of the Special Department for Care and Support – these places are made available especially for this target group.

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284. From 2011, the reimbursement of the standard fuel consumption tax for people with disabilities is no longer possible. Instead, the tax allowance for people with disabilities who need a car to get around was increased from €153 to €190. In this way, a fairer way of promoting mobility was created.

285. People with disabilities who drive a used car now also benefit from the increased tax allowance. Instead of around 3,600 people per year who could afford a new car, the mobility tax allowance is now distributed among around 30,000 persons per year.

286. Due to the new guidelines for the support fund for people with disabilities, which have been effective since 1 January 2018, the number of people with disabilities who can receive such subsidies has been increased.

287. Families with severely disabled children and young people also benefit particularly from.

288. these adaptations to cars, which are often very expensive, because they can then drive their children to school and to therapy, etc. Living in a boarding school is often no longer necessary.

289. In Lower Austria, people with disabilities who need a wheelchair and persons in a similar situation are granted a subsidy of €2,250 for the adaptation or purchase of a car. People with disabilities who are not dependent on a wheelchair can only receive a maximum of €750. The subsidies have not been reduced, and the upper limit for the purchase price was recently raised to €32,000/€40,000.

290. In Upper Austria, the upper limits with regard to net household incomes, the maximum amount of subsidies, and also the support framework have not been increased since 2013 due to expenditure cuts. Regarding cars there is a grant for disability related adaptations for an automatic gearbox. No cost-cutting measures were taken in Salzburg, Tyrol, Vorarlberg and Vienna.

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291. In order to provide high-quality support for pupils with special educational needs (SEN), suitable measures are required at various levels. Pupils with confirmed SEN can – in special needs schools or in integrative classes in other types of schools – attend lessons drawn up according to the special needs curriculum either for all of their lessons, or only in individual subjects.

292. It is a declared goal that the access of children and young people with physical or sensory disabilities to higher education should be improved if they are fundamentally able to reach this goal. According to Sections 39, 55a and 68a of the School Organisation Act, school authorities can establish divergences from the curriculum.

293. In the school year 2014/2015, 62.1% of pupils with SEN received an inclusive education at general education schools, while in 2015/2016 the figure was 64.2%. The decision on whether a child with SEN should attend a special school or a ‘normal’ school is taken by its parents. Multi-professional expertise for measures to support and promote pupils exists in various places in the schools system. Since 1 January 2019 this expertise, has been brought together in the Education Directorates established in every Land, and is referred to as the Specialist Department for Inclusion, Diversity and Special Needs Education. Its goal is to increase the overall effect of support, and to enable pupils to have a more successful education regardless of their social background, gender, talents, migration background, first language or disability.

294. The number of established posts for teachers per Land is mainly calculated on the basis of numbers of pupils. The increased need for staff in the field of special needs education is taken into account, an established post is made available for 3.2 pupils, whereas the figure is 14.5 pupils for primary schools, 10 for new secondary schools, and 9 for polytechnic schools. This means that considerably more funding is made available by the federal government for children and young people with SEN than for ordinary pupils.

295. In total, in the school year 2018/19, around €404m is being made available by the federal government for 28,725 pupils with SEN and 6,583.2 established posts for schools providing a general education.

296. For the integration of pupils with disabilities into the upper stage of grammar school and vocational secondary schools and colleges, additional teachers are made available to provide educational support. In the school year 2018/19, this amounts to an additional 1,356 hours per week which corresponds to costs of around €5.2m spent on 522 pupils.

297. The expenditure on personal assistance for pupils with physical disabilities amounted to around €1,609,000 in 2016, around €1,775,000 in 2017, and approx. €2,206,000 in 2018.

298. The school books campaign is a benefit in kind in order to equip pupils with the necessary materials for lessons.

299. The audio library of the Austrian Association for the Blind and Partially Sighted is a production workshop for audio books, and has developed into an important advisory and information centre. The association is subsidised by the Länder and the Ministry of Social Affairs.

300. Various topics from the fields of inclusive education and diversity are integrated into the curricula for teaching degrees for pupils of all ages; all future teachers therefore have to get to grips with these issues.

301. According to the specifications of the Act on the Organisation of University Colleges for Teacher Education 2005 (Hochschulgesetz – HG), inclusive education has to be offered as a main focus for primary school education and as a specialisation in general secondary education at all University Colleges for Teacher Education and on all initial teacher training degrees which are jointly established with universities (Section 38 para. 2 and 2a HG). A particular emphasis on the needs of people with disabilities as defined by the Federal Disability Equality Act is laid down as a guiding principle in the HG (Section 9 para.6 (14) HG).

302. In the amendment to the HG (FLG I No. 124/2013), further adaptations were made. The admission of students with disabilities to Bachelor's and Master's degrees is principally possible as long as the person is suited to a career in teaching, suitable compensatory measures can be included (Section 52a para.3 HG). Furthermore, these students have a right to apply for a diverging method of examination as well as a modification of the requirements of the curricula, whereby the goal of the chosen degree programme must remain achievable (Section 42 para. 11 HG).

303. University Colleges for Teacher Education have to provide services to students with disabilities, and have to make organisational and infrastructure-related provisions in order to create suitable conditions of study for these persons. In this context, the tasks of a disability officer also have to be fulfilled at University Colleges for Teacher Education.

304. The guiding principles of the 2002 Universities Act (Universitätsgesetz – UG) lay down a special emphasis on the needs of people with disabilities (Section 2 (11) UG). In addition, it establishes (Section 59 para.2 (12) UG), that students with disabilities have a right to diverging examination methods. If a disability of at least 50% has been established, student fees are waived even if the planned time limit for a degree programme is exceeded (Section 93 para. 1 (6) UG).

305. At universities of applied sciences too, students have the right to a diverging means of examination if a disability is proven which makes taking the examination in the prescribed way impossible, and if the contents and the requirements of the examination are not impaired by a diverging method.

306. In the training of teachers, the Universities Act lays down that when establishing suitability for initial teacher training degrees, proof of those criteria should be waived which given the fulfilment of the essential requirements for the profession – cannot be fulfilled due to a disability. Suitable compensatory measures, particularly (language) assistance should be taken (Section 65a para. 3 Universities Act).

307. All universities implement the support measures for students with disabilities laid down in the Universities Act. There are special contact persons or offices for this target group.

308. Within the framework of the project Doctoral Positions Without Limits, in 2019 doctoral positions at nine Austrian universities will be advertised particularly for people with disabilities, in order to support them in making the step up to an academic career.

309. At a regional level, among other things budget funding is provided for necessary benefits and services such as school assistance, and for the accessibility of compulsory schools and nursery schools.

310. In Burgenland school assistance is financed which supports pupils in school. The copayment deducted from long-term care benefit has been discontinued, and the procedure has been simplified. In 2019, a total of €550,000 was made available for assistance for upbringing and school education. This also includes, for example, the assumption of travel costs or boarding school costs.

311. The budget of the region of Upper Austria for 2019 contains extensive funding within the framework of the Act on the Organisation of Compulsory Schooling and also for the support of children in creches, nursery schools and in afternoon care. In the field of compulsory schools, €2.19m was earmarked for the category of “integration into compulsory schools, contributions to local authorities”. For “integration into nursery schools, contributions to local authorities”, €5.1m has been set aside, while for “integration into nursery schools, contributions to private organisations”, €6.41m has been scheduled. A total of €200,000 has been earmarked for “integration into creches, contributions to local authorities”. This budget funding finances the additional personnel in integrated groups in educational and care facilities for children.

312. In Upper Austria, out of 956 compulsory schools 26 are independent special schools. At ten of these locations there are inclusive classes. Since 2008, 32 general special school classes have been closed. Since 2019, a total of 19 Specialist Departments for Inclusion, Diversity and Special Needs Education were installed. Support through assistance is

enshrined in law, and is realised throughout the region (Sections 48a and 48b of the Upper Austrian Act on the Organisation of Compulsory Schooling).

313. The region of Salzburg has estimated budget funding of €1.95m to support pupils with disabilities in the school system in 2019. A total of €11,600 has been reserved for sign language interpreters. €87,600 per year is spent on teaching materials at individual locations. The region of Salzburg spends €877,100 on the operation and maintenance of the special school in St. Anton. A total of €977,000 is earmarked for measures to create accessibility at vocational schools.

314. The region of Tyrol provides school assistance for children and young people in compulsory schooling at an annual cost of around €3.8m. Special needs teachers are deployed at schools for children who require special support, and lessons at home are given to children and young people of compulsory school age. In addition, there are regional special schools and a boarding school for visually impaired and blind children.

315. A total of 16 special schools are run in Vorarlberg. In the school year 2017/2018, a total of 2,217 pupils with SEN were taught at general education compulsory schools. The expenditure per pupil on personnel and teachers amounted to an average of €7,559. In addition, budget funding is made available for assistance during lessons.

316. In Styria, additional support personnel are made available for lessons and day care (Section 35 Styrian Act on the maintenance of compulsory schools; Section 7 of the Styrian Disability Act). In addition, the law lays down that in every compulsory school for general education, a number of classrooms and auxiliary rooms have to be furnished and fitted in a disabled-friendly way (Section 49 para.1 of the Styrian Act on the maintenance of compulsory schools).

317. Lower Austria and Upper Austria highlight their existing pools of support funding. In Lower Austria, pupils at general education compulsory schools can, for example, be equipped with visual aids and hearing aids, whereby the costs are borne by the Schools and Nursery Schools Fund. In Upper Austria, technical aids such as a braille keyboard or stairs are made available for pupils with sensory and physical disabilities. The operating institution is based at the Regional Schools Centre for Auditory and Visual Training and is organised by the supra-regional centre for persons with sensory disabilities.

318. A comprehensive and cost-free further education programme is offered to educators in children's education and support facilities by the region of Upper Austria.

319. At the University College for Teacher Education in Vorarlberg, further training courses on inclusive education are offered for teachers on an ongoing basis. People with disabilities are encouraged to start an initial teacher training degree.

320. In the field of public compulsory schooling in Vienna, the region of Vienna assumes the costs of:

- Transporting pupils with disabilities to school;
- Free public transport tickets for persons accompanying pupils with disabilities to school, and
- Financial support for special schools to rent buses for excursions with children with (severe) physical disabilities.

321. An average of around €4.4m was spent on constructional measures and fittings and furnishing in the past three years.

322. The comprehensive educational programme of the Summer City Camps for Viennese children aged 4–16 who attend compulsory schools is also available to all children with disabilities.

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323. Participation in working life is one – if not the main – element for participation in society as a whole and an inclusive society.

324. At a federal level, for years now, various projects and individual subsidies have been offered for the improvement of the participation in working life of people with disabilities, at the heart of which are those of the Network for Occupational Assistance (Netzwerk Berufliche Assistenz – NEBA) of the Ministry of Social Affairs and the Federal Office of Social and Disability Services (Sozialministeriumservice). NEBA, with its occupational assistance services (youth coaching, production schools, vocational training assistance, work assistance and job coaching), is a key element of Austrian labour market policy, the equality of disabled persons and the fight against poverty and exclusion. These NEBA services play an important role in education and training up to the age of 18. Work assistance plays an essential role in this broad range of offers to help people obtain a job.

325. In addition to the above-mentioned project subsidies, a multitude of skills training measures and tailor-made individual subsidies are offered. These include technical and mobility aids or individual training programmes.

326. Via subsidies for non-wage labour costs, companies are encouraged to offer jobs to people with disabilities. People with disabilities are also subsidised if they set up their own businesses.

327. Persons with a severe functional impairment, additionally receive personal assistance in the workplace.

328. The inclusion package adopted in October 2017 was a milestone in the improvement of the employment situation of people with disabilities. Alongside the extension of legal protection for people with disabilities, the annual budget for the improvement of the level of participation in working life of people with disabilities was increased from around €47m in 2017 to €90m (adjusted) from 2018.

329. With the involvement of important stakeholders, a package of measures was drawn up and will now be realised in stages.

330. In future, companies are to be supported when hiring people with disabilities, particularly via the following specific measures:

- The increase and earlier onset of wage subsidies;
- Extension of the period during which subsidies are paid;
- Extension of the support for apprentices with disabilities, and
- Information and awareness-raising measures.

331. Persons with health impairments require a comprehensive labour market policy support structure. The Public Employment Service (Arbeitsmarktservice – AMS) is intensifying and extending its offers in the field of placement, skills training and the promotion of job growth.

332. A new introduction is the project entitled Carte Blanche (“Freibrief”), whose goal is to improve the conditions for the occupational reintegration of people who already receive a disability or invalidity pension due to a schizophrenia-related condition or a bi-polar disorder. The project was initiated on 1 July 2008 and was commissioned by the Ministry of Social Affairs in cooperation with the Pension Insurance Institution, the Sozialministeriumservice and the Pro Mente work assistance scheme for persons with mental health conditions.

333. There are separate institutions for initial and further training, especially for adults with disabilities, which either carry out training courses which are commissioned by the AMS, or the costs of which are reimbursed by the AMS. These include for example the Occupational Educational and Rehabilitation Centre, SEBUS, the Training Institution of the Austrian Association for the Blind and Visually Impaired in Vienna, and Equalizent Vienna for deaf people.).

334. The services of the AMS are offered in an accessible way as far as this is possible. Communication in sign language is facilitated for deaf clients at their appointments. For people with learning difficulties, information about unemployment has been compiled in an easy-read brochure.

335. Women with disabilities benefit from the target group-specific measures for women as well as from those for people with disabilities. The goal of the labour market policy programme for women is – among others – to lastingly eliminate the inequality in the wages paid to women and men.

336. The hiring of people with disabilities in the federal sector was simplified in mid-2016. In this way, people who possess the “ability to act required by their planned deployment” can work in the civil service. In order to ensure a fair selection of personnel, the tests used have to be carried out in an accessible way.

337. In the Länder, work-related measures are particularly offered within the framework of the competences of the support programme for people with disabilities under constitutional law.

338. In Burgenland, support for the integration into working life of people with disabilities is established in Section 24 of the Burgenland Social Assistance Act. This support covers for example finding an occupation, vocational training (practice), initial training, re-training and follow-up training as well as in-company assistance. In 2018 the expenditure on these items amounted to €825,000.

339. In Upper Austria, there is the possibility to take advantage of the offers of the Occupational Qualification programme within three to five years of completing compulsory schooling. This offer is directed towards young people with disabilities in particular. They have an employment relationship covered by social insurance and receive a trainee’s or apprentice’s wage. The proportion of participants who were placed on the general labour market in 2016 was 36%. In addition, there is assistance at work for people with mental health impairments. Since 2017, there has been an advice centre financed by the region of Upper Austria where people with disabilities can obtain information, advice and support.

340. In the region of Salzburg there is business-integrative vocational training in the form of a partial qualification (apprenticeship) or a basic apprenticeship. It is aimed at young people with disabilities up to the participants’ 24th birthday. To this end, cooperation agreements are made with partner companies in the world of business. There are a total of 60 business-integrative training places (focusing on retailing, drug stores, restaurants and catering, cleaning technology and office work). In 2017, 65 persons were supported by work training in the fields of office work, production, textiles, the wood industry and restaurants/catering. Financing is carried out via the region of Salzburg.

341. The region of Tyrol offers – among other things – non-wage labour cost subsidies, the financing of employment initiatives and preparation for work programmes, the assumption of travel costs for subsidised jobs, and the opportunity to benefit from personal assistance or mentoring in the workplace. In one current project there are 60 jobs with social insurance cover, and an extension is being planned.

342. In Vorarlberg, the ‘integrated job’ model has established itself with a three-part services package, specialist assistance, subsidies for non-wage labour costs and also for mentors from within the company. Integrated workers are paid according the relevant collective agreement.

343. Sheltered work in integrative companies is an important instrument to enable and secure a suitable job with pay, which is normal for the company or in line with a collective agreement, and covered by social insurance law.

344. In 2017 the region of Lower Austria subsidised 409 jobs in sheltered workshops and 18 skills training and employment projects. The cost of the support via sheltered work amounted to a total of €10.3m in 2017.

345. Through non-wage cost subsidies from the region of Salzburg, jobs for employees with disabilities can be secured. In 2017, jobs for around 580 persons with disabilities were supported by a non-wage cost subsidy from the Land.

346. In the region of Styria, the service “participation in employment” offers the opportunity to not only work in sheltered workshops run as part of the support for the disabled system, but also in companies run by the executing organisation and its cooperation partners in the primary labour market. Within the framework of this service, it is possible for the

person with disabilities to enter into an employment relationship with full social insurance cover. Day structure facilities are the responsibility of the Länder in Austria, and their legal basis is laid down in the respective regional laws on people with disabilities. According to the current legal position and the case law of the Supreme Court, the therapeutic purpose takes priority in relation to work in day structure facilities, and not the labour law purpose. According to this, these persons are not employees from the perspective of labour law. They receive a kind of pocket money. Alongside this they usually also receive transfer payments such as increased family allowance and possibly orphan's pensions and benefits and services from the support for the disabled system.

347. Since 2011, people with disabilities in day structure facilities are covered by statutory accident insurance. As an important step towards implementing the recommendations of the UN CRPD Committee following Austria's state party review in 2013, improvements were adopted in the field of the Family Burdens Equalisation Act and the General Social Insurance Act which eliminated a potential obstacle for attempts by people with disabilities to work. As part of the implementation of the inclusion package, measures are also planned at the interface between day structure facilities and the open labour market. A key role is played by youth coaching here.

348. In Burgenland, employment in day structure facilities can take place when the conditions for granting help through sheltered work are not, temporarily not, or no longer given, and when this employment serves the preservation and further development of existing abilities and integration into society. The related expenditure amounted to around €13.8m in 2018.

349. In Upper Austria, people with disabilities receive pocket money in 'ability-oriented activities' in production companies and other business entities, whereby the payment system is transparent and has to be understandable for persons with impairments. The workshops for ability-oriented activities are, however, not being further extended. In addition, the responsible organisations have the educational task of promoting the independence of people with disabilities.

350. In Vienna, people with disabilities who are suitable for placement in the general labour market in spite of a significantly reduced capacity to work or attend courses, are offered the following services:

351. Occupational integration: In 2018 there were approx. 500 clients, and the goal is to place them in a job, an apprenticeship, and to advise and support them, and to maintain an existing employment relationship.

352. Occupational skills training: in 2018 there were a total of 320 clients (134 courses concluded); the goal is to place them in a job, an apprenticeship or a higher skills training measure.

353. Apprentice training: 2018: 341 clients; the goal is to convey the contents of an apprenticeship to young people with disabilities up to the conclusion of an apprenticeship, or the completion of training in the case of partial qualifications.

354. Integration into working life (subsidy for a mentor, non-wage labour cost subsidies): 2018:

355. 313 clients; the goal is the creation/maintenance of an employment relationship.

Reply to paragraph 43 of the list of issues prior to reporting

356. Principally, every person who has reached voting age is eligible to vote regardless of their degree of disability or whether they have a legal representative.

357. Although the right to vote must always be exercised personally (Section 66 of the Election Regulation for the Parliament – Nationalratswahlordnung), i.e. no representation may be given in the casting of votes, the law provides for a person to support the voter.

358. The only case in which this does not apply is when the person with disabilities refuses this kind of support or when they cannot articulate their voting preference, or when no 'flying

electoral commission' is present. The latter have the task of helping persons to vote who have difficulty in leaving their homes, or who live in hospitals or nursing homes.

359. Blind voters can fill in the voting slip with the aid of stencils without the support of others.

360. In addition, there is a rule that at least one polling station per local authority area must be accessible on the day of the election (currently there are around 2,100 polling stations of this kind).

361. In 2010 the possibility to 'subscribe' to voting slips for people with special needs was established in law, as such voting slips are required to vote with the 'flying electoral commissions' or for postal votes. Several years ago, the Ministry of the Interior already published accessible content and easy-read texts about elections online.

362. For the 2019 European elections, easy-read materials were also prepared in cooperation with the Austrian Disability Council. In addition, information material for blind voters (audio files) was drawn up in cooperation with the Association for the Blind.

363. Comparable services for disabled voters are also regulated by the relevant regional laws.

364. For example, the Lower Austrian Regional Parliament's Election Regulations lay down that blind or severely visually impaired voters are given corresponding aids (stencils). The regional electoral authority in Salzburg, for example, lays down that voting information have to be provided in an accessible format on the website of the Land.

365. In Vienna, electoral information is also available in Austrian sign language and in an easy-read version.

Reply to paragraph 44 of the list of issues prior to reporting

366. Within the framework of Austrian development cooperation, the following measures have been taken to implement the sustainable development goals in connection with inclusion and accessibility:

- NGOs which work on the issues of disabilities and inclusion are long-term partners of the Austrian Development Agency (ADA) in the realisation of programmes and projects in developing countries/partner countries of the ADA (such as Light for the World and Diakonie);
- The ADA is part of the consortium to implement the EU flagship project Bridging the Gap II, which is a four-year project carried out by a consortium of six partners. The goal of the project is to build up strong international support to back the inclusion of people with disabilities in the Agenda 2030 and to support the sustainable development goals;
- Further training events on the subjects of inclusion and human rights are continuously held;
- Since 2011 there has been a working group on the issue of inclusion in the ADA. The working group also includes NGO partners, self-advocacy organisations and university institutes. Its goal is to provide expert support to the ADA regarding the inclusion of people with disabilities. Since 2013 there has been an ADA manual on inclusion for people with disabilities;
- Since 2015 the ADA has had an auditing procedure which also contains questions on inclusion and accessibility;
- Since 2017, the ADA has had a results-oriented monitoring system, which measures to what extent projects and programmes contribute to the SDG targets and indicators;
- Since 2019, the ADA has voluntarily applied the OECD/DAC disability marker.
- The first edition of the ADA showcase publication Weltnachrichten in 2019 was dedicated to the topic "Leave no one behind: inclusion now!"

367. The Ministry of Social Affairs organised a workshop on the realisation of the SDGs in the field of disability on 27 March 2019. The goal was the networking and dialogue of all of the actors involved in the disabilities sector on the national implementation of the SDGs.

Reply to paragraph 45 of the list of issues prior to reporting

368. The human rights-based approach has been established in the Austrian three-year programme for development policy since 2013. Since 2016 it has been established as a comprehensive fundamental approach which is reflected in all areas of intervention. As part of the social standards test (see question 44), all international programmes and projects are also checked with regard to the inclusion of people with disabilities as well as human rights principles and standards.

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