



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities Twenty-ninth session

### Summary record of the 664th meeting\*

Held at the Palais des Nations, Geneva, on Tuesday, 22 August 2023, at 3 p.m.

*Chair:* Ms. Fitoussi (Vice-Chair)

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

*Combined second and third periodic reports of Austria*

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\* No summary record was issued for the 663rd meeting.

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*Ms. Fitoussi (Vice-Chair) took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by parties to the Convention under article 35 (continued)**

*Combined second and third periodic reports of Austria (CRPD/C/AUT/2-3 and CRPD/C/AUT/QPR/2-3)*

1. *At the invitation of the Chair, the delegation of Austria joined the meeting.*
2. **Mr. Tichy** (Austria), introducing his country's combined second and third periodic reports (CRPD/C/AUT/2-3), said that the federal Government and Länder in Austria worked together to advance disability policy, which had been informed by the Convention and the recommendations emanating from his Government's first dialogue with the Committee.
3. The development of the Second Protection of Adults Act, which had entered into force in 2018, had entailed a comprehensive reform of legislation on guardianship, taking account of the Convention and consultations with civil society. A new German translation of the Convention had been published in 2016 in cooperation with civil society, accompanied by an Easy Read version. A 2017 amendment to the Federal Disability Equality Act had extended the right to file representative actions to the Litigation Association of NGOs against Discrimination and the Disability Ombudsperson and permitted claimants to file for injunctive relief against both individuals and large corporations. Furthermore, since 2022, it had been possible to bring court cases to the Supreme Court within 10 years of the occurrence of an alleged offence of disability-based discrimination under the Act, which had previously been impossible owing to the small financial figures involved in such disputes. In 2017, the Federal Disability Act had been amended to ensure the independence of the Independent Monitoring Committee on the Implementation of the Convention on the Rights of Persons with Disabilities and provide it with its own annual budget. All Länder had established monitoring mechanisms, adequate funding for which had been allocated through the National Action Plan on Disability 2022–2030.
4. The National Action Plan contained a set of objectives, indicators and measures aimed at improving the living conditions of persons with disabilities in line with the Convention. It was the result of a broad participatory process involving all federal ministries, regional authorities, organizations of persons with disabilities and institutions such as the Independent Monitoring Committee and the Disability Ombudsperson. Increased cooperation between the federal Government and Länder was envisaged to support its implementation. Special attention had been paid to the involvement of representatives of persons with disabilities and compliance with the Convention, the Committee's concluding observations and recommendations issued by the University of Vienna. Implementation would be monitored and evaluated by an external party and followed up by a group of stakeholders.
5. **Ms. Steger** (Disability Ombudsperson, Austria) said that, upon ratifying the Convention, Austria had specified that it would not be directly applicable but must be implemented through domestic legislation. The Convention's objectives had not yet been systematically or comprehensively incorporated into federal or regional law. There was also no evidence that the concluding observations issued by the Committee in 2013 had been implemented; for instance, despite the Committee's recommendation that personal assistance programmes should be harmonized, there were still 10 different laws and sets of guidelines regarding personal assistance currently in force.
6. Medical criteria were still applied in the determination of disability. While a number of federal and regional laws contained modern terminology, the concept of disability as defined in the Convention had not been incorporated into laws and guidelines predating its entry into force. The broad understanding of disability as it pertained to participation in public life was not being applied, nor was the social model of disability. As a result, the term "disability" continued to be used to describe only certain types of disability. Many persons with disabilities lacked the opportunity to live independently because their situations were not covered by legal definitions of disability and they were therefore not assured of reasonable accommodation.

7. Protection against discrimination was regulated in different ways by the federal Government and Länder, and there was no consideration of intersecting forms of discrimination in anti-discrimination laws. Persons with disabilities experiencing discrimination based on a number of characteristics must therefore go through all stages of a complaints process relating to each form of discrimination experienced before they could file a claim relating to other forms. In addition, persons with disabilities could not sue for injunctive relief or the removal of discrimination. Under the Federal Equal Treatment Act, attempts at conciliation must fail before a case could be filed with the courts, and if it was determined that discrimination had occurred, the only form of redress available was compensation for damages, which discouraged persons with disabilities from filing claims.

8. Children with disabilities continued to be systematically segregated from other children in the education system. The number of special schools had hardly decreased since the last State party review and had increased in some regions. A promising pilot project aimed at increasing inclusivity in education had been abolished in 2017. On leaving compulsory education, persons with disabilities assessed as lacking capacity to work could not enter the open labour market, rendering them ineligible for pension coverage or adequate wages and leaving them with no employment options other than sheltered workshops and similar structures.

9. Despite a shift from large to smaller institutions, there had been no structured commitment to consistent deinstitutionalization, and the belief that special structures represented the best form of care persisted. Certain persons with disabilities were excluded from services such as personal assistance and were given no option other than accommodation in assisted living facilities. In addition, opportunities for barrier-free housing in Austria had deteriorated in the past 10 years.

10. To address those concerns, the Government should conduct a thorough analysis of all legislation and enact amendments to ensure alignment with the Convention; ensure access to reasonable accommodation for all persons with disabilities and review regulations on disability assessment; harmonize provisions on protection against discrimination; extend the right to file claims for removal of discrimination and injunctive relief; dismantle special schools and make mainstream schools inclusive; abolish assessments of incapacity for work; dismantle workshops and similar structures and establish a system aimed at inclusion of persons with disabilities in the labour market; and abolish residential homes and provide all persons with disabilities with access to community-based services and housing.

11. **Mr. Tichy** (Austria) said that the Government had allocated an additional € 50 million per year in 2023 and 2024 to projects aimed at the implementation of the Convention.

12. Employment levels among persons with disabilities had been maintained at an above-average level during the coronavirus disease (COVID-19) pandemic. A total of € 310 million in 2022 and € 385 million in 2023 had been made available to fund the development and expansion of services to help persons with disabilities to participate in the labour market and remain in education up to the age of 18 years. Employment among women with disabilities would be a key area of focus for 2023 and 2024. To improve the situation of persons with disabilities in sheltered workshops, the determination of incapacity for work would be delayed until persons with disabilities reached the age of 25 years, enabling them to participate in employment outside of workshops and care structures for a longer period of time. A study on wages paid in sheltered workshops was being finalized and would inform discussions with stakeholders on the impact of changing the current system, with the aim of arriving at a solution by the autumn of 2024.

13. The Government was developing a nationwide framework on rules and procedures for the provision of personal assistance to persons with disabilities. One goal of that project was to harmonize the different systems employed at the regional level to create a single framework containing consistent definitions, needs assessment criteria, features of personal assistance services, performance indicators and evaluation metrics. Up to € 100 million would be made available to incentivize the regional application of the harmonized rules.

14. Cooperation had been initiated with Statistics Austria, the national statistics institute, to improve data on the situations of persons with disabilities. The Federal Act on Accessibility Requirements for Products and Services, adopted in July 2023, would enter into

force in June 2025 and would promote the independence of persons with visual or hearing impairments in particular. The Government would continue to take steps to implement all aspects of the Convention to achieve an inclusive society in which all persons with disabilities could participate equally in social, political and economic life without discrimination.

15. **Mr. Buchner** (Independent Monitoring Committee, Austria) said that, despite the Government's efforts to implement the Convention, challenges remained. The Committee's call for greater inclusivity in the Austrian education system had not led to any significant progress in that regard, and the human rights of persons with disabilities in education were persistently violated. The Government had displayed passivity and indifference towards its obligations under article 24 of the Convention.

16. **Ms. Rammel** (Independent Monitoring Committee, Austria) said that the Committee's recommendations on measures to ensure equality for women and girls with disabilities, as well as their full development, advancement and empowerment, had not been adequately implemented in Austria. As such, women with disabilities continued to face significant barriers and discrimination in the labour market, health care and other areas of life. In addition, many women and girls were at a heightened risk of experiencing violence owing to a lack of safeguards in place. Many institutions lacked qualified support staff and robust violence protection plans, and women and girls with disabilities received neither adequate sex education nor sufficient information on protection from violence.

17. **Ms. Feuerstein** (Independent Monitoring Committee, Austria) said that personal assistance services and quality standards varied significantly across Länder and were lacking in some areas, leading to life-threatening situations. While the Government's pilot project to harmonize personal assistance regulations was a welcome step, no specific details regarding its implementation had been made available, experts with lived experience had not been sufficiently included in the development of regulations and several Länder had to date refused to participate in the project. No visible efforts had been made by the Government since the previous State party review to develop and implement a comprehensive, unified deinstitutionalization policy, and no deinstitutionalization policies aligned with the Convention were in place at the federal or Land levels. Instead, the construction and renovation of institutions had continued.

18. **Mr. Achitz** (Ombudsman Board, Austria) said that, although there had been improvements since the Committee's previous dialogue with the State party, more needed to be done to uphold the rights of persons with disabilities in Austria.

19. The absence of a substantive deinstitutionalization strategy remained of great concern. The right to live independently and be included in the community was not being upheld, and many persons with disabilities were unable to choose their place of residence and living arrangements. Persons with multiple disabilities in particular had no option other than to enter dedicated care homes or rely on the support of their families, and existing facilities lacked the capacity to accept all persons with disabilities in need of supported living arrangements. Individuals with enhanced care needs faced particular challenges when looking for a suitable place to live: long waiting lists were common, and young people requiring care from nurses were often sent to geriatric homes. Financial support for personal assistance was also lacking.

20. During visits to institutions and sheltered workshops, the Ombudsman Board had observed an increase in the number of reports of deprivation of liberty and a high number of cases in which the use of medical methods to deprive individuals of liberty had gone unreported. Several institutions had lacked violence prevention policies, self-representation committees, facilitated communication tools, accessibility and privacy, and a number of institutions were not fulfilling their obligation to implement sex education policies. The Board was firmly of the view that, as long as persons with disabilities continued to be excluded from the Austrian labour market, the thousands of persons with disabilities currently working in sheltered workshops for pocket money should be entitled to regular wages and comprehensive social insurance.

21. Since public administration responsibilities were divided between the federal Government and the Länder, persons with disabilities had to go through cumbersome and confusing processes in order to apply for support services and benefits, meaning that many missed out on the support needed. A one-stop shop system should be established to provide

information and receive all such applications, which would in turn enable the public authorities to provide unified, needs-based support packages.

#### *Articles 1–10*

22. **Mr. Schefer** (Country Rapporteur) said that it appeared that there had been a shift in the State party's efforts to implement the Convention in recent years. During the dialogue, the Committee would seek to understand whether the State party truly aspired to create an inclusive society or whether the traditional model of segregation was perceived to be a valid approach. Questions would be raised on issues arising from the State party's federalist structure, including the apparent reluctance of the Länder to implement the Convention, and on initiatives such as the Second Protection of Adults Act and the National Action Plan on Disability 2022–2030, as well as promising programmes that had seemingly been abandoned. Incidentally, the number of critical voices already heard by the Committee at that point in the dialogue was rare and worthy of congratulation.

23. He wondered whether the State party planned to amend its legislation to move from the medical model of disability to a human rights-based model, as required by the Convention, and to align the various definitions used between federal and Land laws. He wished to know why, over recent years, there had been a decline in the implementation of certain aspects of the Convention, such as accessibility of public buildings, independent living, access to education, employment and equal recognition before the law. Had the political will to honour obligations under the Convention waned? Despite the exemplary efforts of the Ministry of Justice in consulting with organizations of persons with disabilities in its preparation of the Second Protection of Adults Act, such consultations were not systematic. He wished to know if there were any plans to establish formalized structures at the federal and Land levels for consultation with organizations of persons with disabilities. Reports that, contrary to article 4 (5) of the Convention, some of the Länder considered that they were not bound by the Convention, since it had been signed and ratified by the federal Government, not by the authorities of the Länder, were worrying. He wished to know what was being done to change that view and ensure systematic implementation of the Convention throughout the State party. The fact that the Convention was not directly applicable in Austria, but that the European Union – of which Austria was a member State – had also ratified the Convention raised questions regarding justiciability in judicial and administrative procedures. He wished to know if there was jurisprudence on the justiciability of rights under the Convention by administrative bodies and courts. Lastly, organizations of persons with disabilities had informed the Committee that the State party was implementing the European Accessibility Act at the lowest possible level. It would be interesting to hear how the State party planned to implement article 9 of the Convention, particularly in respect of accessibility of websites, applications and the built environment.

24. **Ms. Kayess** said that she wished to know what policy, programmatic and legislative steps had been taken to ensure that intersectionality was addressed throughout the Austrian Government's policy work. She wondered how the Government was engaging with intersectional groups to prevent policy neutrality when addressing disability.

25. **Ms. Gamio Ríos** said that the Committee welcomed the simultaneous presentation of opposing views by the Ombudsperson and the State party delegation. She would welcome more detailed information on the content of the legislative reform on guardianship. She would be interested to know whether legislation on equal opportunities at the Land level in Upper Austria and Salzburg, which incorporated a gender perspective, included specific references to women with disabilities. Given the continued use of institutions for children with disabilities, she would appreciate information on measures taken to ensure close oversight of such institutions and prevent violations of the rights of those children, in particular ill-treatment. In that connection, the State party should familiarize itself with and implement the Committee's guidelines on deinstitutionalization, including in emergencies (CRPD/C/5). Lastly, the Committee had heard worrying reports of very late abortions being carried out without restriction on fetuses at serious risk of disability and would be interested to hear the delegation's comments on the matter.

26. **Ms. Fefoame** said she wished to know what steps the State party had taken to align the Assessment Regulation and other disability assessment tools with the Convention and to

link them to the human rights model of disability. She would also be interested to hear what measures were being taken to ensure the inclusion of women and girls with disabilities in the implementation of recommendations made by the European Commission under its Gender Equality Strategy. She wished to know what was being done to deinstitutionalize children with disabilities in all Länder, and how the State party was tackling stigmatization and prejudice against children with disabilities, as recommended by the Committee on the Rights of the Child in its most recent concluding observations ([CRC/C/AUT/CO/5-6](#)).

27. **Mr. Kabue** said he would appreciate information on the status of the inclusion fund, which had been a subject of discussion between the federal Government and the Länder. Although the State party had ratified the Optional Protocol to the Convention, it seemed that little had been done to raise awareness among persons with disabilities of their rights thereunder and of how those rights could be invoked. He would be curious to know whether the State party intended to disseminate information on the Optional Protocol, particularly among those whom it was intended to benefit. He wished to know what the Government intended to do to facilitate disability discrimination claims, since courts were currently difficult to access and bringing a case was costly. He would be interested to hear what measures were being taken to ensure appropriate compensation for victims of discrimination. Lastly, he wished to know whether the State party planned to increase counselling services for women with disabilities and what would be done to strengthen peer support networks for women.

28. **Ms. Aldana Salguero** said that cuts in State funding for family support centres were worrying. She wished to know how assistance was provided to families of persons with disabilities to guarantee family life, in particular for children with disabilities. She was also concerned about the State party's approach to implementing only minimum standards for accessibility. The delegation should provide information on any plans and programmes in place to ensure independence and autonomy, and accessibility of public spaces, including public transport, for persons of small stature, who were often unseen and excluded.

29. **Sir Robert Martin** said he wished to know whether, and if so how, the State provided financial and technical assistance to organizations of persons with disabilities to enable them to be effectively involved in all matters affecting persons with disabilities. He also wished to know whether persons with disabilities, through their representative organizations, were included in the design and delivery of awareness-raising campaigns.

30. **Mr. Al-Azzeh** said that the Committee was concerned about the inaccurate use of terminology in the German translation of the Convention, which, for example, used the terms "inclusion" and "integration" interchangeably. He wished to know what measures were being taken to ensure that the correct language was used in the State party's national legislation and that it would be interpreted accurately in the administration of justice. He would appreciate information on measures to ensure that justice was brought for victims of multiple discrimination and appropriate compensation issued.

31. **Ms. Fernández de Torrijos** asked what measures had been taken to ensure that the needs of persons with disabilities were taken into account in asylum procedures.

32. **The Chair** said she wished to know what legal measures were being taken to implement accessibility obligations under the Convention, in particular how and when the State party intended to implement regulations on evacuation measures, and how accessibility was supervised. She also wished to know what recourse was available for persons with disabilities to exercise their rights to better accessibility.

33. **Ms. Thongkuay** said that she would appreciate information on the legal requirements, action plan and budget allocation in place to implement the federal Disability Equality Act. She would like to know what steps had been taken during the reporting period to eliminate multiple and intersectional forms of discrimination against women and girls with disabilities. She would also be interested to learn whether there were any effective national strategies on gender and disability under the aegis of the Directorate General for Women and Equality. She wished to know whether disability issues were mainstreamed in the work and programme of the Ministry for Health and Women's Affairs.

34. **Ms. Dondovdorj** said that she would like to hear more detailed information about the impact assessments conducted in the context of legislative reforms to analyse the effects on persons with disabilities and on gender equality. She particularly wished to know how the assessments were conducted and the extent to which persons with disabilities, through their representative organizations, were involved. The Committee was concerned that there had been no legislative review since 2013 to bring federal legislation into line with the provisions of the Convention. The first action under the National Action Plan on Disability was the creation of a committee of disability experts to review national legislation and bring terminology into line with that used in the Convention. He would be interested to hear when the committee would begin its activities and how adequate budgetary provision would be ensured to guarantee its effective functioning.

*The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.*

35. **A representative of Austria** said that the definition of disability in the three major pieces of legislation addressing the rights of persons with disabilities – the Disability Equality Act, the Federal Disability Act and the Employment of Persons with Disabilities Act – had been aligned with the Convention. Medical aspects were an important consideration when diagnosing disability; however, there were plans to transition to a human rights-based model of evaluation and definitions in line with the Convention. A legislative framework would also be established to regulate individual needs assessments. A comprehensive national legislative review was to be conducted, with the support of civil society, and completed in 2028. Definitions of disability would be aligned with the language of the Convention. The review might seem slow, but it would be thorough. The Government aimed to achieve full inclusivity; the legislative reforms under way would reflect that principle. Positive steps had already been taken in respect of mainstreaming disability rights, and the Government's inclusion measures had been noted as ambitious by civil society. That having been said, the COVID-19 pandemic had impeded efforts to put the Government's ideas and intentions into practice and had constituted a setback. Legislative provision had, however, been made for measures to implement the Convention, in particular with regard to accessibility, and significant resources had been allocated to personal assistance and sign language interpreter training.

36. Progress had been made in implementing the Convention at the Land level, as had been recognized by civil society and the Austrian Disability Council. Forums existed at different political and administrative levels to discuss issues related to disability and the implementation of the Convention by the Länder. The Länder were aware of the financial commitment needed for implementation of the Convention. Discussions between the federal Government and the Länder on the possible establishment of an inclusion fund to provide federal support to the Länder for implementation of the Convention were ongoing and expected to conclude in September 2023. It was vital for stakeholders to express their needs to ensure proper implementation. The mandate of the working group to be established pursuant to the National Action Plan on Disability to review national legislation and bring terminology into line with that used in the Convention would run from 2024 to 2027.

37. All efforts to increase the participation of persons with disabilities in the labour market incorporated a gender perspective. There were also special measures to assist women with disabilities in the area of employment that took their particular needs into account. By way of incentive, the Government provided wage subsidies to employers of persons with disabilities; the subsidy for women with disabilities had been increased by 25 per cent in 2019 and had resulted in an increase in the number of women with disabilities in employment. A study on the situation of women with disabilities in the labour market had been published in 2020; in cooperation with the authors of the study and civil society, the Government had set up a working group to discuss the findings of the report, which had already made its first recommendations.

38. In response to one of those recommendations, the Government had launched a programme, in cooperation with Statistics Austria, to improve data collection on accessibility and women with disabilities. There was broad participation in the programme's various working groups, with representatives of civil society and the Disability Ombudsperson, which was essential to establishing priorities. The Government had cooperated with various media organizations to portray persons with disabilities as fully-fledged members of society

rather than persons in need of help and protection, and highlight their contributions, in particular their inclusion in the labour market. In July 2023, the Government had met with civil society organizations to begin work on a project to raise awareness of the situation of women with disabilities. In addition, a sex education campaign in sign language for deaf persons had proved very successful.

39. Women with disabilities were disproportionately victims of violence. Appropriate counselling services were available, and almost all victim protection facilities nationwide were barrier-free. There were also accessible helplines, information guides and videos in different languages to provide support and assistance.

40. **A representative of Austria** said that the National Action Plan on Disability 2022–2030 was the follow-up to the previous plan for the period 2012–2020. It was aimed at putting the Convention into practice. Following criticism that there had been insufficient regional participation in the first plan, the Länder had been actively involved in the creation of the National Action Plan and its implementation. All regional governments had committed to financing measures under the second Plan. Persons with disabilities had been involved in developing the Plan from the outset, with contributions from 26 different groups. A steering committee ensured that a broad range of stakeholders was involved in the Plan and able to provide input.

41. Federal legislation and measures had been adopted to ensure accessibility and eliminate barriers facing persons with disabilities. Under the Disability Equality Act, the first step in discrimination cases was to attempt conciliation between the victim and the alleged offender. As of June 2023, more than 4,100 conciliation proceedings had been conducted; a settlement had been reached in approximately 40 per cent of cases involving discrimination and in over 55 per cent of cases involving barriers specifically. Women were encouraged to use such methods of mediation and reconciliation, as they were more often used by men.

42. Pursuant to a European Union directive on the accessibility requirements for products and services, a new law on barrier-free access had been adopted in July 2023. From 2024, a market surveillance authority would be set up in the Federal Ministry of Social Affairs, Health, Care and Consumer Protection to receive complaints about lack of accessibility; companies that failed to act on complaints would face administrative penalties. Moreover, legislation on web accessibility had been adopted, with a related monitoring mechanism, although civil society had criticized the pace of change in that area. In 2022, at least 50 per cent of the content on 61 per cent of websites was compliant with the relevant accessibility guidelines.

43. The fact that the Convention was not directly applicable in Austria did not mean that the Government did not take its obligations under the Convention seriously. Strengthening the legislative framework for disability was a national priority. The fact that the European Union was also a party to the Convention had not given rise to any problems in implementation in areas where competences were shared between the European Union and its member States. The European Union had established its own strategy to implement the Convention. Austria had played an important role in the European Commission's negotiations with member States on the accessibility directive.

44. While many countries had produced a summary of the Optional Protocol to the Convention in Easy Read format, Austria had produced a complete German translation in addition to a full Easy Read version. The translation had been produced in collaboration with persons with intellectual disabilities to ensure that everyone was able to access and understand the entire Convention and Optional Protocol.

45. **A representative of Austria** said that the importance of the Convention was reflected in the laws of the nine Länder, although their implementation would, of course, take time. Since the previous periodic review of Austria in 2013, several Länder had adopted or were in the process of adopting their own laws on accommodations for persons with disabilities, notably Burgenland, Salzburg and Tyrol. In Lower Austria, work was under way on regulations on day care. The Länder had adopted their own regional action plans and were also actively involved in the implementation of the National Action Plan on Disability. Efforts were made to take the views and needs of persons with disabilities into account.



46. The relevant authorities for children and young people were responsible for children in institutions. The child's well-being was always prioritized and steps were taken to ensure that children remained with their families for as long as possible. Mobile services were provided to maintain the continuity of family life for children with disabilities. In all Länder, individual needs were taken into account and suitable accommodations were offered; experts with relevant experience were involved to provide information on the best forms of support for persons with disabilities.

47. Discussions on disability-related matters took place between the Länder and the federal Government, among the Länder themselves and between relevant institutions. In addition to informal exchanges, a conference was held to enable representatives of the Länder, the Federal Ministry of Social Affairs and the Federal Ministry of the Interior to discuss issues related to persons with disabilities. Following previous exchanges, three Länder were participating in a pilot project on the harmonization of personal assistance legislation in collaboration with the federal Government; the results of the project would inform future changes in other Länder and nationwide.

48. **A representative of Austria** said that ensuring the accessibility of public transport for persons with disabilities remained a major challenge. Different strategic and operational programmes were in place at the federal and regional levels. Digitalization had helped to ensure the accessibility of information for public transport users with disabilities. The Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology had a broad approach to accessibility in public transport and aimed to involve all relevant stakeholders in the implementation of norms and standards. Civil society organizations were consulted when new vehicles were purchased for public transport and had recently been involved in decisions on the fitting out of overnight trains. Austrian Federal Railways (ÖBB) had recently updated its strategy on accessibility. The Ministry aimed to ensure that all stakeholders and regions participated in decision-making in order to harmonize legislation and standards. In early 2023, a working group with representatives of different Länder and municipalities had been established to consider projects and measures relating to public transportation.

49. **A representative of Austria** said that various types of financial support and allowances were available to support children with disabilities and their families. Under an expedited procedure for one such family allowance, a medical examination was no longer required, as existing data were sufficient to ascertain eligibility. Advice, guidance and training were also offered to families with children with disabilities through centres located nationwide. There were also informational brochures on various topics relevant to parents of children with disabilities.

50. **A representative of Austria**, providing an overview of abortion law in Austria, said that a pregnancy could be legally terminated within the first trimester, thereby striking a balance between women's rights and the rights of the unborn child. However, there were no time limits or legal consequences for abortion in cases when the child was expected to be born with mental or physical disabilities. Making the law stricter in that regard risked women resorting to unsafe backstreet abortions or having to travel for a termination.

51. **A representative of Austria** said that training was provided to staff of the Federal Office for Immigration and Asylum on how to treat persons belonging to vulnerable groups or those with complex needs, including persons with disabilities. All cases were assessed on an individual basis; staff were provided with relevant guidelines and country information.

52. **A representative of Austria** said that all planned laws, programmes, policies and measures were assessed to ascertain their impact on persons with disabilities and ensure that persons with disabilities were taken into consideration in all areas of public and political life. Amendments to the Federal Disability Equality Act, in 2017, had eased access to justice for persons with disabilities, including facilitating the procedures for taking collective legal action on behalf of persons with disabilities and bringing cases against large corporations for failure to comply with accessibility standards, and enabling persons with disabilities to benefit from legal aid and receive compensation. Although no such cases had been brought thus far, it was hoped that the procedure would prove to be a good instrument for change in the future.

53. **Mr. Tichy** (Austria) said that, despite not being directly applicable, the Convention remained legally binding at the national, regional and local levels and was implemented through domestic legislation.

*Articles 11–20*

54. **Ms. Gamio Ríos** said that she wished to know whether women with disabilities were a specific target group of the Public Employment Service, whether there were any programmes in place for finding foster homes for children with disabilities and what measures had been taken to prevent forced institutionalization. She wished to clarify that the right of women, including women with disabilities, to terminate a pregnancy was not in question; rather, the Committee was concerned that fetal impairment was one of the limited grounds for a late abortion.

55. She would be interested to hear from the delegation on reports that private security staff had been deployed in hospitals to carry out activities that should be performed by qualified staff who were trained to deal with persons with disabilities. She wondered whether an oversight mechanism had been set up to monitor psychiatric institutions to prevent violence and abuse and, if so, what its powers were; whether the State party intended to put a stop to the non-essential medical or surgical treatment of intersex children; and what measures had been taken to abolish the practice of forced sterilizations and forced abortions in institutions.

56. **Mr. Schefer** said that he wished to know whether plans to bring the definition of disability contained in federal and Land laws into line with the Convention by 2028 had been accepted by the Länder and whether funding for the National Action Plan on Disability for the period 2022 to 2030 was being allocated for the implementation of specific measures, as had been recommended by the University of Vienna in its evaluation of the previous national action plan.

57. He was concerned that the risks faced by persons with disabilities in bringing civil proceedings against large companies were too great, meaning that it was not an effective remedy. He wondered whether the State party intended to take steps to expand access to justice for persons with disabilities in cases of discrimination to enable them to obtain not only compensation but also injunctive relief, including from smaller companies. He invited the delegation to comment on efforts being taken to ensure the justiciability of the rights enshrined in the Convention in administrative and judicial procedures.

58. He wondered what measures were being implemented by the Länder to counter certain retrogressive developments, such as the increase in thresholds for requiring buildings to be made accessible, and how the State party intended to ensure the availability of sufficient accessible housing, which was crucial for achieving deinstitutionalization, given those retrogressions. He would welcome specific information on what steps had been taken to implement in full European Commission Regulation No. 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the rail system of the European Union for persons with disabilities and persons with reduced mobility and on the current federal regulations covering other forms of public and commuter transportation.

59. He would like to know what the State party was doing to ensure access to education for children with disabilities, in particular those with intellectual or psychosocial disabilities, and support organizations of children with disabilities so as to ensure that children's voices were heard.

60. While he welcomed the Second Protection of Adults Act, he wished to know what the State party was doing to address the fact that persons with disabilities were not receiving the requisite support at the Land level and to replace substitute decision-making, which was still provided for in the Act, with supported decision-making.

61. **Ms. Boresli** (Country Rapporteur) said that she would welcome information on any strategies that had been adopted by the State party to bring an end to the institutionalization of persons with disabilities, including the timescales set, the specific measures taken and the budgets allocated to achieve that goal. She wondered whether such strategies were based on

the human rights approach and on the prevention of the forced institutionalization of persons with disabilities on the ground of impairment and whether persons with disabilities were sufficiently included and involved in processes through their representative organizations.

62. She wished to know what steps had been taken to ensure the provision of housing, care and support to persons with disabilities in the community, whether social care was tailored to meet the individual needs and circumstances of persons with disabilities and whether persons with disabilities were fully aware and empowered with regard to the right to make their own decisions on issues that affected them. Regarding personal mobility, she would be interested to know what proportion of the State budget was allocated to facilitate access by persons with disabilities to mobility aids, devices and assistive technologies, and what steps had been taken to ensure proper training in mobility skills of persons with disabilities and their support assistants.

63. **Ms. Fefoame** said that, with reference to paragraph 224 of the State party's report, she wished to know what the main findings of the study carried out in relation to violence against persons with disabilities had been and what measures had subsequently been taken to protect persons with disabilities living in institutions or in the community from violence and abuse.

64. **Ms. Kayess** said that she would be interested to know what measures had been taken by the State party to consult closely with and ensure the active involvement of organizations of persons with disabilities in the design and implementation of disaster response and recovery plans so as to ensure their accessibility. It would also be useful to know whether the State party's efforts to improve data collection extended to disaster risk reduction and emergency planning.

65. **Sir Robert Martin** said that he would welcome information on the training provided by the State party to civil servants, judges and social workers on recognition of the legal capacity of persons with disabilities and on supported decision-making mechanisms.

66. **Mr. Al-Azzeh** said that he wished to know what specific measures had been taken to ensure that the Convention was applied in full at the Land level; whether procedural accommodations were in place to facilitate the direct or indirect participation in legal proceedings of persons with intellectual or psychosocial disabilities, including as witnesses or complainants; and what legislative or other measures were in force to ensure that any medical or other treatment was performed only with the free and informed consent of persons with disabilities, including those with intellectual or psychosocial disabilities.

67. **Ms. Thongkuay** said that she wished to know whether a disability perspective had been incorporated into the State party's various national action plans and legislative measures aimed at combating violence against women, sexual violence and harassment, cyberviolence and forced marriage and, if not, whether there were plans to do so. She wondered what measures had been taken to prohibit all forms of exploitation, violence and abuse against persons with disabilities and to ensure appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report such offences.

68. **Mr. Kabue** said that he would welcome more specific information on how the State party intended to raise awareness of the Optional Protocol to the Convention among persons with disabilities and their representative organizations and address obstacles faced by persons with disabilities in seeking access to justice in cases of discrimination. He wished to know what measures the State party planned to take to ensure the full recognition of the legal capacity of persons with disabilities and to implement supported decision-making.

69. **The Chair** said that she wished to know how the State party intended to assist persons with disabilities with regard to financing for personal assistance, including for leisure activities, and how it planned to fulfil its deinstitutionalization obligations so as to enable persons with disabilities, in particular those with intellectual or psychosocial disabilities and those with autism, to live in the community. She would be grateful for a reply to her question concerning regulations on evacuation measures.

*The meeting rose at 5.55 p.m.*