



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Implementation of the Convention on the Rights
of Persons with Disabilities**

**Initial reports submitted by States parties under article 35 of
the Convention**

Austria*

[2 November 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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List of abbreviations

ABGB	Austrian Civil Code
AMD-G	Audiovisual Media Services Act
AMS	Public Employment Service
AVG	General Administrative Proceedings Act
BAK	Federal Chamber of Labour
BBG	Federal Disability Act
BEinstG	Disability Employment Act
BGSStG	Federal Disability Equality Act
BGBI	Federal Law Gazette
BKA	Federal Chancellery
BMASK	Federal Ministry of Labour, Social Affairs and Consumer Protection
BMeiA	Federal Ministry of European and International Affairs
BMF	Federal Ministry of Finance
BMG	Federal Ministry of Health
BMI	Federal Ministry of the Interior
BMJ	Federal Ministry of Justice
BMLFUW	Federal Ministry of Agriculture, Forestry, Environment and Water Management
BMLVS	Federal Ministry of Defence and Sport
BMUKK	Federal Ministry of Education, Arts and Culture
BMVIT	Federal Ministry of Transport, Innovation and Technology
BMWF	Federal Ministry of Science and Research
BMWFJ	Federal Ministry of Economy, Family and Youth
B-VG	Federal Constitutional Act
LGBI	Provincial Law Gazette
ÖBSV	Austrian Association for the Blind and Visually Disabled
OEZA	Austrian Development Cooperation
ORF	Austrian Broadcasting Corporation
ÖAR	Umbrella organisation of the Austrian Disability Associations
SLIÖ	Austrian Initiative for Independent Living
StGB	Criminal Code
StPO	Code of Criminal Procedure
VOG	Victims of Crime Act
WKÖ	Austrian Economic Chamber
ZPO	Code of Civil Procedure

I. Introduction

1. On 13 December 2006, the 61st General Assembly of the United Nations adopted the “United Nations Convention on the Rights of Persons with Disabilities” (abbreviated to “UN Disability Rights Convention”), including an optional protocol (recognition of the right of groups and individuals to make complaints). Austria (represented by the Minister of Social Affairs at the time) was among the first countries to sign the UN Disability Rights Convention including the Optional Protocol on 30 March 2007 in New York.
2. In 2007 and 2008, Germany, Austria, Switzerland and Liechtenstein engaged in consultations leading to their agreement on a standard translation of the UN Disability Rights Convention into German, which was then published. Since 2010 there has also been an “easy to read” – version in German.
3. Austria ratified the UN Disability Rights Convention in summer 2008 (Federal Law Gazette, BGBl. III No. 155/2008) and deposited the instrument of ratification on 26 September 2008 in New York. Since the Convention came into effect at a domestic level on 26 October 2008, the federal government (national level), the Länder (regional level) and local authorities (local level) have been equally obliged to implement the Convention in Austria. Alongside the administrative authorities, the legislature (federal and provincial legislatures) as well as the judiciary are called upon to adopt measures which are in line with the Convention and comply with it. In order to implement Austria’s obligations which fall within the jurisdiction of the federal government, an amendment to the Federal Disability Act (BBG) created a national monitoring mechanism (BGBl. I No. 109/2008).
4. In accordance with Article 35 para. 1 of the UN Disability Rights Convention, Austria is obliged to present to the United Nations a comprehensive report on the measures which Austria has taken to fulfil its obligations from the agreement within two years of the coming into force of the Convention in Austria, whereby reference should also be made to the progress achieved.
5. This First State Report was drawn up under the overall control of the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMAK) and on the basis of numerous specialist contributions from governmental and non-governmental organisations. The BMAK incorporated the following areas into drawing up the report and the related discussions: Parliament (federal legislature), the supreme courts (judiciary), all of the ministries (federal administration), all of the nine Regional Authorities (Länder), the Association of Austrian Cities, Towns and Local Authorities (representing the 2,357 local authorities and towns/cities in Austria), the social partners (organisations representing persons in employment and the self-employed) and other interest groups, the offices of ombudspersons, advisory services, complaints boards, disability organisations and the providers of social services.
6. The report essentially reflects the contributions which were received by the BMAK – figures and data are also only given where they have been sent to the BMAK. The Ministry also carried out some research itself, though only to a very limited extent. With regard to the Länder, information is given about the Länder which provided a contribution to the respective article, although the statements made normally apply to other Länder too.
7. As regards the contents and systematics of this report, it should be noted that in summary, in the opinion of the Austrian government, while the domestic legal situation in Austria conforms to the requirements of the UN Disability Rights Convention, the situation of people with disabilities in Austria still needs to be further improved.

8. The government intends to draw up a National Action Plan for people with disabilities in Austria. The Action Plan will contain guidelines of the Austrian disability policy for the years 2011–2020.

9. This report by the Austrian government is thus primarily an assessment of the current situation in Austrian disability policy. It provides an overview of the situation of people with disabilities and the changes of the legal framework which goes far beyond the last two years. The suggestions and criticism made by civil society organisations will be taken into account in the creation of the National Action Plan for people with disabilities.

10. It has been consciously avoided commenting on this criticism, as in the opinion of the Austrian government this is not a process which has been concluded by the presentation of the report. The current debate and the highlighting of various positions should rather be viewed as an ongoing process which will be continued during the creation of the National Action Plan for people with disabilities.

II. General section

11. As early as 1992, the concept of disabled persons which had been drawn up at that time assumed that the effects of a disability would impact upon all areas of life, and that disability policy is therefore a task for the whole of society (mainstreaming principle). According to this concept, Austrian disability policy has to orientate itself particularly towards the principles of participation, accessibility, self-determination, helping people to help themselves, decentralisation, prevention and the priority of mobile and outpatient help.

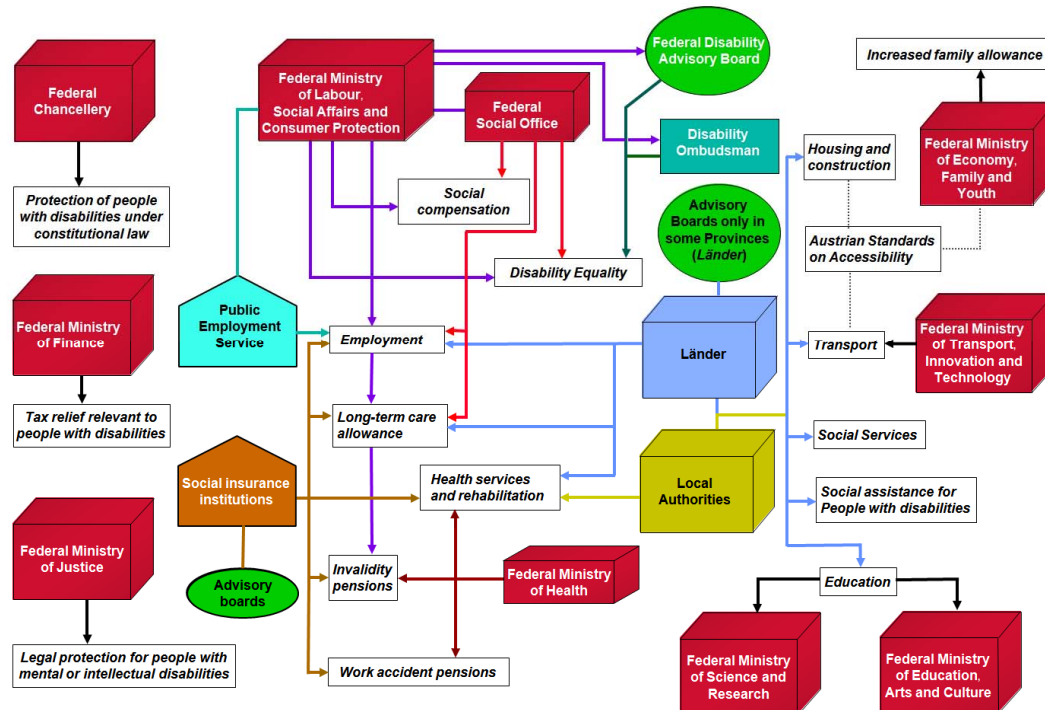
12. Due to the distribution of competences laid down by the Constitution, a large number of federal and provincial laws contain legal provisions which are of significance to people with disabilities.

13. The topics of equality, inclusion and the accessibility of public life have become increasingly significant and have thus led to a paradigm shift in disability policy. In 1997, for example, one of the main constitutionally guaranteed fundamental and civil rights, namely the general principle of equality in the federal constitution, was supplemented by special protection against discrimination for people with disabilities, as well as a declaration that this is a state objective. Article 7 para. 1 of the Federal Constitution thus states that: “All citizens are equal before the law. Privileges due to birth, gender, status, class or religion are unacceptable. Nobody may be discriminated against because of his or her disability. The Republic (federal government, Länder and local authorities) commits itself to guaranteeing the equal treatment of disabled and non-disabled persons in all fields of everyday life.” Para. 2 states: “The federal government, the Länder and local authorities commit themselves to the equal treatment of men and women. Measures to promote the actual equality of women and men, particularly by eliminating actually existing inequalities, are admissible.”

14. Protection against discrimination for people with disabilities is regulated in the Disability Equality Package adopted in 2005. The goal of this package, which is comprised of three laws, is to eliminate or avoid discrimination against people with disabilities and to thus ensure equal rights of participation for people with disabilities within society. It contains a ban on discrimination in the field of everyday life, which includes the access to and the provision of goods and services which are available to the public, as well as the area of federal administration (Federal Disability Equality Act – BGStG). The ban on discrimination in the world of employment is regulated by an amendment to the Disability Employment Act (BEinstG). An amendment to the Disability Act (BBG) contained the establishment of a Federal Disability Ombudsman who advises and supports persons who feel discriminated against.

15. There are also laws on the promotion of the participation of people with disabilities in all of the Länder. The main goal of these provincial laws is to ensure that people with disabilities have — as far as possible — equal rights to participation in society, and to enable them to live independent lives.

Organisational Structure of Disability Policy in Austria



Article 1: Purpose

16. As disability law belongs to the field of so-called cross-cutting issue, a large number of federal and provincial laws contain legal provisions which are of significance to people with disabilities. As these laws have varying objectives, they contain numerous different definitions of disability.

17. In the field of the equality of people with disabilities, it is a question of comprehensive protection in the area of federal administration, and in access to and the provision of goods and services which are available to the public. Here, disability is primarily seen as the coming together of individual, social and environmental factors. Within the framework of the activities of the Public Employment Service (AMS), people who have particular difficulty in gaining a foothold in the labour market due to their disability are given special support. Other institutions, on the other hand, try to compensate for disadvantages arising through disability via financial support. In this respect it is meaningful to differentiate between different definitions of disability.

18. The following section illustrates some definitions of disability in Austrian law.

1. Federal laws**(a) Federal Disability Equality Act (BGBl. I No. 82/2005)**

19. “Section 3. Disability as defined by this federal act is the effect of a not only temporary physical, mental or intellectual impairment or an impairment of the senses which makes participation in the life of society difficult. Non-temporary means a period which is expected to be more than six months.”

(b) Disability Employment Act (BGBl. No. 22/1970)

20. “Section 3. Disability as defined by this federal act is the effect of a not only temporary physical, mental or intellectual impairment or an impairment of the senses which can make participation in working life difficult. Non-temporary means a period which is expected to be more than six months.”

2. Laws of the Länder**(a) Upper Austrian law on the equal opportunities of people with impairments (Provincial Law Gazette, LGBl. No. 41/2008)**

21. “Section 2. (1) As defined by this provincial law, persons with impairments are those who, due to the failure of important functions as a result of physical, mental, intellectual or multiple such (not predominantly age-related) impairments, are lastingly and significantly disabled in an important social context such as in connection with their upbringing, their vocational education and training, their personal development and in their gainful employment as well as in their integration into society. They can also be persons who can be expected to suffer from such impairments in the foreseeable future, particularly in the case of small children.”

22. “(2) Persons are also considered to have physical impairments if they have impaired sight or hearing, are deaf and blind, mute and deaf people and people with important disorders in sensory processing who thus have considerable disabilities in terms of communication and orientation, in as far as this does not relate to development disorders with regard to learning skills at school.”

(ii) Opportunities Act of Vorarlberg (Provincial Law Gazette, LGBl. No. 30/2006)

23. “Section 2. (1) As defined by this law, people with disabilities are those who have a non-temporary impairment of their bodily functions, intellectual abilities or mental health which has an adverse effect on their ability to participate in society. Non-temporary means a period which is expected to be more than six months.”

24. At a European level, there has been a Eurostat working group since the beginning of 2010 which will draw up proposals on the harmonisation of surveys on the topic of disabilities. In this context, the International Classification of Functioning, Disability and Health (ICF) will be used as a reference work towards which future statistical surveys should be orientated. Alongside physical structures and functions, this classification also takes context-related factors into account.

25. On the part of civil society, the argument is put forward that too little attention is still given to the social elements of disabilities and the interaction between people with disabilities and their environment. According to disability organisations, the focus is still on a medical model of disability. The multitude of definitions is also seen as a problem, as they make it difficult to create comparable statistics.

26. Principally however, the embodiment of the rights of people with disabilities in as many different laws as possible is considered correct.

Article 2: Definitions

1. Communication

27. One of the objectives of Austrian disability policy is to ensure the accessibility of communication. For this reason, the law on equality for people with disabilities explicitly includes a provision stating that a lack of accessibility can also be discrimination. Examples for barriers in the field of communication are websites which are not barrier-free or a lack of sign language interpreters at a public event.

28. In the field of federal administration there is a particular obligation to enable all people with disabilities to make use of the services and offers of the federal government. The website HELP.gv.at offers around-the-clock information on everything related to administrative procedures and authorities, giving details of documents required, fees, deadlines and offering forms which can be downloaded or filled in on the computer. The entire citizens' portal fulfils the highest accessibility requirements (Triple A conformity — AAA according to the WCAG — Web Content Accessibility Guidelines).

29. Important information for people with disabilities is increasingly also being provided in “easy to read” – versions.

30. The Ministry of Social Affairs (BMASK) has created a national database of technical aids, which also contains communication aids such as speech output systems or Braille displays. Funding can also be obtained for the purchase of such aids.

2. Sign language

31. Austrian sign language has been enshrined in the federal constitution. Art. 8 para. 3 lays down that “Austrian sign language is recognised as a language in its own right. Further details are set down in the relevant laws.”

32. It is ensured that deaf people and those with impaired vision or blind people are enabled to take part in proceedings — both administrative and court proceedings — on an equal basis. Their communication with authorities or courts is facilitated by sign language interpreters, by having documents read to them, by Braille printouts or other suitable methods.

3. Discrimination

33. The protection against discrimination embodied in Austrian law on equality for people with disabilities covers direct discrimination, which is present when as a result of a disability a person experiences less favourable treatment than another person experiences, has experienced or would experience. Indirect discrimination is present when a person is disadvantaged by seemingly neutral regulations, criteria or procedures, or by barriers. Harassment means that, in relation to a disability, undesired, uncalled-for or repulsive behaviour is made against the affected person, with the aim or effect of violating the dignity of the affected person and creating an intimidating, hostile or offensive environment for the affected person.

34. The Disability Employment Act obliges employers to take measures which are suitable and required in specific cases in order to provide people with disabilities with access to employment, to allow them to practise a trade or profession, to obtain promotion and to participate in initial and further training, except in cases where these measures would place an unreasonable strain on the employer. For further details see Art. 5.

4. Standards

35. In order to break down barriers, the Austrian Standards Institute has developed a range of standards related to freedom from barriers and “design for all” which are of significance for people with disabilities and people with reduced mobility. These standards particularly cover the fields of barrier-free construction and transport (e.g. standards for graphic symbols and visual guidance systems for public information, or for tactile ground surface indicators). These standards are only recommendations, but their contents are embodied in many building regulations.

Article 3: General principles

36. There has been an Equal Treatment Act in Austria since 1979. The act initially only dealt with the equal treatment of women and men in employment, but has been extended to cover new areas in recent years.

37. According to the law, nobody may be discriminated against in employment on grounds of their gender, ethnic origin, religion or ideology, age or sexual orientation. In addition, nobody may be discriminated against due to their ethnic origin in other areas (social protection, social advantages, education and access to and provision of goods and services which are available to the public, including housing).

38. In addition, nobody may be discriminated against due to their gender in their access to and the provision of goods and services which are available to the public, including housing.

39. The precept of the active equality of women and men is formulated as an objective. This objective should be taken into account in the formulation of legal provisions and administrative regulations, in policies and activities.

40. The 1992 concept of disability proceeds from a holistic view of human beings. “To be disabled is one of the diverse forms of human life. As such it must be accepted and may not be a reason to marginalise the affected persons and to exclude them from society in any way. Austrian disability policy therefore has to take into account the physical, mental, psychological and social needs of people with disabilities on an equal basis.” One of the most important principles of the Austrian concept of disability is thus to ensure the best possible level of participation in society and the principle of accessibility.

41. In 1997, a special ban on discrimination and a commitment by the Republic to the equal treatment of disabled and non-disabled people was included in the Constitution. Art. 7 para. 1 clauses 2 and 3 of the Constitution lays down that “Nobody may be discriminated against because of his or her disability. The Republic (federal government, the Länder and local authorities) commits itself to guaranteeing the equal treatment of disabled and non-disabled persons in all fields of everyday life.” As part of the implementation of the ban on discrimination, the Federal Disability Equality Act was created in 2006. For further details see Art. 5.

42. Since 1997, discrimination against people with disabilities has been made into an offence which can be prosecuted. Those who “disadvantage others solely because of their race, the colour of their skin, their national or ethnic origins, their religious beliefs or a disability, or hinder them in entering places or using services which are designated for the use of the general public”, commit an administrative offence.

Article 4: General obligations

43. The disability concept adopted by the federal government in 1992, which was jointly drawn up with the Österreichische Arbeitsgemeinschaft für Rehabilitation (umbrella association of the Austrian disability organisations, ÖAR) starts out from the principle of mainstreaming. Disability policy should thus be seen as a task of the whole of society and should be taken into consideration in all fields.

44. In Art. 7 of the Constitution, Austria committed itself to guaranteeing the equal treatment of disabled and non-disabled persons in all fields of everyday life (1997 amendment to the Constitution). In 1998, a working group therefore examined the entire system of federal laws to find discrimination against people with disabilities. The results were presented to the Austrian Parliament and formed the basis for a federal law passed in 1999 which eliminated discriminatory provisions in nine different laws. One of the main focuses of this collective amendment was to make it easier, particularly for people who are blind or whose vision is severely impaired, and for physically disabled people, to participate in legal proceedings and to exercise their rights. A further act containing various amendments to facilitate access to a range of occupations for people with disabilities was adopted in 2005.

45. The 2005 Disability Equality Package contained for the first time provisions on compensation claims for violations of the ban on discrimination. Primarily as a result of arbitration proceedings, the equality of people with disabilities and accessibility became publicly debated issues – arbitration thus not only serves to resolve conflicts, but also to create awareness.

46. The umbrella association of the Austrian disability organisations, ÖAR, is involved in the assessment procedure. The ÖAR is also represented in important committees in the Ministry of Social Affairs (BMASK): in the Federal Disability Advisory Board, which has an advisory function in all fundamental issues related to disability policy, in the Working Group on Long-term Care, which issues recommendations and proposals on the further development of long-term care, and in the Advisory Board of the Compensation Tax Fund, which deals with questions of occupational rehabilitation. The ÖAR is also represented in the advisory councils established at the individual social insurance institutions, where it represents the interests of long-term care allowance recipients and recipients of work accident pensions.

47. The Ministry of Social Affairs has created the *Hilfsmittelinfo* database (www.hilfsmittelinfo.gv.at), a comprehensive reference work on technical aids for people with disabilities and persons requiring care as well as their family members.

48. Advisory and service centres which provide information about products available on the Austrian market and about their uses and possible funding have been established at the provincial offices of the Federal Social Office. Medical or technical aids are primarily funded by the social insurance institutions.

49. In the committee located at the Austrian Standards Institute which is responsible for the creation of standards on accessibility, the Ministry of Social Affairs represents the interests of people with disabilities, and has the same function in the Advisory Council for Building Culture at the Federal Chancellery.

Article 5: Equality and non-discrimination

50. On 1 January 2006, the Disability Equality Package came into effect. The ban on disability-related discrimination which is regulated by the package was a milestone in Austrian disability policy. The package particularly contains:

- (a) The Federal Disability Equality Act (ban on discrimination in everyday life);
- (b) A comprehensive amendment of the Disability Employment Act (ban on discrimination in employment);
- (c) An amendment to the Federal Disability Act (Federal Disability Ombudsman).

51. For reasons of competences, the protection against discrimination which is regulated in the package only covers the areas of responsibility of the federal government. The Länder have enshrined protection against discrimination in employment in their area of responsibility, and numerous Länder have additionally adopted anti-discrimination laws, such as Carinthia, Upper Austria, Lower Austria, Tyrol, Vorarlberg and Vienna.

52. The Federal Disability Equality Act contains a ban on discrimination against people with disabilities in many areas of everyday life, with the exception of employment. It thus covers:

- (a) The federal administration (administration involving government affairs and the private sector);
- (b) Access to goods and services in as far as they are available to the public (this essentially corresponds to consumer protection).

53. The group of persons protected by the law against disability-related discrimination was intentionally broadly defined; the formal establishment of a specific degree of disability is not required. Family members and third parties involved in complaints or proceedings are also protected by the law.

54. The ban on discrimination covers direct discrimination, indirect discrimination (e.g. via barriers), harassment and instructions given by others to discriminate. When determining whether a disadvantage due to barriers constitutes discrimination, it should be examined whether the cost and/or effort required to eliminate the barriers would represent a disproportionate burden. If it is possible to take advantage of support from public funds for the corresponding measures, this should be considered when assessing reasonability. If the barriers cannot be eliminated with reasonable cost and/or effort, at least a substantial improvement of the situation should be strived for which comes as close as possible to equal treatment.

55. The core element of protection against discrimination is the possibility to get a compensation of the material or immaterial damage suffered. The assertion of claims in court has to be preceded, however, by obligatory conciliation proceedings at the Federal Social Office. Taking legal action without an attempt at conciliation is inadmissible. The deadlines for the assertion of claims due to discrimination are extended by the duration of the conciliation process. The purpose of conciliation is to promote an out-of-court settlement. This is intended to avoid long and possibly expensive court cases. The option of free mediation by independent mediators is available within the framework of this conciliation procedure.

56. An easing of the burden of proof (rules on evidence which have a similar effect to a reversal of the burden of proof) applies to court cases. In the case of important and lasting harm to the general interests of the group of persons protected by this law, the ÖAR can

initiate a class action on the basis of a recommendation by the Federal Disability Advisory Board.

57. The Federal Social Office and its regional offices have proved themselves to be extremely competent in the conduct of conciliation proceedings. The use of conciliation has also been praised as best practice by disability associations.

58. Since the coming into force of the package including the law on 1 January 2006, there have been 732 conciliation cases (as at 30 June 2010). A total of **685** of these (**93.6%**) had already been resolved on the reference date.

59. From among the applications, 405 were related to the Disability Employment Act (55.3%), and 327 to the Federal Disability Equality Act (44.7%).

60. The total number of applications in the respective years were related to:

<i>Year</i>	<i>Total applications</i>	<i>Disability Employment Act</i>		<i>Federal Disability Equality Act</i>	
2006	130	89	68.5%	41	31.5%
2007	130	75	57.7%	55	42.3%
2008	182	96	52.7%	86	47.3%
2009	185	102	55.1%	83	44.9%
2010 (as at 30 June)	105	43	41.0%	62	59.0%

61. Of the completed cases, a settlement was reached in **327** cases (47.8% of completed cases), while there was no settlement in **264** cases (38.5%). In **94** cases (13.7%), the request for conciliation proceedings was withdrawn, whereby experience shows that such withdrawals are usually due to a previous settlement. **47** proceedings (6.4% of all cases) were still ongoing on the reference date.

62. Mediation was used in 16 cases (2.2%), whereby there was a settlement in 13 of them.

63. In the Federal Disability Equality Act there is also a provision which particularly obliges the federal government to avoid discrimination in its sphere and to take suitable and specifically required measures to enable people with disabilities to gain access to its services and offers. After consultations with the ÖAR, the federal government has established a plan to reduce construction-related barriers to accessibility in the buildings it uses, and to implement the plan in stages (Staged Plan for Federal Buildings). The province of Vienna has also committed itself to drawing up a staged plan.

64. In the last few years, the overall agreements between the Austrian Medical Chamber and the health insurance funds in some Länder (Burgenland, Carinthia, Vorarlberg and Vienna) have led to improvements in the barrier-free access to doctor's surgeries.

65. In addition, public transport operators had to draw up staged plans (Staged Plans for Transport). With regard to construction-related barriers and barriers in the context of public transport, there are transitional regulations for the staged extension of the areas in which the law applies. All of these transitional regulations will expire on 1 January 2016.

66. For reasons related to the nature of the legal system, the ban on discrimination in employment was regulated in the Disability Employment Act (see Art. 27).

67. The 2006 amendment to the Federal Disability Act created the office of the Federal Disability Ombudsman. The ombudsperson is not subject to directives and has the task of

advising and supporting people with disabilities in cases of discrimination. He or she is also a member of the Federal Disability Advisory Board, which has an advisory function in all fundamental issues related to disability policy, and is an important factor in the ability of people with disabilities to have a say in policy.

68. Some of the Länder have also introduced Disability Ombudspersons or an equivalent advisory committee in which disability organisations are represented. At the same time as the Disability Equality Package, an amendment to Art. 8 of the Constitution was adopted which enshrined Austrian sign language in the Constitution. A further act containing various measures to facilitate the access to a range of occupations for people with disabilities was also adopted.

69. The law on the equality of people with disabilities will be evaluated in 2010. The results, which are expected for the end of the year, will serve as a basis for possible improvements and further developments.

70. Positive measures to promote equality are being taken by many institutions. The Länder provide support for personal assistants (Vienna) or alternative forms of accommodation. The Länder also emphasise that their services enable people with disabilities to pursue their interests on an equal basis.

71. It has been laid down within the framework of the general programming principles, that the presentation and contents of all programmes of the Austrian Broadcasting Corporation (ORF) must respect the dignity and fundamental rights of all persons, and must not incite hatred based on race, gender, age, disability, religion or nationality (cf. Section 10, paras. 1 and 2 of the ORF Act). The ORF's advertising principles also state that advertising must not contain any discrimination of the types mentioned above (Section 13 para. 3 line 2 ORF Act). This also applies to the sector of private audiovisual media services (Section 30 paras. 1 and 2 and Section 31 para. 3 Audiovisual Media Services Act).

72. The risk of having to pay court costs and the lack of an entitlement to injunctions and elimination have also been criticised by disability associations. The amendment of other relevant laws has also been called for (such as those dealing with events and with building regulations).

73. The Federal Disability Ombudsman has pointed out problems related to the federal structure of the state (varying regulations in individual Länder; a loss of information), and has called for other relevant laws to be amended and for the financial risk of court costs to be minimised.

Article 6: Women with disabilities

74. According to Art. 7 of the Constitution, the federal government, the Länder and local authorities commit themselves to the actual equal treatment of men and women. Measures to promote the actual equality of women and men, particularly by eliminating actually existing inequalities, are admissible.

75. In the law on the equality of people with disabilities, the particularly difficult situation of women is taken into account in that special attention has to be paid to multiple discrimination when assessing the level of immaterial compensation (this is an entitlement due because of the offence caused, which exists in all discrimination cases in addition to any entitlement for compensation for material damage). Corresponding regulations are also partly found in the anti-discrimination laws at provincial level.

76. Women with disabilities are still less likely to have completed some sort of vocational training than men with disabilities, which not only has a negative effect on their

careers opportunities and financial situations, but also has an unfavourable effect on their psychosocial condition. It would be necessary to create new careers and training opportunities, and to break down old occupational clichés regarding women with physical disabilities (unskilled workers in kitchens, laundries and cleaning jobs).

77. In the support programmes which are part of the Austrian government's Employment Campaign, gender mainstreaming and gender budgeting are always taken into consideration in accordance with the relevant programmes of the European Union. For example, the gender-specific effects of the key measure "clearing", which deals with the transition from school to work, were recently examined and the targets adjusted on the basis of the findings.

78. Upper Austria has committed itself to upholding the strategy of gender mainstreaming as a guiding principle and a method of policymaking and administration. Gender mainstreaming should therefore be increasingly taken into account in the context of the integration of people with disabilities. A guideline was also drawn up for the measure "Sheltered Work and the Provision of Occupational Qualifications" and agreed upon with the relevant service providers. The measures formulated in the guidelines, which will contribute towards the equality of women and men, have to be implemented by the institutions.

79. In Vienna, a "Health Forum for Girls and Women with Disabilities" was established which includes the most important social and health services of the City of Vienna as well as NGOs and self-help groups, and which discusses gender-specific themes and the needs of this target group at regular meetings and develops approaches towards finding solutions on a participative basis.

80. Within the framework of the FEM Süd Women's Health Centre (Kaiser Franz Josef Hospital), a very successful project is being carried out on health promotion and labour market integration for women with disabilities (www.frauenassistenz.at). The entire costs of the project are being funded by the Federal Social Office.

81. In addition, the specific ways in which women with disabilities are affected are explicitly detailed in information brochures in order to point out areas where there is a possible need for action (e.g. "Safety Tips", "Education Compass" or "Girls in Vienna", with separate chapters on women and girls with disabilities).

82. Lower Austria, Tyrol and Salzburg also point to the fact that gender-specific problems are taken into account in provision for people with disabilities.

83. Disability organisations have made particular reference to the difficult situation of disabled women in the labour market, to the special problems faced by women with learning disabilities, and to violence and abuse.

Article 7: Children with disabilities

84. Measures related to the provision of support at an early age are the competence of the Länder. In Upper Austria, for example, an early benefit is paid from birth for blind children and those with impaired vision. Vienna provides mobile support at an early stage for children with disabilities as well as development support in clinics and socio-pedagogic support. In Vorarlberg there are concepts with regard to special needs education and integration in nursery schools and in compulsory schooling, and low-threshold early support is offered. Styria provides counselling and support via interdisciplinary audiological early support and advice and support for families, while Lower Austria, Tyrol and the Association of Austrian Towns and Cities offer holistic early support programmes.

85. The Federal Social Office offers special advice for children with disabilities and their families on a nationwide basis. In Burgenland, Styria and Vienna it has interdisciplinary advisory teams which cooperate closely with the respective province.

86. In the year before they start school, children have to attend a nursery school for 16–20 hours a week on a compulsory basis. The costs for this measure are shared on the basis of an agreement between the federal government and the Länder. This obligatory attendance of a nursery school also applies to children with disabilities. However, if the parents are of the opinion that it is unreasonable to expect their children to attend nursery school, they can apply to the relevant provincial authorities to be exempted. In their decision, the authorities have to take into account the right of the child to education, the justified interests of the parents and any particular burdens in individual cases.

87. According to Art. 12 of the Constitution, in the field of youth welfare the federal government is only responsible for enacting basic law, while legislation on implementation and enforcement is the responsibility of the Länder. In the Basic Act of the federation and in the implementing laws of the Länder, children with disabilities are deemed to have the same rights as non-disabled children.

88. The Länder also explicitly refer to the fact that there are no gender-related restrictions on service areas or service offers. In this context, Upper Austria also mentions the office of the Ombudsman for Children and Young People, which generally promotes the adherence to and the further development of the laws concerning the rights of young people in general.

89. Vienna emphasises that its youth welfare offers are characterised by equal participation rights, the fact they are accessible and barrier-free, and that sign language interpreters are also available. In 2010, a competence centre for integration was established which has steering and coordination tasks. In addition, there is a new support model particularly for children who require a high level of support, which includes assistance for families, short-term in-patient care, day-care support offers and special convalescence offers for young people as well as support at an early age and integrative, barrier-free nursery schools.

90. In courts, children with disabilities — like all other children — have the right to express their opinion through legal representatives. In the proceedings of family courts, which affect them directly, disabled and non-disabled children over the age of ten have the right to be heard by the court in a suitable way.

91. The BMASK wishes to explicitly state that in order to take into account the extended need for care of children and young people with severe disabilities, an additional hardship allowance at differing rates depending on age has been paid since 1 January 2009, which is intended to provide a standard amount to cover the additional costs created by the difficulty of providing long-term care to these persons. The standard amount is used when the person is affected by at least two distinct and serious dysfunctions. Such dysfunctions can be severe failures in the sensory organs, serious mental developmental disorders, severe behavioural problems or serious physical functional limitations. The hardship allowance for children with severe disabilities amounts to 50 hours per month up to the child's seventh birthday, and 75 hours per month up their 15th birthday.

92. In this context, the Federation of Austrian Social Insurance Institutions refers to the fact that from September 2010 a qualified medical opinion is expressly required in order to assess the stage at which care allowance for a child is paid.

93. The Federal Disability Ombudsman explains that children can receive the support which is required in accordance with their disabilities and age via, for example, the relevant pension insurance institutions or provincial governments. In the field of aids and

appliances, he refers to the “Hilfsmittelinfo” database operated by the Ministry of Social Affairs and the specialist advice provided by disability associations and the Federal Social Office. However, he criticises deficits in the education system and in inclusive child care facilities.

94. People with disabilities and their organisations criticise the following: too few prevention measures to reduce the incidence of disabilities, no child-specific regulations for medical reports, a lack of inclusive child care facilities and educational opportunities, and the long waiting lists for therapies.

Article 8: Awareness-raising

95. Awareness-raising measures, particularly peer counselling projects, have been supported throughout the country in recent years as part of the employment campaign of the federal government.

96. In the European Year of People with Disabilities in 2003, there was a media cooperation project between the Ministry of Social Affairs and the ORF. This focused on the portrayal of people with disabilities in the media and its importance in changing the public’s perception of them. In addition, the ORF together with the Ministry of Social Affairs developed a television advertising campaign. Four advertisements were broadcast on television a total of 150 times in four waves until the end of the year. The four television adverts also received remarkable international recognition when they were awarded the first prize from among over 100 entries in the category of Social Advertisements at the Munich Media Convention.

97. As part of the European Year of Equal Opportunities for All in 2007, selected films on the theme of disabilities were shown at the gleich anders: anders gleich film festival in Vienna and in Salzburg.

98. In the field of arts promotion, there are measures to promote the active participation of people of all age groups with physical, mental or intellectual disabilities. These include theatre productions by deaf people, dance projects with people with restricted mobility, cultural projects with very old people, painting and photo workshops with subsequent exhibitions by people in homes for people with disabilities, socio-cultural festivals, international integrative street theatre festivals and much more. The goals are in particular to strengthen the self-confidence of those involved and to raise public awareness for the concerns and the special abilities of people with disabilities.

99. In the field of the Labour Inspectorate, gender and diversity seminars are used to examine the needs of employees with disabilities in the workplace against the background of the legislation on health and safety at work. Both the website of the Labour Inspectorate, which has a separate menu area on this issue, and its advisory and monitoring activities in companies raise public awareness of the needs of people with disabilities with regard to health and safety at work.

100. Within the framework of its programming mandate, the ORF has to ensure that the concerns and needs of people with disabilities are taken into account in a suitable way in all of its programmes (Section 4 para. 1 line 10 ORF Act). In accordance with this programme mandate, the ORF regularly reports in all of its media (radio, TV and online) on the living circumstances and the concerns of people with disabilities in Austria. The UN Convention on the Rights of People with Disabilities also forms an important part of this reporting.

101. The Ministry of Social Affairs has created and distributed an information folder on the UN Convention, and operates the website designed by the independent monitoring committee as a technical service provider www.monitoringausschuss.at. In cooperation

with Germany, an “easy to read” – version of the UN Convention will be published in Austria in 2010.

102. The Länder also make reference to the importance of public relations work and awareness-raising. In this context, Carinthia lists specialist conferences, the participation in events and the issue of brochures, which are also mentioned by Lower Austria and Salzburg. Vorarlberg has been carrying out a public information campaign about the issues which are of importance to people with disabilities since 2008. Upper Austria financed the conference “Enabling Sexuality”, which examined the effects of disabilities in the field of sexuality, and the documentary “Life Without a Façade – Love, Conflict and Self-Determination”, which presented portraits of people with disabilities. In Vienna, issues related to laws on disability, and particularly accessibility, are dealt with in a wide range of media published or released by the City of Vienna, and Styria mentions an awareness-raising workshop at the Styrian Provincial Administration Academy.

103. Civil society organisations demand a general campaign to raise public awareness and change the image of people with disabilities, leading away from exclusion and towards inclusion and the recognition of diversity and differences. The well-known ORF charity campaign Light into the Dark is to be reorganised so that people with disabilities are actively involved, and the image of disabled people conveyed by the campaign is to be reviewed. Civil society organisations also consider increased information and public relations work on the UN Convention to be particularly necessary, both with regard to the general population as well as authorities.

Article 9: Accessibility

104. The legislation on equality for people with disabilities as such does not make accessibility obligatory, but thanks to protection against discrimination it makes an important contribution to the realisation of freedom from barriers, as the reasons for discrimination in the field of disability lie in a lack of accessibility. In discrimination cases, persons with disabilities who are affected are entitled to compensation, which raises the pressure on the discriminator to eliminate the barrier.

105. Legislation on construction, and thus the regulations on the elimination of construction-related barriers, is the responsibility of the Länder. There are numerous laws and regulations related to construction (e.g. building regulations, building technology regulations and laws).

106. In Vienna, all buildings used for public purposes, educational purposes, buildings with meeting rooms, event- and sports venues, trading companies selling consumer goods, banks, churches, health and social facilities, doctors’ surgeries and pharmacies, public toilets and buildings which are designed for at least 50 visitors or customers, have to be planned and built in a barrier-free way. In addition, Vienna has committed itself to drawing up a staged plan to ensure accessibility to all the buildings used by the City of Vienna.

107. Tyrol has similar building regulations, and Tyrol also has a staged plan for barrier-free official buildings. In Carinthia, all new public facilities and offices, and also doctors’ surgeries, have to be barrier-free. One of the focal points of the regulations on the subsidisation of housing which came into force on 1 April 2010 is the increased promotion of barrier-free architecture.

108. Vorarlberg has raised awareness in this field by means of a competition for barrier-free construction including an awards ceremony to provide added publicity. Planning specialists are engaged for buildings owned by the province, and new buildings or the renovation of provincial buildings have to be barrier-free. In Upper Austria there is also a

number of building regulations related to accessibility, particularly on the construction of new buildings.

109. For the federal government, the Federal Disability Equality Act lays down that a staged plan must be drawn up to ensure accessibility to and in federal buildings. This has already been carried out and is currently being implemented.

110. According to the e-government strategy of the federal government, it must be possible for all proceedings in public administration to be carried out electronically without specific knowledge about competences and without special technical knowledge. Since 1 January at the latest, official websites operated by the federal government, the Länder and local authorities have to be designed in such a way that international standards on web accessibility are adhered to, also with regard to barrier-free access for people with disabilities (E-Government Act 2004).

111. In the transport sector, the Federal Act on Local and Regional Public Transport lays down that the allocation of subsidies to public transport companies or the purchasers of public transport contracts must be increasingly dependent on the needs of persons with reduced mobility being taken into account, and on vehicles being designed in a user-friendly way.

112. The EU's Regulation on railway passengers' rights adopted on 23 October 2007 contains important provisions on the services required for disabled rail passengers and on the extent of accessibility required. For air passengers, EU Regulation No. 1107/2006 on the rights of disabled air passengers and air passengers with reduced mobility are of significance.

113. Freedom from barriers and the accessibility of workplaces are regulated on a national basis in the Occupational Health and Safety Act and in the regulation on workplaces. As part of the Austrian Health and Safety Strategy 2007–2012, a project on freedom from barriers in the workplace was carried out and a folder on the barrier-free design of workplaces was published.

114. The guidelines for the support and funding of non-school youth education and youth work have been changed in relation to accessibility, and assistance is provided (inter alia) in the form of a checklist and the drawing up of implementation plans by experts.

115. In order to create improved access to comprehensible and relevant information for citizens when they have dealings with social insurance institutions, the Social Law Amendment Act 2010, BGBl. I No. 62/2010 provides for a sign language interpreter to be present, free of charge.

116. Since 2001, the ORF has been obliged — insofar as this is financially reasonable — to produce television programmes in such a way that it is easier for deaf people and those with impaired hearing to follow them (Section 5 para. 2 ORF Act). In addition, as part of the comprehensive amendment in 2010, a legal obligation was introduced to annually increase the proportion of programmes made for persons with impaired hearing or vision in stages compared to the status quo on 31 December 2009. To this end, the ORF has to draw up a yearly plan on the further extension of barrier-free access to its television programmes and its online offers, including measures for its staged implementation. Furthermore, in the medium term the ORF has to aim to provide subtitles for all of its television programmes with language content. Private audiovisual media providers are also obliged by the law to gradually make their services barrier-free for people with impaired hearing or vision (Section 30 para. 3 Audiovisual Media Services Act).

117. One of the main focuses in the field of construction is the creation of accessibility in buildings used by the federal government. In the course of renovation and reconstruction work, many federal buildings have already been made barrier-free. Information centres

have partly been equipped with desks whose height can be adjusted as well as assistive listening systems. Tactile guidance systems have also been installed along with lifts which have been adapted for wheelchair users and which have control elements with Braille text and automatic voice output to indicate the floor which has been reached. In Parliament, stair lifts, accessible toilets and induction loops have been installed.

118. The Federal Social Office offers grants for measures to improve the accessibility of companies or facilities for people with disabilities.

119. In order to raise awareness among the education authority officials who are responsible for schools' maintenance, regular information events are held, to which experts for barrier-free building are invited.

120. The Federal Museums have drawn up their own staged plan to fulfil requirements for building accessibility.

121. The accessibility of information affects all public websites, which have thus been made barrier-free. New websites are planned using barrier-free design, whereby they partly include information in "easy to read" – versions and sign language.

122. On the theme of accessibility and support via electronic technologies, the Institute of Integrated Studying at the University of Linz offers two university courses: "Assistive Technologies" and "Barrier-free Web Design" (www.integriert-studieren.jku.at follow the links for > Lehre > Universitätslehrgänge).

123. In recent years, the BMASK and other ministries (e.g. the Ministry of Justice – BMJ) have published many — in comparison to other countries — brochures in "easy to read" – versions in order to offer people with cognitive disabilities information which is as accessible as possible. For example, the Austrian Disability Report 2008, the legislation on equality for people with disabilities and the law on guardianship have all been published in "easy to read" – versions.

124. In July 2009, sign language interpreting and other measures were introduced to the Austrian Parliament for deaf Members of Parliament and the public. During the sessions of the Austrian Parliament, teams of two persons interpret until seven in the evening. Sessions which continue until after seven are interpreted in certain cases, such as when disability-related issues are on the agenda. Since December 2009, subtitles are employed during ORF broadcasts of sessions of the Parliament. Currently, the ORF broadcasts sign language interpreters during live programmes on ORF 2 Europe and via live streaming on www.orf.at.

125. In the traffic and transport sector, Vienna adopted a master plan in 2003 in which social equilibrium, equal opportunities and consideration for the different life situations of women and men (gender mainstreaming) are the key strategic focuses of the City of Vienna for sustainable social development. The goal is, among other things, to improve the opportunities for mobility of people with disabilities and to redesign traffic and transport installations according to the "two senses principle" (hearing/seeing, hearing/touching, seeing/touching). The Association of Austrian Towns and Cities has described several examples of best practice where towns, cities and local authorities have designed buildings and traffic and transport installations to be as barrier-free as possible.

1. Technical standards and guidelines

126. Standards are recommendations whose contents are then often included in many laws and regulations. For people with disabilities, the standards on barrier-free building are of significance (e.g. ÖNORM standard B1600: Planning principles for barrier-free building, ÖNORM B 1601: Special buildings for disabled and old people – planning principles, ÖNORM B 1602: Barrier-free schools and training institutions as well as accompanying

facilities, and ÖNORM B 1603: Barrier-free tourism facilities). These standards were drawn up in working groups which involved people with disabilities.

2. Public procurement

127. According to Section 87 of the Federal Public Procurement Act 2006, tender documents have to refer to the relevant regulations about barrier-free construction. If there are no such regulations for the building project in question, Section 87 lays down minimum requirements such as same-level access, or in the case of height differences the design of ramps with railings, sufficient width of passage- or gateways, sufficient area for manoeuvring and barrier-free entrance design.

128. On the part of civil society, the obligation to draw up staged plans is considered positive, although there is no compulsory monitoring to ensure the plans' actual realisation. There should also be compulsory staged plans in the Länder. In addition, the transitional periods laid down in the legislation on equality for people with disabilities in the sectors of construction and transport are criticised and more information is demanded on the overall topic of freedom from barriers.

129. Disability organisations have additionally called for the amendment of a range of relevant laws. In all training courses for relevant occupations (architects, master builders, plumbers and heating engineers etc.), they have called for compulsory content on barrier-free planning and building to be included. The establishment of a university chair in accessibility has been urged and — equally important — the vocational training of future skilled workers should contain information on this theme. Criticism has also been made of the fact that accessibility only has to be adhered to in the plans submitted to obtain planning permission, but is not verified after construction.

Article 10: Right to life

130. The European Convention on Human Rights (ECHR), which has constitutional status and is intended to be directly applied by authorities and the courts, guarantees the right to life and does not differentiate between people with and without disabilities. According to the Federal Ministry of Justice (BMJ), people with disabilities enjoy the same protection according to criminal law as people without disabilities.

131. In practice there is controversy about whether this constitutionally guaranteed right to life for people with disabilities is also sufficiently guaranteed in the regulation on legal abortions and preimplantation genetic diagnosis (PGD).

132. Disability organisations are of the opinion that the right to life is not sufficiently protected, particularly before birth. They view it as unacceptable that according to Austria criminal law it is possible to legally abort a foetus up to the onset of birth (abortion by embryopathic indication, if serious damage to the baby's health can be expected). In this context, they refer to OECD statistics which reveal that births of children with Down's syndrome in Austria fell by 60% between 1995 and 2006 (trisomy 21). This trend is in contrast to that in the Nordic countries, for example, where the numbers remained stable or increased slightly. They point out that social services could help to make life with a child with disabilities simpler, and that there is a need for more counselling offers for parents and additional training modules for doctors.

133. PGD, which is vehemently opposed — as a modern form of eugenics — by the representatives of people with disabilities, is banned in Austria. The production of embryos for in-vitro fertilisation according to eugenic principles is thus prohibited. A conflicting view is held by the Bioethics Commission in the Federal Chancellery, which has stated that PGD should be permitted on a restricted basis. In addition, PND (prenatal diagnosis) is

permitted and the question arises as to where the actual difference between the two methods lies.

134. Some civil society organisations also indicate that the pressure on women to have themselves and their embryo or foetus examined intensively during pregnancy is increasing. In this way, women are increasingly faced with a situation where they have to consider abortion if their child is diagnosed as possibly disabled. Furthermore, it is becoming more difficult for women themselves and also for partly insufficiently trained doctors to deal with the results of these examinations in a meaningful way. It is therefore often suggested that not every examination which is possible should be seen as meaningful and generally carried out on all pregnant women.

135. Alongside the prenatal field, some organisations also consider that the right to life is not sufficiently protected later on either. Of particular significance here is a controversial ruling by the Austrian Supreme Court on the issue of “wrongful birth”, which obliged the doctors responsible for a false diagnosis to pay damages and which was met by incomprehension and rejection on the part of many NGOs. However, the impression created by some sections of the media that the Supreme Court views the birth of a disabled child as a form of “damage” is not correct in this form.

Article 11: Situations of risk and humanitarian emergencies

136. Disaster relief is directed towards people who need help in extreme situations in which the authorities are authorised to take extraordinary measures required to protect the population, and particularly people with disabilities. According to the Federal Ministry of the Interior (BMI), Austria has a nationwide civil protection system and one of the densest networks of facilities to meet the needs of the population in such circumstances. Disaster control plans are kept by all local and district authorities and Länder, and also include assistance for people with disabilities.

137. The Federal Ministry of Defence and Sport (BMLVS) points out the significance of the disaster relief provided by the Austrian Armed Forces within the framework of operations abroad (Section 2 para. 1 letter d of the Defence Act 2001 in relation to Section 1 line 1 letters b and c of the Federal Constitutional Act on cooperation and solidarity during the posting of units and individuals abroad). In this context, the Austrian Army pays particular attention to the special situation of people with disabilities. Already during the preparation and training for operations abroad, the army involves personnel from relevant organisations. The network which is thus created is subsequently utilised during operations — to the benefit of those affected — in the form of Civil Military Cooperation (CIMIC).

138. In the area of responsibility of the Länder — as shown by Vienna and Tyrol — there is also no differentiation made between people with and without disabilities in situations of danger or other emergencies. In such situations, the help which people require is established according to their needs given the existing dangers, and assistance is provided accordingly. It should be noted that in these situations, non-disabled people can effectively become disabled due to injuries and other circumstances, and thus require individual assistance. There is therefore no practical use for a differentiation between “disabled” and “non-disabled” persons in such emergencies. Special operational plans do exist, for example, for the evacuation of hospitals and care homes and facilities.

139. Disability organisations criticise the fact that guidelines for international disaster relief have not yet included people with disabilities in all areas and already at the planning stage.

Article 12: Equal recognition before the law

140. According to the BMJ, Austrian legislation strives to allow people with disabilities to participate in life without restricting their ability to act. Where this could lead to the disabled person being adversely affected, the law provides for the appointment of a guardian whose tasks are defined by a court, not according to general criteria but individually on the basis of the person's need for protection. The court can also individually adjust the extent of the areas in which the person's legal competence is limited. Guardianship (Sachwalterschaft) is only considered if no other provisions have been made. These could be, for example, power of attorney (Vorsorgevollmacht), representation in simple matters via close relatives, or in health matters an advance health care directive or living will (Patientenverfügung).

141. Wishes on the part of the affected person about the nomination of a specific, previously chosen person they trust as a guardian can be registered and taken into account in the court proceedings. The appointment of a guardian does not normally limit the other opportunities open to the affected person. He or she retains the right to vote, and a business can be run for him or her. The agreement of the guardian is, however, required before entering into marriage.

142. A suitable association can also be appointed as the guardian of a person with disabilities. Guardian associations are available particularly for those clients who due to their personality structure and/or social situation require specially qualified support from a social worker.

143. In order to support patients in a hospital or a psychiatric department, patients' ombudspersons nominated by a suitable association have to be appointed, who represent patients in hospitalisation proceedings as well as exercising their other rights in the Hospitalisation Act.

144. The exercise of the right to personal freedom of residents of old people's and nursing homes, facilities for people with disabilities and hospitals is carried out on their behalf by suitable associations who have to nominate persons who are specially trained for this purpose (residents' representatives).

145. All three tasks — guardianship by associations, patients' ombudspersons and the representation of residents of homes and hospitals — are entrusted to associations whose suitability is established by the BMJ, and which are largely funded by the federal government. A particular level of quality assurance is ensured by the fact that these associations provide their staff with special initial and further training and provide instructions for and supervision of their work. In addition to this, the associations are subject to the specialist supervision of the BMJ. Alongside the representation of individuals, the associations also represent collective interests in that they strive to ensure that the equal rights of people with disabilities before the law are generally recognised.

146. The representatives of civil society organisations view the existing legislation on guardianship in Austria critically, as it also permits decisions against the will of those affected, and ultimately does not enable people with disabilities to make autonomous decisions and to live independent lives. They criticise the lack of sufficient alternative support models instead of guardianship. The appointment of one guardian for all matters is the subject of particular criticism.

147. Guardians are permitted to represent more than 25 people with disabilities. Critics see this figure as too high to ensure personal support. The fact that the court fees for people with disabilities in relation to the field of guardianship were raised in 2009 is also criticised.

148. Disabled persons' organisations also consider it problematic that if people with disabilities are represented by family members they are often no longer authorised to access their own bank accounts. Banks have refused to allow people with disabilities to dispose of their income or bank balance. Representation by family members in accordance with Section 284 b-e of the Austrian Civil Code (ABGB) is viewed as problematic, as the costs incurred for registration are too high and the rights of the affected person are not sufficiently ensured.

Article 13: Access to justice

149. Since an amendment to the General Administrative Proceedings Act 1991 (Allgemeines Verwaltungsverfahrensgesetz – AVG) in 1999, the authorities are obliged to inform blind persons or those with severely impaired vision who are not represented by a legal or authorised representative of the content of files and documents or parts thereof by reading them to them or, depending on the technical equipment available, informing them in other suitable ways (Section 17a AVG). “Other suitable ways” particularly refers to the printing out of documents in Braille. The Federal Chancellery (Bundeskanzleramt – BKA) points out that the costs of reading out the files or informing the persons of their contents in “other suitable ways” — as well as the fees for a sign language interpreter according to Section 39a AVG — are borne by the legal entity in whose name the authorities have acted in this matter (Section 76 para. 5 AVG).

150. With regard to the selection of the location for the proceedings, according to Section 40 para. 1 second sentence of the AVG, as long as the oral proceedings are not accompanied by a visual inspection, care should be taken to choose a location which is accessible without danger and as far as possible without outside help for participants with physical disabilities. These provisions are to ensure that the authorities also take the aspect of barrier-free access into account when choosing the location of proceedings for participants with a disability.

151. In 2004 the E-Government Act was passed, accompanied by an amendment to the AVG. These measures extended the possibilities to use modern communications technology in administrative proceedings, making dealings with the authorities easier, particularly for people with sensory or mobility-related disabilities.

152. At the same time as the adoption of the E-Government Act, a technically secure procedure for electronic delivery was introduced. Electronic delivery has to be carried out in such a way that people with disabilities have barrier-free access to this service given the respective current state of technology (Section 29 para. 7 Delivery Act).

153. The legal information system of the federal government (RIS) has offered barrier-free access since the start of 2008 (WAI-A according to WCAG 1.0, see <http://www.ris.bka.gv.at/>). Official websites which offer information or support proceedings electronically have to be designed in such a way that international standards on web accessibility are adhered to, also with regard to barrier-free access for people with disabilities (Section 1 para. 3 of the E-Government Act).

154. According to procedural law for civil courts and the law on non-contentious proceedings (cf. Section 73a of the Code of Civil Procedure (Zivilprozessordnung – ZPO) and Section 4 para. 3 Non-Contentious Proceedings Act), a sign language interpreter must be engaged for civil law or non-contentious proceedings in which a person with a severe hearing or speech impairment is participating. The costs for the participation of the interpreter in proceedings and in consultations with a lawyer are borne by the federal government. Due to this measure, no disadvantages result from the disability and access to justice is ensured.

155. During the examination of minors in civil law proceedings, their mental maturity has to be taken into account (Section 289b ZPO). There is also the option of appointing a suitable expert to carry out the examination. In this way it is ensured that children with disabilities are treated on an individual basis.

156. In criminal law proceedings, a sign language interpreter has to be engaged for defendants who are deaf or mute, as long as the defendant can express him/herself in sign language (Section 56 para. 2 of the Code of Criminal Procedure — Strafprozessordnung — StPO). Otherwise attempts must be made to communicate with the defendant in writing or in another suitable way in which the defendant can make him/herself understood. This should ensure that these persons are sufficiently informed about their procedural rights and can follow the proceedings. Interpreters also have to be engaged for the examination of witnesses, so that the witness can be questioned about his or her direct perceptions. In addition, mentally ill or mentally disabled persons can call in a person of their trust (Section 160 para. 3 StPO).

157. In both civil and criminal proceedings, if necessary the court — at the cost of the federal government — has to ensure that parties with severely impaired vision who are not represented by a lawyer are informed of the essential contents of documents which have been delivered, and of the content of the files used by the court (Section 79a para. 1 Court Organisation Act – GOG).

158. A disabled applicant who has taken a pension insurance fund to court over the decision to reject the request for an invalidity pension can also be represented in proceedings at a Labour and Social Court by a person who is not a lawyer. If it is necessary for the representative to be a lawyer, the latter can be appointed by the court within the framework of legal aid. Qualified and free representation can also be provided by statutory interest groups and voluntary occupational associations. No court costs are charged for social law proceedings. The costs for expert witnesses and interpreters appointed during the proceedings are borne by the pension insurance institutions. Legal aid has to be fully or partially granted in labour and social court proceedings insofar as the applicant is unable to pay their share of the costs of the proceedings without getting into financial difficulty.

159. Disability organisations have criticised the fact that barrier-free access to justice is not always ensured for blind people, those with severely impaired vision, and for deaf-blind persons. Documents relevant to the proceedings should be made available in large print or Braille, and deaf-blind persons should have a sign language interpreter for the deaf-blind (lormen), particularly for communication with their legal representative.

160. Criticism has also been made of the fact that judges, police, prison officers and other relevant occupational groups receive too little training in dealing with people with different disabilities.

161. For the Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft), dealing with multiple discrimination (such as gender – disability, age – disability) is particularly difficult for those affected. According to the provisions of the Equal Treatment Act, persons who alongside the reasons for discrimination included there (gender, ethnicity, religion, ideology, age and sexual orientation) also consider themselves discriminated against due to disability can only assert their claims via arbitration proceedings in accordance with the Disability Equality Act. In order to ensure that all reasons for discrimination are sufficiently taken into account in arbitration proceedings, the Ombud for Equal Treatment has called for closer cooperation with arbitration boards which, however, only functions to a limited extent in practice. The office of the Ombud for Equal Treatment fears discrimination here of people who are affected by multiple discrimination, as access to the law is obstructed by the separation of competences.

Article 14: Liberty and security of person

162. Depriving people with disabilities of their right to freedom is — except in emergency situations — only permissible in accordance with the provisions of the Hospitalisation Act or the Nursing Home Residence Act. In those laws the precondition is that the person is a danger to themselves or others due a mental illness (or mental disability) and that this cannot be resolved with milder means. In the Hospitalisation Act and the Nursing Home Residence Act, Austria has exemplary laws and in this respect is in line with the provisions of international law.

163. In the field of criminal law, people with disabilities also benefit from the same protection against interventions against their personal freedom as people without disabilities. There are also two additional cases in which people with disabilities (among others) are especially protected under criminal law. These are the Sections 100 (abduction of a mentally ill or defenceless person) and 107b para. 3 line 1 (qualified continued use of violence) of the Criminal Code (StGB). These provisions lay down a penalty of between six months and five years imprisonment for those who abduct a mentally ill or defenceless person so that she (he) can be sexually abused by him (her) or a third person. The same penalty applies to those who commit such an offence against a minor or a person subject to guardianship, or a person who is defenceless as a result of a physical disability, illness or mental disability. The comparable penalty in relation to people with disabilities is only up to three years imprisonment.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

164. The BMJ points out that people with disabilities in Austria — like all other persons — have a right to physical integrity and protection from torture and inhuman treatment.

165. In order to guarantee the effective, fast and unprejudiced clearing up of claims of mistreatment — regardless of whether the person affected is disabled or not — the BMJ issued a decree on 6 November 2009. This decree on accusations of mistreatment against the police or prison officers is intended to ensure objective proceedings in the future which exclude any possibility of bias. The Criminal Investigation Department of the police and the State Prosecution Service, which are legally obliged to be objective (Section 3 StPO) have to investigate (on their own initiative) every suspicion of mistreatment of which they are informed (Section 2 para. 1 StPO). Apart from urgent official duties, investigations may only be carried out by divisions which can be considered impartial. If accusations of mistreatment are made, the State Prosecutor's office has to be immediately (within 24 hours at the latest) informed of the claim by the responsible regional criminal investigation office, or in Vienna by the Special Investigations Office or the Federal Office for the Prevention and Combating of Corruption (Section 100 para. 2 line 1 StPO).

Article 16: Freedom from exploitation, violence and abuse

166. People with disabilities principally enjoy the same protection according to criminal law against exploitation, violence and abuse as people without disabilities. In addition, the Penal Code (Strafgesetzbuch – StG) also contains two important special provisions which provide particular protection for people with disabilities: Section 92 (causing pain or disregard to young, underage or defenceless persons) and Section 205 (sexual abuse of a defenceless or mentally impaired person).

167. According to these provisions, a sentence of imprisonment of up to three years is to be imposed on persons who cause physical or emotional torment to another who is in his or her care or custody and who has not reached his or her 18th birthday, or who is defenceless because of a physical disability, illness or mental disability. The same behaviour towards people without disabilities is not punishable unless physical injury is present. A sentence of between six months and five years imprisonment applies to those who, taking advantage of the situation, sexually abuse a defenceless person or a person who due to mental illness, a severe cognitive disorder or another serious disorder which is equivalent to these conditions, is not capable of understanding the significance of what is happening or of acting according to such an understanding. In the case of adults without disabilities, sexual contact is only punishable by law if force is used.

168. According to the Victims of Crime Act (Verbrechensopfergesetz – VOG), victims of crime have a right to compensation from the state (social compensation). On the basis of the VOG, the BMASK/Federal Social Office provide comprehensive state benefits for the victims of acts of violence and their family members (benefits for loss of earnings, loss of maintenance, means-tested additional benefits, flat-rates of cash compensation, supplementary payments for recipients of care allowance or blind person's allowance, therapeutic care, orthopaedic care, rehabilitation and the reimbursement of funeral expenses).

169. The Women's Affairs Department of the Federal Chancellery (BKA) provides funding for NGOs which advise, inform and support female victims of violence with learning difficulties or multiple disabilities and their reference persons. The BKA has also published a brochure (which can also be downloaded from the internet) on the theme "Women Have Rights", which was reissued in 2009. In the European Year of People with Disabilities, the Vienna Deaf and Mute Welfare Association developed — with the support of the BKA/Women's Affairs Dept. — an information brochure on the legislation related to the protection of deaf women against violence. A new edition of his brochure is being published (new laws since 2009). In addition, this information will also be presented in Austrian sign language on a website made available for this purpose.

170. Since 1999 there has been a Protection against Violence Centre or an Intervention Agency in every province as a social measure to accompany the Protection against Violence Act. Since 1.1.2000 these centres have been deemed legally recognised victim protection facilities according to Section 25 para. 3 of the Security Police Act (Sicherheitspolizeigesetz – SPG) and have the mandate to provide information, advice and support to victims of domestic violence, and since 1.7.2006 also to victims of stalking. They use a pro-active approach – i.e. all those affected by violence are contacted by the protection against violence centre or agency.

171. The Länder (in particular Carinthia, Upper Austria, Lower Austria, Salzburg and Tyrol) point out that they are responsible for the supervision of approved institutions for social welfare and disabled welfare.

172. Disability organisations report an increasing number of cases of physical and emotional violence as well as sexual abuse, particularly in homes and institutions for people with disabilities. In their view, large institutions fundamentally limit freedom of choice and self-determination in all areas of daily life. They point out that people with learning difficulties have particular problems and that disabled women and men are more likely to become victims of sexual abuse than non-disabled persons. They have thus called for a catalogue of deinstitutionalisation measures in order to move away from special forms of accommodation for people with disabilities towards community-based forms of support.

Article 17: Protecting the integrity of the person

173. People with disabilities in Austria — like all other persons — have the right to protection of their physical health and safety and protection from torture and inhuman treatment. However, the ban on the violation of personal integrity and on subjection to medical or scientific experiments without the voluntary agreement of those affected contained in Articles 15 and 17 also touches upon the issue of the admissibility of medical treatment or attempts to ‘cure’ mentally ill and cognitively disabled persons (for details see Article 15). Medical interventions always infringe — from a civil law perspective — the legally protected right to physical integrity and therefore require the consent of the person affected. If the person is not able to judge whether such interventions are meaningful due to his or her disabilities, this decision has to be taken — with the exception of cases of imminent danger — by a representative. In the field of medical treatment, this is regulated in the Austrian Civil Code (ABGB) in the Sections 283 (guardians), 284b (next of kin) and 284f (persons authorised by the patient to manage their affairs). The representative is obliged to promote the welfare of the person he/she is representing as best possible, and to comply with his/her wishes.

174. According to Section 284 second sentence of the ABGB, a guardian cannot agree to research which involves interference in the physical integrity or the personality of the disabled person, unless the research can provide a direct benefit for their health or wellbeing. This provision is intended to prevent misuse in relation to research on disabled or older persons who are not able to give informed consent.

175. Criminal law grants people with disabilities the same legal protection against medical interventions. Without their consent, sterilisations and abortions cannot be carried out (ban on enforced sterilisation or abortions).

176. The protection of people with disabilities from medical and scientific experiments is guaranteed via the involvement of people with disabilities in various ethics commissions. Nevertheless, Disability organisations criticise the lack of monitoring processes and transparency. They claim that the number of sterilised women of a fertile age is still too high (there are, however, no relevant statistics available). In this sector there is also a lack of an independent supervisory authority.

Article 18: Liberty of movement and nationality

177. As the criterion of “disability” plays no role in Austrian immigration law, there is, according to the Ministry of the Interior (BMI), no discrimination on the grounds of disability in this field of law. The same generally applies to Austrian citizenship law. Section 17 para. 3 of the Citizenship Act provides for “positive” discrimination, given that with regard to the granting of citizenship the usual provision that children must be minors is waived in the case of children with disabilities.

178. In the registration of newly-born disabled children (register of births), which guarantees the child’s name and nationality (and/or citizenship), the same conditions apply as for non-disabled persons.

Article 19: Living independently and being included in the community

179. Various measures taken by the federal government and the Länder support people with disabilities in leading independent lives, e.g. the personal assistance service and long-term care.

180. The main goal of long-term care in Austria is to relieve the burden on people in need of care and their family members by means of a direct cash benefit and to enable them to lead self-determined, needs-orientated lives with the aid of social services, and also to improve their participation in the life of society. These benefits and services are to the good of all people with disabilities (older people in need of care as well as physically disabled persons and those with sensory, mental or cognitive disabilities of all ages). In the opinion of the BMASK, long-term care should be affordable for all those affected and must not lead to financial dependence and poverty. Entitlement to needs-oriented long-term care allowance is therefore independent of income, assets and the reason for the need for care, and provides noticeable financial relief as well as allowing those affected and their families to plan their lives more easily. Long-term care allowance primarily benefits lower income groups and thus also contributes towards combating poverty.

181. Long-term care allowance is granted in seven stages according to the extent of care required and ranges from € 154.20 to € 1,655.80 per month.

182. The social services for people in need of care (mobile, outpatient, semi-inpatient and inpatient services) are provided by the major health care institutions, Länder and local authorities, NGOs, self-help groups, associations and private companies (regional competence). The income situations of the people being cared for are taken into account in the prices charged for the services. Net expenditure by the Länder in 2008 for these services amounted to a total of around € 1651m. In 2008, the number of persons cared for by mobile services including people with disabilities was around 134,500, and around 72,600 persons in Austria were residents of the 817 old people's and nursing homes.

183. The trend towards promoting independent living aims to enable those affected to remain in the surroundings they are accustomed to. The current government programme includes plans — depending on the available financing — to provide federal funding for the further extension of social services by the Länder. Possible measures include the extension of mobile services at weekends, semi-inpatient services, short-term care in homes, case and care management, and alternative forms of accommodation.

184. Social services are predominantly provided by specialist workers from social care occupations and the nursing profession. Around 80,000 persons (proportion of women is approx. 82%) work in social services for older and disabled people. There is a trend towards higher qualifications in this field. The lack of care and nursing personnel is being counteracted by an employment campaign of the Public Employment Service. In this way, over 4,000 additional care- and nursing training courses were subsidised in 2009; in 2010 the figure will be over 6,000.

185. Due to sociodemographic trends, the currently predominant means of care by family members will require additional support services to supplement it. Families account for the larger proportion of care services provided – this corresponds to the typical wish of Austrians, 80% of whom wish to be cared for in their familiar surroundings. Informal carers are subject to great physical and emotional strain, which calls for appropriate support measures. In addition, approx. 70% of informal carers are women, most of whom are faced with double and triple workloads.

186. A funding model coordinated between the federal government and the Länder to support 24-hour care of people in their own homes has made an important contribution towards legal, affordable and high quality care in a familiar environment; a total of around € 32m was spent on this in 2009.

187. Alongside the further development of legislation on long-term care allowance, the BMASK also supports the care sector with a package of measures. If the main carer is unable to carry out her/his duties, it provides subsidies for the cost of replacement care. Furthermore, social insurance contributions are paid for a part of the persons who care for

close family members. The BMASK operates a free care hotline and an internet platform for informal carers (www.pflegedaheim.at). It finances home visits for long-term care allowance recipients throughout the country which are carried out by 130 qualified nurses and focus on information and advice. It also funds dementia teams and supports informal carers who wish to take advantage of family hospice leave.

188. In order to ensure high quality long-term care in Austria, the legislation on long-term care allowance is being continuously improved. In 2009 for example, the level of long-term care allowance was raised, the long-term care allowance stages for seriously disabled children and persons suffering from dementia were improved, and the opportunities to obtain funding for short-term care were extended (due to amendments of the Federal Long-Term Care Allowance Act and the regulation on its staging).

189. From the perspective of the BMASK, there are two main challenges in the care sector:

(a) Due to demographic trends and increasing life expectancy, the number of persons requiring support and care will rise continuously. In spite of a general increase in the health of the population, a rise in the number of those needing care is expected along with a shift of the need for care into higher age groups, longer lasting care and a constantly increasing overall financial burden. Currently, a total of around 420,000 persons claim long-term care allowance, or about 5% of the Austrian population. The cost of federal long-term care allowance amounted to around €1.943bn in 2009. The annual expenditure of the Länder in 2008 came to around €324.7m;

(b) The further development of the Austrian system of long-term care is directly linked to the question of the future financing and safeguarding of the system. Building on the results of a study by the Austrian Institute for Economic Research (WIFO) commissioned by the BMASK on the medium- and long-term financing of long-term care and on alternative forms of financing long-term care, further consultations on the future financing of long-term care are taking place.

190. Various laws in the area of responsibility of the Federal Ministry of Finance (Bundesministerium für Finanzen – BMF) contain exemptions and special regulations which cater to the needs of people with disabilities. The Income Tax Act contains numerous possibilities to compensate for any disadvantages in the calculation of income tax and thus takes the limited financial means of people with disabilities into account. Specifically, public transfer payments are usually exempted from income tax. Payments made according to the Disability Employment Act are also tax-free.

191. Additional expenditure by a taxpayer which is caused by their own disabilities or those of a person entitled to maintenance payments from them can be deducted from the assessment basis for income tax as an extraordinary expense without a co-payment. Instead of claiming the actual costs, a tax allowance can also be claimed which is staged according to the degree of disability. A decree issued by the Minister of Finance contains detailed regulations on how the cost of illness or disabilities is taken into account in taxation.

192. In the Value Added Tax (VAT) Act, the turnover of social insurance institutions, health welfare facilities and public welfare institutions, the turnovers of homes and those of doctors are exempted from VAT, which is why the consumption of these services is not burdened with any taxes. In addition, the turnover of the businesses of blind persons is exempted from VAT.

193. Non-profit entities which serve the community in the fields of the welfare of the disabled, the blind and old people (among others) are exempted from local authority tax, which reduces the non-wage labour costs for these institutions.

194. In addition, all non-profit making facilities, to which disabled welfare facilities very frequently belong, are also generally exempted from various taxes.

195. As part of its support mechanisms in the workplace, the BMASK/Federal Social Office provides personal assistance in the workplace to enable people with disabilities to lead independent lives. This personal assistance also enables people with severe functional impairments to fulfil the specialist demands often made in the workplace. This service ranges from helping the person to get to the workplace, manipulative support services and also assistance with necessary personal needs (e.g. eating and going to the toilet).

196. The Federal Disability Ombudsman and civil society organisations consider that the group of entitled persons is too limited. They view it as problematic that the target group is restricted to women and men with a very high need for support, and that people with learning difficulties are excluded. Principally they welcome the concept of personal assistance in the workplace, as it reflects the paradigm of independent living in an excellent way.

197. The Länder point to their very diverse range of state-supported social services for people with disabilities, which contribute towards independent lifestyles and the involvement of the community. In particular, the Länder support personal assistance in non-vocational areas such as support in individual flats or houses and shared housing, home helps, nursing care at home, meals on wheels, relieving the burden on families and accompanying them, and assistance in leisure time.

198. In this context, the Länder also emphasise the orientation of the respective services towards the individual needs of the persons affected. The services are designed in such a way that people are helped to help themselves and that self-determination and taking responsibility for oneself are strengthened. The wishes of people with disabilities are taken into account in relation to the resources which are actually available.

199. A point of criticism made by civil society is that the lack of offers and the shortage of funding make it impossible for many people with disabilities to freely decide on how to live their lives. With regard to long-term care allowance, they call for a valorisation to restore the original purchasing power when long-term care allowance was introduced in 1993.

200. For civil society and especially for the group Independent Living Austria (SLIÖ), Article 19 is of key significance. Comprehensive needs-orientated personal assistance is, in their view, only available — to some extent — in Vienna. Official disability policy has paid too little attention to this model until now, they claim. On the other hand, they see a dominance of well-established provider organisations which to a large extent supply traditional support for people with disabilities. They point out that some people with disabilities live in large homes for the disabled or even in old people's and nursing homes, although this does not coincide with their personal wishes. Other points of criticism are a lack of readiness in the Länder to plan deinstitutionalisation and an excessive orientation towards a paradigm of care and help for the aged.

201. They point out that for people with learning disabilities and mental impairments, opportunities for self-determination or full and effective participation in society are not ensured. The Self-Representation Network criticises, for example, the lack of involvement of people with learning difficulties in decision-making processes related to living in institutions or personal assistance. These people also receive a lower stage of long-term care allowance, with which the payment of the necessary support services is not possible.

202. For people with a mental illness, particularly young people and young adults, the present lack of extramural care in the form of follow-up support by sufficient and well-

qualified personnel is criticised, as is the fragmentation of responsibilities with regard to the continuity of support for people with mental illness.

Article 20: Personal mobility

203. For the BMASK, the promotion of personal mobility, both for people with physical and sensory disabilities (including mobility training), forms an ongoing focus – on the one-hand in relation to employment in labour market policy programmes, and on the other hand in the instruments of social rehabilitation of the Federal Social Office.

204. The Federal Ministry of Transport, Innovation and Technology (BMVIT) also describes a range of activities in this context. It refers, for example, to the strategic research promotion programme IV2S plus (Intelligent Traffic and Transport Systems and Services plus), which promotes themes such as social inclusion, equal opportunities and accessibility, and in this way contributes towards improving the access of people with disabilities in the field of transport and mobility.

205. In order to ensure the air passenger rights of persons with restricted mobility in accordance with the EU Regulation 1107/2006, a barrier-free complaints facility has been set up on the website of the BMVIT with information on air passenger rights (accessible in air traffic).

206. Another government offer related to mobility is the possibility for people who are deaf or hard of hearing to take the theoretical driving license examination by means of a DVD in sign language made available by the Federal Social Office.

207. The BMASK also points out that blind people and those with severely impaired vision receive financial support (blind person's allowance, guide dog allowance) from social compensation. In order to ensure the highest possible levels of personal mobility and independence, high-quality mobility aids, devices, supporting technologies and human/animal help (e.g. guide dogs) are (co-)financed.

208. The Länder point to a range of support services to facilitate personal mobility.

209. Vienna underlines the significance of accessibility and emphasises that, for example, in accordance with the master plan for transport in Vienna, the access to underground stations has been designed to be completely barrier-free as a strategic focus of sustainable social development and the improvement of the mobility opportunities of people with disabilities. In Vienna, the entire bus fleet and 40% of trams (100% from 2026) consist of low-floor vehicles, and all of the underground stations are fitted with lifts or ramps. A range of measures are listed, such as means to overcome height differences, improved orientation for persons with limited mobility (e.g. low-floor vehicles and traffic lights with acoustic signals for the blind), or the improvement of comfort while waiting for people who are blind, have impaired vision, or use a wheelchair (e.g. passenger information display columns). The number of tactile ground surface indicators, which are standard equipment at pedestrian crossings with acoustic signals for the blind and are also used in public buildings or at public transport stops, is being constantly increased.

210. Disability organisations criticise that there is insufficient legal entitlement to funding and that the number of responsible bodies is too high, leading to a lack of transparency. In addition, funding is primarily available for those in work or to enable people to take up employment. Due to a lack of a uniform funding model among the Länder there are also inequalities, it is claimed. Barrier-free mobility and the accessibility of public transport vehicles would need to be improved, particularly in rural areas, while the offers available in towns and cities (minibus services) are too inflexible.

Article 21: Freedom of expression and opinion, and access to information

211. The BKA points out that since the E-Government Act in 2008, public bodies are obliged to make their internet offers barrier-free. The individual ministries are fulfilling this mandate, and parts of their websites are being translated into sign language.

212. The BMASK points out that thanks to various projects, the websites of the federal government and the Länder have been brought up to the standards of the WAI guidelines in the last few years. Important brochures and information are offered in “easy to read” – versions by the BMASK.

213. The BMVIT also indicates that the Telecommunications Act of 2003 made it clear that the interests of disabled users have to be a particular focus in the measures covered by this legislation.

214. With regard to raising awareness, the BKA draws attention to the fact that the ORF also has to take the concerns and interests of people with disabilities into account. Neither its programmes nor advertisements may contain discrimination, including discrimination against disabilities. There is a similar provision in the Audiovisual Media Services Act (cf. Section 31).

215. In addition, the ORF regularly reports in all of its media (radio, TV and online) on the living circumstances and the concerns of people with disabilities in Austria. The UN Convention also forms an important part of this reporting. As already mentioned in Article 9, the ORF Act and the Audiovisual Media Services Act both contain provisions according to which media services have to be gradually made accessible to people with impaired hearing and vision.

216. Furthermore, as part of the newly-created media subsidies, incentives are offered to radio and television companies to gradually make their content accessible to people with visual and auditory disabilities. In connection with the Austrian Television Fund (support for the production of television films, series and documentaries) it is planned, for example, that in addition to production costs, measures for the creation of a barrier-free version for people with visual or auditory disabilities can receive statutory subsidies (see Section 27 para. 7 Comm-Austria Act).

217. The ORF is continuously extending its new media programme (internet, online, streaming etc.) for people with disabilities. New web offers and websites are designed to be barrier-free from the very beginning, and already existing offers are being adapted in stages. In the video-on-demand sector, the ORF is also gradually expanding its barrier-free offers. For instance, the transcripts of the most important news programmes have been available online for the deaf and hard of hearing since May 2009.

218. Currently around 70% of the ORF ON online content is barrier-free. In the coming years, close to 100% should be reached. Additionally, the ORF has agreed in a conciliation proceeding to provide subtitles for 50% of its television programmes on ORF 1 and ORF 2 by 31 December 2016.

219. Vienna would like to draw attention to the website wien.at.online and the work carried out to make the design, programming and texts of the contents and offers barrier-free. As of May 2010, important elements of the wien.at site will be offered in an “easy to read” – version (around 230 pages) and in the form of videos with sign language (around 30 videos). An additional means of access to the content is an online read-aloud function.

220. The Federal Disability Ombudsman has criticised the lack of barrier-free accessibility to ORF television, radio and web offers for deaf and blind people, those who

are hard of hearing or have impaired vision, in spite of the fact that they pay for a television and radio licence (a lack of programmes with sign language interpreters, subtitles and audio descriptions). He has also pointed out that there is no binding staged plan, and that the implementation of sign language is inadequate.

221. Disability organisations point to failures on the part of the ORF (subtitles only in 21% of cases, hardly any translations into sign language or programmes with audio descriptions or information in “easy language”, no programmes presented by people with disabilities). They draw attention to the fact that 94% of ORF online offers at a national level comply with WCAG A, but not with AA. In addition, the payment of the cost of sign language interpreters is not clarified in many cases (e.g. at universities, schools and in leisure time, during visits to the doctor).

222. The Austrian Association for the Blind and Visually Disabled (ÖBSV) has called for the complete accessibility of all ORF programmes by 2020 as well as audio descriptions for all new productions. It stresses the difficult situation for blind or severely visually disabled people. For example, not a single affected person has been included in the membership of the ORF viewers’ and listeners’ council.

Article 22: Respect for privacy

223. The Federal Ministry of Health (BMG) points out that Austrian data protection legislation ensures comprehensive protection and that data in the health sector, for example, is treated with great sensitivity. In the health and accident insurance sector, a well-developed customer care network and numerous support organisations ensure that disabilities are actively noted and help is offered.

224. The BMASK draws attention to the fact that the staff of the Federal Social Office advise tens of thousands of people with disabilities and their families every year. In the Federal Social Office, i.e. in all of the provincial branches and service facilities such as the social service or the family information centres, particular attention is given to respect for privacy.

225. In civil society there are doubts about whether people who live or work in homes or institutions are sufficiently protected against the passing on of personal data.

Article 23: Respect for home and the family

226. The Federal Ministry of Economy, Family and Youth (BMWFJ) refers to the fact that it is the task of public youth welfare organisations (Länder) to support parents in caring for and bringing up their disabled children, and to protect children and young people from anything that endangers their welfare.

227. Youth welfare helps families to help themselves in problematic situations. The support and advice which it offers consists of the analysis of problems, information about available solutions, helping people make decisions and implement them, and consolidating the necessary change of behaviour. The counselling concentrates on questions of upbringing and on problem areas in the context of families, and keeps itself separate from the advice provided on issues in other fields such as education, careers advice or debt advisory services.

228. Help for families in crisis situations consists of offers of support which correspond to the nature of the crisis and enable those affected to cope with the situation and subsequently — as far as possible — to assume responsibility again themselves. Counselling and therapy help to work on the desired or necessary changes or goals.

229. The Parent and Child Amendment Act 2001 introduced a general ban on the sterilisation of minors. This ban particularly protects disabled young people.

230. Carinthia emphasises the support measures it offers for families with disabled children (family counselling and advice on financial support). Family and leisure-time assistance is also available to support families.

231. Upper Austria organised a two-day conference in 2008 with the motto “Enabled Sexuality” in order to raise awareness of the theme of disability and sexuality. The organisation “Senia” also offers advice, support and workshops on the themes of partnership, sexuality, love and shaping one’s own family life. In addition, the province refers to early support services for those affected as well as guidance, counselling and support for families. School assistance services also aim to enable children and young people and their families and social environment to deal with disabilities. Mobile services support families in caring for and accompanying their children.

232. Salzburg, Styria and Tyrol also offer services to relieve the burden on families as well as interdisciplinary early support. It should be noted that the relevant laws do not differentiate between disabled and non-disabled persons.

233. Vorarlberg also emphasises the availability of services to reduce the burdens on the parents of disabled children (vouchers for assistance and the payment of outpatient assistance services) as well as temporary inpatient burden relief in residential facilities (at weekends and in crisis situations).

234. Several Disability organisations have criticised the fact that there is often no freedom of choice for people with learning disabilities or mental impairments in the question of where and with whom they live.

235. The situation of people with learning disabilities is particularly emphasised. They stress that people with disabilities also have a right to sexuality, partnership and family. Education and information on the issues of sterilisation and abortion is often insufficient. Disabled persons’ organisations also call for special support measures during pregnancy and the upbringing of children for the parents of both disabled and non-disabled children as well as for the disabled parents of non-disabled children, in order to avoid these families being overtaxed.

Article 24: Education

236. The Austrian school system is largely nationally (and therefore uniformly) regulated. Compulsory schooling begins after the child’s sixth birthday and lasts for nine school years. Attending state schools is free of charge. All schools have to provide mixed-sex coeducation schooling. The School Reform Package of 1993 laid down that integration in schools is the task of primary schools. In 1996, the integration of disabled children into the age group of 10–14 year-olds (“secondary stage”) was made legally binding.

237. If a child cannot follow lessons due to a disability, the parents or the school can apply for special educational needs to be established by the District School Council. The education of children and young people with special needs can, according to the wishes of the parents, either take place in a special school for the specific disability, or in integrated/inclusive form at a mainstream school (primary school, secondary modern school or the lower stage of a general secondary school – AHS). Inclusive education is organised either in the form of integrated classes (several pupils with special educational needs are included in a class with non-disabled children, along with a second full-time additionally trained teacher), or individual integration (one or two pupils with special educational needs and a second additionally trained teacher on an hourly basis). If the parents decide to take

the integrated path, the District Schools Council is legally obliged to take the measures needed to fulfil this wish.

238. School-age children with special educational needs who do not attend a mainstream school have to complete their compulsory schooling in an appropriate special school or special school class. The organisational structure of a special school includes eleven school branches in which there are a wide range of disability-specific offers and support measures (e.g. for blind or deaf children).

239. Due to the high level of acceptance which has been achieved by joint lessons of pupils with and without disabilities in primary school and at secondary schools, more than fifty percent of all pupils with special educational needs have been taught in integrated classes for some years now. This means that currently more than half of all primary schools and three quarters of all secondary modern schools have integrated classes. In order to also ensure continuous support for children with physical or sensory disabilities in vocational secondary schools and the upper years of general secondary schools (AHS), special legal provisions have been established which enable appropriate deviations from the curriculum and extended special instruction.

240. Pupils with physical and sensory disabilities are principally integrated into all vocational technical, commercial, business, social, tourism and arts schools provided that they can fulfil the requirements of the curriculum, although a certain amount of leeway is granted here by the law. For example, the School Centre in Ungargasse in the third district of Vienna is the largest location for pupils with hearing disabilities at commercial schools – and offers numerous special support measures.

241. Pupils who received special needs education during compulsory schooling are already being integrated into one-year business schools and domestic science schools in school pilot projects specially developed for this purpose. These integrated-cooperative lessons for disabled pupils at one-year business and domestic science schools include the extension of the curriculum to two years, whereby pupils with disabilities cover what is usually a one-year course over a total of two years in two classes. Both years taken together are equivalent to the 9th school year.

242. In the school year 2010/11, there will be a pilot project to test integrated-cooperative lessons for pupils with special educational needs from the 9th school year onwards — particularly in vocational secondary schools — with the goal of achieving partial qualifications and improving the employment opportunities of young people.

243. In addition, after the 9th school year there is the option of integrated vocational training (IBA), a form of initial vocational training which corresponds to the needs for suitable training of young people with disabilities or disadvantages and to the requirements of companies for suitably qualified young workers. At the end of July 2010 there were 4,750 young people in integrated vocational training, and more than three quarters of the companies involved can imagine continuing to employ them.

1. Barrier-free teaching materials

244. For pupils with visual disabilities and blind pupils at Federal schools, the required aids (electronic reading devices, Braille displays for PCs, PCs with speech output) and school books which have been adapted for pupils with visual disabilities are made available via the teaching materials centre established at the Federal Institute for the Education of the Blind.

2. Accessibility

245. For lessons with pupils who are deaf or hard of hearing, an electronic sign language database (sign language dictionary) for schools is currently being created at the Centre for Sign Language and Communications for Auditory Disabilities at the University of Klagenfurt.

246. Since 2005, pupils in hospitals have been provided with laptops and computer networks, including connection to the “School Network”, as part of the project “Ill and Isolated Children Connected (IICC)”. Pupils can communicate with classmates and teachers via IP-based video conferences and also take part in lessons. At the same time, they have access to educational media. Comprehensive technical, psychological and organisational support has been an important precondition for the success of the project.

247. No financial contribution has to be made by parents for teaching materials in subjects in which special educational needs have been established or for the materials for pupils at special schools, as these materials are financed by the Family Burdens Equalisation Fund.

248. For pupils with long-term care allowance from stage 4 onwards who would not be able to attend a school without personal support services, personal assistance is financed by the Ministry of Education, the Arts and Culture. The task of the personal assistant is to take the pupil to school and bring them home and also to provide support during school hours. This includes help putting on clothes and taking them off, finding the classroom, going to the toilet, eating, operating the computer etc., but does not include repeating or explaining the subject matter of lessons again. The financing of personal assistance relates to the middle and upper stages of secondary schools; in the area of compulsory schooling, it is the responsibility of the Länder.

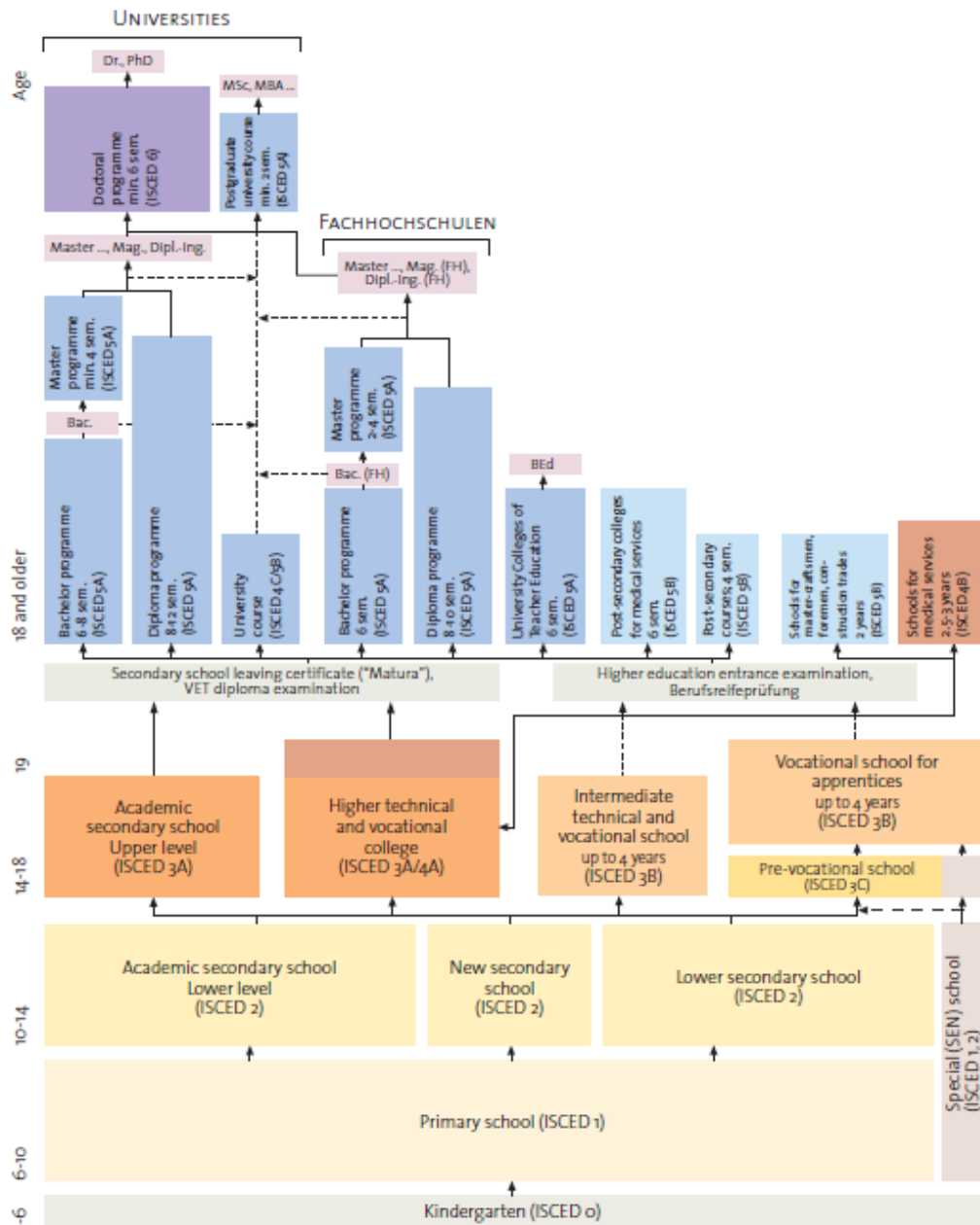
249. According to the provisions of the legislation on equality for people with disabilities, the federal government is obliged to draw up a staged plan to ensure accessibility to all the buildings it uses. For the schools sector, this plan was drawn up by the Federal Ministry of Education, Arts and Culture (BMUKK) in coordination with the ÖAR.

3. Access to lifelong learning

250. Since the year 2000, integrated workshops and seminars focusing on creativity, movement, personal development and social and cultural education have been offered throughout Austria. Since 2001, the Advice Centre for Integrated Education has offered targeted educational counselling for people with disabilities.

251. In 2003, the nationwide network Netwebln – Network for Integrated Adult Education was established, which consists of experts in adult education from all of the Länder and representatives of the various types of disabilities. The brochure Barrier-Free Adult Education, which was published in 2007, provides all educational institutions with a precise overview of the needs of groups with different impairments, and also offers a checklist which makes it possible to examine whether one’s own institutions is barrier-free and how to take the first steps towards making it accessible. Special adult education projects for people with disabilities are also funded by the Länder.

4. The Austrian Education System



ISCED: International Standard Classification of Education (UNESCO)

Published and produced by:
 Federal Ministry for Education, the Arts and Culture (BMUKK)
 Minoritenplatz 5, 1014 Vienna, Austria
 12/2009

5. Raising awareness and training

252. Within the framework of in-service training, Teacher Training Colleges offer university courses for teachers who teach pupils who are blind/have impaired vision or are deaf or hard of hearing.

253. In the advertisements by the Ministry of Education for new headteachers at Federal schools, gender- and diversity management has been listed as a required qualification since summer 2009. This concept increases sensitivity for multiple discrimination e.g. on the grounds of gender, ethnicity, social background or disability, and aims towards anti-discrimination and the utilisation of diversity and differences.

254. Raising awareness in the higher education sector is part of the work of the Disabilities Representatives who are present at 13 out of 21 universities. Only people with disabilities can become Disabilities Representatives. The Students' Ombudsman's Office at the Ministry of Science works together with the Disabilities Representatives and is available for consultation with individual students on an unbureaucratic basis.

255. Special support offered to disabled students includes tutors, assistants, the digitalisation of materials and the establishment and support of work- or reading places for people who are blind or have impaired vision. "Institutes for Integrated Studying" have been set up at the universities of Linz, Graz, Klagenfurt and at the Technical University of Vienna, and dedicate themselves to the further development of support measures in teaching and research for disabled students. From the winter semester 2010/11, the pilot project "Successful Studying for Deaf People" will be carried out at the Technical University of Vienna. The goal is to test a support model for deaf students at Viennese universities which includes everything from the organisation of sign language interpreters, tutorials, typists who make notes, and introduction modules in scientific/academic written German and English.

256. The study "The Social Situation of Students with Health Impairments", which is carried out every three years, provides a good overview of the field in both a quantitative and qualitative sense. The study with data from the year 2009 was recently completed.

257. Criticism of the education sector from civil society primarily refers to the continuing existence of special schools. Many organisations demand the abolition of these institutions (e.g. the Disability Ombudsman). They consider that special schools exclude people from society (Austrian Initiative for Independent Living). However, there are also those who support the freedom of choice of parents in this regard, because they consider that more opportunities for support and encouragement are available at special schools and special nursery schools. The Austrian Association for the Blind and Visually Disabled (ÖBSV), for example, points to the special situation of blind and visually impaired pupils and their need for targeted, highly specialised support and counselling, which in its opinion can only be provided by special institutions. The Austrian Federation for the Deaf has called for the transformation of special schools into bilingual schools and has criticised the fact that even in special schools for the deaf there are too few teachers who are competent in sign language.

258. Furthermore, NGOs refer to the considerable differences in the field of the recognition of the need for special educational support in the individual Länder. They also speak of a need for structural changes in the education sector in this context. A further point of criticism is the lack of legal provisions related to inclusive education for children with special educational needs after general compulsory schooling. The Ministry of Education (BMUKK) notes that children with intellectual disabilities have the same right as other children to complete their full period of compulsory education, and that this includes all the help and support laid down in the relevant provisions on schools, which also permit the modification of curricula. From a legal perspective, Austria does not violate the basic right

to education mentioned in the UN Convention in this sense. The integration of children with disabilities has been part of the law in Austria for a long time already. The UN Convention — like the plans of the BMUKK — provides for the expansion of this system.

259. The Federal Disability Ombudsman calls for more in-service training and increased awareness among future teachers, so that integrated lessons become a matter of course for all teaching staff.

260. It is generally emphasised that inclusive education is an essential factor for inclusion in society, that education is a human right and that therefore everything must be done to enable people with disabilities to fully participate in the education system. In this context, data from the 2007 Microcensus are cited, according to which only 14.6% of men and 15.7% of women with disabilities have passed the school leaving examination or obtained a university degree, compared to 31.3 % of men and 33.3 % of women without disabilities.

Article 25: Health

261. According to the Federal Ministry of Health (BMG), there are 19 state health insurance bodies. Their catalogues of services cover the entire field of medical needs. These services are available to the insured regardless of whether they are disabled or not.

262. Social health insurance is organised as compulsory insurance. Disabilities play no role in entering the system. The level of contributions does not depend on a person's health situation either. With regard to access to health insurance, the conditions are thus completely the same for disabled or non-disabled persons.

263. The same applies to free access to necessary rehabilitation. Prevention measures, health promotion and rehabilitation are playing an increasingly important role. In health resort facilities, efforts are increasingly being made to fulfil the requirements of individual patient groups (barrier-free fittings and technical equipment in the rooms and infrastructure).

264. In relation to the introduction of group practices, in 2001 it was made obligatory for group practices with state health insurance fund contracts to ensure barrier-free access. Furthermore, in the regulations on the ranking criteria for the reallocation of health insurance fund contracts to medical practices, serious efforts to create disabled-friendly access to the practice have been included in the catalogue of criteria. Finally, some general agreements between health insurance funds and the medical chambers include regulations on speeding up the creation of barrier-free access to newly-created medical practices. The lack of barrier-free access to medical practices in Vienna was eliminated some years ago by a staged plan.

265. All of the e-cards used to obtain the medical services of health insurance funds which have been newly issued from 2010 have Braille writing on them with the letters "sv" in Braille on the card. This makes it easier for visually disabled and blind people to distinguish the e-card from other plastic cards.

266. The Federal Ministry of Agriculture, Forestry, Environment and Water Management (BMLFUW) draws attention to the fact that the Austrian Programme for the Development of Rural Areas includes a measure called "Training and Information", as part of which around 30 agricultural entities offer animal-supported therapy and education on farms. The goal of the project is to make a contribution towards prevention and treatment for people with special needs.

267. The Länder point out that they — with funding from the aid for the disabled programme or from basic income — also provide a considerable amount of health services.

268. Upper Austria refers to the Upper Austrian Equal Opportunities Act, according to which under certain circumstances there is entitlement to assumption by the province of the cost of voluntary self-insurance in statutory health insurance, so that access to the health care system (including early support and treatment) is guaranteed.

269. Lower Austria, Salzburg and Tyrol emphasise the free access to high quality health services for all people with disabilities in their Länder.

270. Vorarlberg emphasises the rights of patients in relation to explanations and information about the state of their health, possible treatments or the consultation of a person they trust. These themes already receive a great deal of attention during training (at nursing school and during training for social care professions).

271. Vienna emphasises its measures for girls and women, including the establishment of a health forum where current issues related to the health of girls and women are discussed several times a year with self-help organisations and NGOs, and where possible solutions are developed. A manual for gynaecological health provision and prevention for women with disabilities has been produced (which is also available on the website www.frauengesundheit-wien.at), as well as an information brochure for girls and women on the theme of “Visiting the gynaecologist – questions and answers in simple language”. The brochure has also been produced on an audio CD for visually disabled women and girls. In order to reach as many girls and women as possible in a low-threshold way, consultation hours with gynaecologists and sex education specialists are organised roughly once a month. In addition, workshops are offered on protection against physical and sexual violence.

272. Civil society and the Federal Disability Ombudsman emphasise the problematic access to private personal insurance policies (health-, accident- or travel health insurance as well as additional health insurance and life insurance). The conditions of insurance policies sometimes have the effect that persons are made “uninsurable”, also those whose individual disability or illness does not increase the risk in any way. Some success has been achieved in finding individual solutions in cooperation with the association of insurance companies.

273. Another point of criticism is that training for doctors, nurses and carers is not sufficiently orientated towards important needs. Due to a lack of experience in communication and because of existing constructional and mental barriers, stays in hospitals and psychiatric clinics are often additionally traumatising for people with disabilities. In addition, deaf people hardly have any opportunities to speak to a doctor alone, as there are only few doctors with a knowledge of sign language.

274. The Viennese Nursing Care and Patients’ Ombudsman emphasises the fact that dental treatment is a particular challenge for mentally disabled people, dentists and anaesthetists and that there are too few institutions which are specially equipped for this.

Article 26: Habilitation and rehabilitation

275. The Federal Ministry of Health (BMG) points out that there are various forms of rehabilitation: at a medical level (to ensure the success of hospital treatment or relieve the consequences of an illness), at occupational level (enabling a person to work in their job) and at a social level (facilitating their private lives). In the field of social insurance the motto is “rehabilitation rather granting a pension”.

276. Health insurance and pension insurance funds grant the following medical measures following on from medical treatment: stays in rehabilitation centres, prostheses, medical treatment, medicines and medical or therapeutic aids.

277. In addition, pension insurance grants further training and retraining, and as social measures it offers assistance in obtaining a job or a range of loans and supplementary payments.

278. Work accident insurance aims to help patients eliminate any impairments which may have arisen due to an accident, or at least to improve them, and to avoid the consequences of an injury or illness becoming worse. Occupational measures should put disabled persons in a position where they can carry out their former job or, if this is not possible, a new occupation. The following services/benefits are granted: vocational further training or retraining, subsidies, grants or other assistance measures to enable the person to continue working, and help in finding a job. These efforts are rounded off by social measures such as grants or loans to adapt their homes to the disability, to obtain a driving licence or for the purchase of a car.

279. For people with disabilities who have an entitlement according to the social compensation laws (BMASK/Federal Social Office), there are numerous rehabilitation measures in order to improve their living situations. Individually, these are services which form part of medical, occupational and social rehabilitation, such as a wide range of treatments, stays in health resorts, sick pay, free vocational training, subsidies towards wage costs, grants towards driving licenses or the adaptation of a home. Furthermore, disability-related benefits in kind, grants and benefits are offered as part of orthopaedic care.

280. In the statements made by the Länder, they refer to the fact that there are a wide range of early support measures, rehabilitation and therapy offers. Due to the provisions of provincial legislation, non-state welfare bodies have to ensure that only qualified personnel are employed. Further and continuing training as well as supervision are compulsory.

281. Subsidies towards certain forms of therapy which are not recognised by the health insurance funds can additionally be granted from the social budget. Measures related to work and the abilities of people with impairments can include vocational qualifications, sheltered work, careers orientation, development orientation or day-structuring, work assistance (information, advice and support on work-related matters), work accompaniment and training measures.

282. As an example, Carinthia mentions the assumption of costs of a computer system for integrated school support. Here, a computer is made available to a child for the duration of their school education. In addition, these computers and the relevant programmes are also made available to day centres and nursery schools so that they can provide optimal stimulation and preparation for school. As part of the resource pool there are also special support programmes, sets of games, a blackboard camera system for children with severe visual disabilities and special equipment for completely blind children. Outside the compulsory schooling sector, this aid is provided by the federal government.

283. Disability organisations point out that people with visual disabilities frequently also have reduced mobility. In order to take part in public life, for many people the availability of a guide dog and of mobility, orientation and low-vision training is essential. The Austrian Association for the Blind and Visually Disabled (ÖBSV) therefore demands that guide dogs be recognised as a medical rehabilitation measure. Furthermore, mobility and orientation training as well as instruction in practical life skills for blind and visually disabled people as well as low-vision training should also be included in medical measures.

284. A further criticism is that there are differences in the quality of rehabilitation services depending on the cause of the disability (work accident, leisure time accident or disability from birth). In addition, the Länder are accused of not granting uniform rehabilitation services to which there is legal entitlement.

Article 27: Work and employment

285. The generally high labour law standards in Austria ensure appropriate working conditions for disabled people in employment. All of the offers included in labour market policy (also the promotion of self-employed work) are open to people with disabilities. These offers are supplemented by targeted measures for special groups of people with disabilities (e.g. training offers in sign language).

286. The BMASK and the Federal Social Office have a whole range of measures for the occupational integration of people with disabilities. The most important of these are:

- (a) Individual funding (e.g. wage support and workplace adaptation);
- (b) Project support and accompanying help (e.g. personal assistance, clearing, projects to help people obtain qualifications and employment projects).

Key figures for the year 2009 (as compared to 2008)

	2008		2009	
	Support cases	Million €	Support cases	Million €
Individual funding	16 999	72.9	17 441	73.2
Project grants	30 744	78.6	32 454	82.4
Other grants	9 600	8.8	9 809	9.3
Related areas (e.g. service for companies)	356	12.2	373	12.9
Total	57 699	172.5	60 077	177.8

287. The BMASK draws up a Nationwide Labour Market Policy Programme for the Disabled (BABE) every two years. The cornerstone of this programme is the system of accompanying assistance. Financing is provided by the European Social Fund and national funding (compensatory tax fund and the budget). The central authority is the Federal Social Office. Examples of accompanying assistance are work assistance and vocational training assistance, personal assistance and technical equipment in the workplace, job coaching and “clearing”.

288. Within the framework of the government’s employment campaign, particular measures are offered for specially disadvantaged groups (e.g. young people with mental disabilities). Particular emphasis is placed upon the target group of young people with disabilities. In “clearing”, a strengths-weaknesses analysis is created in the transition period between school and work, on the basis of which an individual development plan with specific vocational perspectives is drawn up. According to the results of clearing, training to obtain qualifications, work assistance or vocational training assistance can follow. In addition, personal assistance or job coaching are available for young people with particularly severe functional restrictions or learning disabilities.

289. If they employ people with disabilities, companies can receive integration subsidies, wage subsidies, job safeguarding subsidies, grants for wage/training costs or subsidies to adapt facilities to make them more barrier-free.

290. Against the background that obtaining access to initial vocational training is particularly challenging for young people with disabilities and special educational needs, integrated vocational training (IBA) was created in 2003, which provides for the extension of the duration of training by one or two years and/or makes it possible to obtain a partial

qualification in a trade. IBA is accompanied by vocational training assistance. This ensures a reaction which is flexible and suited to the needs and situation of the respective person. On 31 December 2009 there were 4,683 young people in integrated vocational training, of whom 3,305 were in extended training and 1,378 were taking partial qualifications.

291. The BMASK explains that the eight integrated companies which provide around 1,700 jobs for people with disabilities are a tried and tested instrument of vocational integration. The Ministry also refers to the appropriate wages (based on collective agreements) and comprehensive social insurance cover provided for those employed there.

292. The Federal Chancellery (BKA) refers to the Federal Public Procurement Act, and particularly to the possibility for social policy issues to be taken into account in the tendering process (e.g. the employment of people with disabilities).

293. Protection against discrimination and harassment at work is an important part of anti-discrimination legislation for people with disabilities. The essential point is that nobody may be directly or indirectly discriminated against in employment because of a disability. This protection stretches from job applications to ending a job, and covers pay rates, initial and further training, re-training and careers issues. The assertion of claims in court has to be preceded by obligatory conciliation proceedings at the Federal Social Office.

294. In addition, for registered disabled persons there is increased protection against dismissal, which protects against socially incompatible dismissals. Whether a dismissal can take place or not is decided on by a regional Disability Committee which includes civil society organisations. The decision is based on a weighing up of interests.

295. The Ministry of Health (BMG) takes a range of measures to involve people with disabilities, and draws attention to the fact that there is a representative of people with disabilities in all ministerial working groups. A pilot project entitled "Mentoring for People with Disabilities" has been initiated. It is also ensured that sign language interpreters are present at all internal initial training, further training and information events. In addition, measures have been taken to increase the accessibility of its building (parking spaces for the disabled) and to raise safety levels (mobile phones which are connected to the fire alarm system).

296. The Länder also point out that promoting the working capacity of people with disabilities and supporting their integration into employment forms one of their priorities in help for the disabled. Carinthia, for example, has made benefits and services more permeable via the new regulations on abilities-orientated employment and vocational integration in the Carinthian Equal Opportunities Act, and has thus facilitated changes between various forms of benefits and services (between the open labour market and the sheltered sector). Vorarlberg draws attention to the special situation of people with learning disabilities, who are mostly looked after in sheltered workshops. With the use of special support programmes (work assistance, wage cost subsidies and grants for mentoring), attempts are made to obtain lasting employment in the open labour market.

297. The Federation of Austrian Towns and Cities calls attention to employment-relevant measures taken by towns, cities and local authorities, which are also directed towards pupils and students with disabilities.

298. The Federal Chamber of Labour (BAK) points to the results of the microcensus special survey "People with Disabilities" and to Public Employment Service data on the effect of the economic and financial crisis, and concludes that qualifications play a key role. Increased measures to support integration are related to the fields of access to work, to employment which is safeguarded by social insurance legislation, to careers and further

training opportunities, to occupational integration, and to integrated vocational education or projects such as personal assistance.

299. The Austrian Economic Chamber (WKÖ) underlines the significance of sustainable integration, and refers to numerous events such as “Careers without Barriers” and projects such as the internet platform www.arbeitundbehinderung.at, which offers information about funding opportunities and examples of best practice. Brochures such as “It’s the Attitude That Counts” are created together with the BMASK. Best practice projects such as “Self-employed with a Disability” aim to support self-employed persons with health impairments. In the view of the WKÖ, integration can only succeed if it is carried out with the necessary consideration for business processes.

300. The Federal Disability Ombudsman points to measures against discrimination and emphasises the difficult situation of people with learning disabilities and multiple disabilities.

301. Disability organisations and social services providers (such as Caritas and Diakonie) emphasise that there are too few offers for people with learning and mental disabilities to have real chances of integration into the labour market. In addition, awareness-raising and positive incentive systems are needed in order to encourage companies to believe that people with disabilities are capable of handling a job. They also call for an increase in the compensatory tax.

302. Against the background of the existence of a whole range of interesting programmes for labour market integration, they criticise a lack of central coordination and information about the various offers. In practice, it can be seen that the transition from the sheltered labour market to the primary labour market is difficult, given that those affected lose the right to work in their sheltered workplace again, including the financial support provided for in the legislation on disabled persons (no return into the system of “help for the disabled”).

303. Overall, they note that due to a lack of awareness in society for people with disabilities, it is difficult to become fully accepted in the world of work. They also point out that there is a disadvantage in terms of social insurance and pension law, in that it is still not possible for people with disabilities to receive social insurance cover as part of work in workshops and day centres. The fact that the accessibility of workplaces is often poor is also criticised.

Article 28: Adequate standard of living and social protection

304. In the federal government’s programme for the 24th legislation period, strengthening social cohesion and combating poverty were formulated as a core objective. One of the measures to help realise this objective is the introduction of a means-tested minimum income. Its implementation throughout Austria is planned for the end of 2010/ start of 2011. The BMASK emphasises that this instrument serves to support people in emergency situations who cannot cover their living costs by their own means – regardless of whether they are disabled or not. A working group is looking for ways to improve social insurance cover.

305. The Ministry also points to long-term care allowance (Art. 19), which serves to ensure the care and assistance needed by people with disabilities and to improve their opportunities to lead an independent, needs-orientated life. It also refers to innovative models and concepts in the care sector. Long-term care allowance has been increased four times since its introduction: by 2.5% in 1994, by 2.8% in 1995, by 2% in 2005 and, depending on the payment stages, between 4% and 6% in 2009.

306. For decades now, the relevant laws behind social compensation have provided for monthly cash benefits which cover both the additional costs related to disabilities (e.g. basic pensions for invalidity, widows and orphans, additional allowances for nursing care, the blind and for very severe disabilities, and allowances for special diets) as well as providing a subsistence allowance in the form of a minimum income (means-tested pension benefits such as additional pensions and supplementary amounts).

307. In the field of help for the disabled, it is important to mention the responsibility of the Länder. The Länder point to a range of services and support measures which are aimed at ensuring that people with disabilities have appropriate living conditions.

308. As an example, Carinthia points out that people with disabilities who do not have sufficient money to live on will be granted assistance according to the necessary minimum standards. There are supplementary benefits for necessary additional expenses.

309. Upper Austria points to the newly-introduced subsidiary minimum income. For benefits and services according to the Upper Austrian Equal Opportunities Act (benefits and services in the fields of accommodation, leisure time and employment), users have to make a contribution from long-term care allowance or from their assets or income above a certain level.

310. Salzburg and Tyrol emphasise that access to social protection in the case of a financial emergency is independent of disability, but that a range of laws give particular consideration to the special needs of people with disabilities (e.g. support for disability-related expenses).

311. Vorarlberg mentions its regulations on subsidies for social housing, housing benefit and housing grants. In addition, the current guidelines on subsidies for social housing lay down that integrated rented accommodation from non-profit building organisations whose flats are distributed via the respective local authorities are only subsidised if the complexes are designed to be barrier-free.

312. Vienna also refers to the subsidisation of new buildings and the renovation of older buildings, to housing allowance and the granting of loans as a substitute for a lack of own funds.

313. The Austrian Federation of Towns and Cities lists a whole range of disability policy measures taken by towns, cities and local authorities.

314. Civil society organisations criticise that safeguarding measures in the Länder are subject to varying regulations and that there is too little knowledge about which benefits and services individuals are entitled to.

315. The poverty risk rate of people with disabilities is, at 20%, almost twice as high as that of non-disabled persons (11%). The BKA points out that the at risk of poverty rate of disabled women is 50% higher than that of men (23% compared to 16%).

Article 29: Participation in political and public life

316. The BMI points out that for almost two decades now, there have been gradual improvements for people with disabilities. Voters who cannot walk or be driven in vehicles and thus cannot reach a polling station, have the possibility to be visited by a “flying election commission” to cast their vote. In larger medical institutions and nursing homes, separate polling stations are established. Since 2007 there has also been the option of the postal vote.

317. The Electoral Rights Amendment Act 2010 created the opportunity for people with disabilities to have a voting card sent to them automatically before every election.

318. People with mental disabilities also have fundamentally the same rights as other voters. Since 1987, people who have legal guardians have no longer been excluded from voting. Mentally disabled persons as well as people with physical or sensory disabilities can be accompanied by a person who helps them to cast their vote.

319. By taking advantage of the various measures (particularly postal voting, voting cards, special polling stations, “flying electoral commissions”, accompanying persons and tactile voting devices), it is ensured that people with disabilities can make use of their right to vote.

320. A large number of the around 13,000 polling stations at a nationwide election are located at schools or pubs which are not always barrier-free. Nevertheless, every local authority should have at least one polling station with barrier-free access. The current legal situation represents a compromise between the justified wishes of voters with disabilities and the actual possibilities of the individual local authorities.

321. Before every election, the BMI points out the relevant regulations with regard to people with special needs in decrees and circulars. A wide range of information materials can also be obtained from the fully barrier-free website of the BMI.

322. The BMJ explains that in the case of new or renovated court buildings, care is taken to include at least one barrier-free courtroom and a service centre with an inductive listening system and tactile guidance system. At the same time, other court buildings are being gradually equipped in this way.

323. The Federal Ministry of Science and Research (BMWF) refers to the fact that possible solutions are currently being discussed and drawn up with the representatives of people with disabilities in order to enable barrier-free voting at students’ union elections. In future elections, (jointly designed) tactile voting devices with appropriate additional texts in Braille will be offered. The electoral commissions will again be requested to make access to polling booths barrier-free. At a number of students’ unions, there are special departments to support, advise and assist people with disabilities.

324. With regard to the representation of disabled workers’ interests in companies, the BMASK points to the disabled persons’ representatives who were established in accordance with the Disability Employment Act. The Ministry also refers to the fact that bodies representing the interests of people with disabilities, and in particular the umbrella organisation of the disabled persons’ organisations — which has the largest number of members — is supported by public funding.

325. The Länder also ensure that people with disabilities can take part in elections in their sphere of responsibility, and that their participation is not obstructed by barriers. The involvement of people with disabilities in politics and public life should also be ensured by their representation in the various advisory councils of the Länder. The Länder also provide support for associations and representative bodies (e.g. deaf and blind persons’ organisations).

326. The Self-Representation Network emphasises that in order to be able to participate in political life, people with learning difficulties need their own representative body as well as courses which explain election processes and their right to stand in elections. Laws, election manifestos and ballot papers also have to be available in “easy to read” – versions.

327. Several Disability organisations have pointed out that there are not enough barrier-free polling stations and that the suggestions and wishes of people with disabilities and their organisations have not been sufficiently taken into account in legislation which is related to these issues.

328. The BMASK adds that it is involved in a working group of the Council of Europe which deals with the issue of the increased participation of people with disabilities in public and political life, and that it holds regular consultations with the ÖAR as the umbrella organisation of Disability organisations with regard to this process.

Article 30: Participation in cultural life, recreation, leisure and sport

329. The BMLVS points to the extensive funding and support provided for disabled sports in Austria. Due to the fact that disabled sports are taken into account in the Federal Sports Promotion Act and the “Fund to Promote Disabled Sports” (<http://www.ffbs.or.at/de>), disabled sports in Austria have a secure financial basis. The most important institutions are the Austrian Association for Disabled Sports, the Paralympic Committee and the Special Olympics association. Sports for deaf and blind people are also supported.

330. Mobility from and to sports venues is ensured by pioneering transport concepts for private vehicles, disabled-friendly public transport and minibus services for the disabled at local levels.

331. The BMLFUW refers to the fact that in six National Parks (Gesäuse, Hohe Tauern, Thayatal, Donau-Auen, Neusiedler See-Seewinkel and Kalkalpen) there are already a range of measures related to barrier-free visitor facilities which have been implemented or planned on the basis of comprehensive concepts.

332. Together with the Federal Department for Tourism and Leisure Industry of the WKO, the BMWFJ has developed a permanent workshop called “Barrier-free travel for all – an opportunity for the tourism and leisure industries”, which deals with four areas of barrier-free travel. To accompany this — also in cooperation with the Federal Department for Tourism and Leisure Industry of the WKO — the brochure “Tourism for All – Barrier-Free Planning and Construction in the Tourism and Leisure Industries” was created. The most recent product from this workshop is the orientation aid “Barrier-free Nature Offers in the Tourism and Leisure Industries”.

333. The BMJ points to the Copyright Act, which offers incentives for the results of creative work to be offered to the public. This legislation permits the non-commercial use of a published work by means of copying and distribution to disabled persons in a form which is suitable for them, as long as access to the specific work via sensory means is not possible because of their disability.

334. In the Länder, budget funding is used to subsidise a range of recreational offers and communications facilities. These include recreation events for disabled people, school holiday events, visitor services, exercise and sport programmes, cultural initiatives and support measures provided by special social services.

335. As part of the economic development activities of the Länder, investments in measures to create barrier-free access (a suitable infrastructure to enable the use of tourist offers) are also subsidised. In relation to the accessibility of cultural and arts facilities and event venues, the Länder refer to their building regulations. The necessary expenditure may include interventions in building structures (e.g. the installation of lifts) and the creation of information and service points (such as texts in Braille, multimedia guides and personal information services). The Länder draw attention to wide range of specific projects in the fields of culture, sports and leisure such as inclusive theatre festivals, family relief services, holiday campaigns, dance projects, arts education programmes, support for the Special Olympics, subsidies for disabled sports clubs, recreation events, joint leisure-time and holiday programmes, “open houses” as meeting points for people with and without learning disabilities, integration in children’s school holiday programmes, computer courses for

young people with disabilities, school holiday games on the subject of sign language interpreting, and awareness-raising games with children on the theme of disability.

336. Sports associations receive subsidies for (among other things) organising major sports events and the participation in international competitions. For example, Vorarlberg has developed a Sports Concept 2009–2015 which enables disabled sportsmen and women to practice 30 different sports. Tyrol draws attention — as a special sign of the participation of people with disabilities — to its annual Champions Awards Ceremony, in which Tyrolean, Austrian and international sports champions are honoured together with disabled sports champions.

337. In the construction or refurbishment of sports venues, the Länder make the allocation of subsidies dependent on the venues being barrier-free — to the extent that this is technically possible — after refurbishment.

338. National and international successes by disabled sportspeople help to change the public's image of people with disabilities, which is why relevant public relations work is carried out in this field.

339. The project “Different is Normal” is a cross-generational tourism concept for senior citizens and physically impaired people in the Lavant Valley region of Carinthia. In order to be able to provide appropriate conditions for stays in the region, the staff of hotels and other tourism-related businesses are trained to deal with the individual needs of the target group and special packages are developed. The Carinthian Association for the Blind and the Disabled Sports Association are to be involved in the development of the measures.

340. For civil society organisations, the services offered in this field are not satisfactory. They consider that a lack of funding and a lack of awareness are responsible for this situation. In addition, construction-related barriers often prevent people with disabilities from fully participating. There are also too few offers which are specially provided for people with learning disabilities in the cultural sector. Cultural events (e.g. plays) are — unlike positive examples from other EU countries — not translated into sign language.

Article 31: Statistics and data collection

341. Since 2003, the BMASK has surveyed the income and living situations of the population (EU-SILC) in private households on a yearly basis. The data is published in a barrier-free version on the Ministry's website.

342. The report of the federal government on the situation of people with disabilities in Austria in 2008 (Report on People with Disabilities 2008) contains a range of statistics. This is the second report in this comprehensive form, and further reports will follow at intervals of several years. To mark the release of the Report on People with Disabilities 2008, the BMASK commissioned a special evaluation of the data from EU-SILC 2006. In the course of this evaluation, people with disabilities — who in accordance with the EU-SILC definition are all those over 16 who indicated during the survey that they experience a subjectively perceived limitation during at least six months while carrying out daily work — were taken into account.

343. Until now there has been no standard international definition of disability. It is also not completely clear how to draw a line between the concepts of “impairment” or “functional restriction” and similar terms. This is the reason why varying and thus only partially comparable concepts are followed in different surveys.

344. In the statistics on subsidies in the data warehouse of the Austrian Public Employment Service (AMS) (an evaluation of subsidies paid out by the AMS according to gender, age, number of persons subsidised, and expenditure), the persons recorded as being

disabled are both those unemployed persons whose disability has been actually established according to the Disability Employment Act, the Victims' Welfare Act or a provincial disabilities law, as well as "persons with other health-related employment limitations making it difficult to find jobs for them". These are persons who suffer from physical, psychological or mental impairments, or from impairments of their sensory functions. The impairment makes it difficult for them to find or be placed in jobs and leads to limited employment opportunities.

345. Labour market-related data on persons with health-related employment limitations can be viewed on the website of the BMASK (www.bmask.gv.at), via the ELIS information system (<http://www.dnet.at/elis/>) or via the online database retrieval system BALI Web (<http://www.dnet.at/bali/>) and on the website of AMS Austria (www.ams.at). The data regarding the annual Long Term-Care Report, which can be downloaded from the website www.bmask.gv.at, is based on evaluations of the federal long-term care allowance database of the Federation of Austrian Social Insurance Institutions as well as details provided by the individual decision-makers.

346. The BKA points out that as part of the fulfilment of the provisions of the Disability Employment Act in cooperation with the BMASK (Federal Social Office), the data on the group of federal civil servants belonging to the eligible disabled is coordinated and used in the half-yearly report to the Ministerial Council in order to increase the promotion of the employment of people with disabilities in the federal sector.

347. The Länder draw up annual social reports which also contain statistical data on people with disabilities.

348. Civil society organisations draw attention to problems related to the usability of statistics and the comparability of data on people with disabilities. This is even more applicable to individual groups of people with disabilities. Due to a lack of awareness of the size of this sector of the population and their purchasing power, businesses often fail to create and extend lucrative barrier-free offers.

Article 32: International cooperation

349. The Federal Ministry of European and International Affairs (BMeiA) and the BMASK point out that inclusivity and freedom from barriers are essential elements in Austrian development cooperation (OEZA). In the implementation of OEZA measures, the principles of participation (joint development and implementation of projects and programmes), of ownership (active and independent participation of those affected) and empowerment (the support of disadvantaged groups in the development of capacities and the strengthening of local governance) have to be taken into account.

350. The OEZA monitors the transparency of programmes, projects and programming processes and their implementation, and ensures the participation of all eligible social groups and the avoidance of parallel structures.

351. The following are examples of OEZA support: Licht für die Welt – an NGO working in three African countries (Ethiopia, Burkina Faso and Mozambique) for the equal and self-determined participation of people with disabilities (e.g. access to basic medical care); or a project in Sri Lanka with the goal of reintegrating people with disabilities into the world of work after the tsunami catastrophe (provision of microcredit and legal advice).

352. According to the provisions of the Austrian Development Cooperation Act, the OEZA "has to take the needs of people with disabilities into account in a meaningful way in all measures it takes." In accordance with international principles and obligations, the OEZA promotes the participation and equality of people with disabilities, including

preventive measures and rehabilitation. In this process, the recommendations of the European Commission — for example that people with disabilities should, as the bearers of rights, be involved and taken into account in decisions — act as guidance. However, it is not systematically laid down that there should be participation of people with disabilities in all OEZA projects.

353. The BMASK (via its Employment- and Social Attaches in Croatia, Macedonia, Serbia, Bosnia and Herzegovina, Bulgaria and Romania) contributes towards the transfer of Austrian expertise to the countries of Eastern and South Eastern Europe in the form of bi- and multilateral seminars and the support of projects. Experts from the Federal Social Office, the AMS, the Länder, the social partners and various NGOs are also involved in the knowledge transfer. In the period between October 2008 and 2010, seminars and visits on the theme of disability were funded by the BMASK to the tune of € 38,500.

354. The net payments by the OEZA for disabilities-related projects in relation to the overall figures rose from 1.02 % to 2.29 % between 2008 and 2009.

355. Within the framework of bilateral labour market policy cooperation on the part of the BMASK — co-financed by the European Fund for Regional Development — cooperation projects are being carried out with the Czech Republic, Slovakia, Hungary, Slovenia, Croatia, Romania, Bulgaria, Estonia, Latvia and Lithuania, which alongside other labour market policy measures also include measures for people with disabilities.

356. The projects “Austro-Slovakian Labour Market Policy Experts Academy” or “RE:design:[net]WORK” include measures on the theme of job placements and employment. As part of the EXPAK Austria-Hungary, a three-day international conference was carried out in 2008 entitled “New Paths in the Employment of People with Disabilities”.

Article 33: National implementation and monitoring

357. The BMASK points out that Austria was one of the first states of the European Union to ratify the Convention. With regard to implementation at a national level, the following should be mentioned: focal points are the BMASK and, in the interests of regional proximity to the population, the nine provincial branches of the Federal Social Office. The coordination mechanism is operated by the BMASK as the competent body in federal issues, with the involvement of the Federal Disability Advisory Board.

358. The independent mechanism for the promotion, protection and monitoring of the implementation of the Convention is — at a federal level — the Independent Monitoring Committee (Section 13, Federal Disability Act).

359. The task of the committee is the monitoring of adherence by the federal administration to the human rights of people with disabilities as laid down in the Convention. The committee is not subject to directives; the BMASK solely functions as an office which conducts the committee’s everyday business and bears the costs.

360. The members of the committee are appointed by the Minister of Labour, Social Affairs and Consumer Protection on the basis of proposals by the ÖAR. The members of the committee are:

- (a) Four representatives of organisations of people with disabilities (and one stand-in for each member);
- (b) A representative of an NGO from the field of human rights (and one stand-in);

(c) A representative of an NGO from the field of development cooperation (and one stand-in);

(d) A representative of academia (and one stand-in);

(e) Only with an advisory vote: one representative of the BMASK and one from the respective other ministry or body of the federal administration affected in individual cases.

361. The elected chairwoman of the committee (nominated by the organisations which represent people with disabilities) is an independent human rights consultant.

362. Civil society is involved in several ways: the members and stand-in members of the monitoring committee, who have voting rights, are nominated on the basis of proposals by the ÖAR. Civil society is also involved in the monitoring process via the fact that the committee has obliged itself in its rules of procedure to meet in public periodically.

363. Public meetings have, until now, taken place in October 2009 in the government building on the Stubenring in Vienna and in Parliament in April 2010. At these meetings, interested and/or affected persons can communicate directly with the committee and express their concerns.

364. At regional level, the Länder take the following measures.

365. In Carinthia, adherence to the UN Convention is monitored by the Equal Opportunities Advisory Council established in accordance with the Carinthian Equal Opportunities Act. Its members are solely people with disabilities. In Upper Austria, the Planning Advisory Council established in accordance with the Upper Austrian Equal Opportunities Act currently has the task of implementing the UN Convention. In addition, the establishment of a separate monitoring committee is planned. Salzburg has stated that the feasibility of a joint point of contact for all the Länder is being examined. Tyrol has nominated an anti-discrimination representative and established a contact person for people with disabilities in the office of the provincial ombudsman. In Vorarlberg, the existing independent anti-discrimination bodies (provincial ombudsman and patients' ombudsman) serve as points of contact for monitoring the implementation of the Convention. In Vienna, an amendment to the Viennese Anti-Discrimination Act has laid down that the body which is responsible for combating discrimination is now also entrusted with the promotion and monitoring of the implementation of the UN Convention on the Rights of Persons with Disabilities.

366. Civil society organisations have pointed out what they view as an unsatisfactory situation regarding the implementation and monitoring of the Convention in the Länder as well as a general lack of information. They also criticise the fact that the national monitoring committee has too little funding and that its work is carried out in a purely honorary (non-remunerative) capacity. However, the BMASK draws attention to the fact that an expense allowance for the chairperson of the committee was legally established with effect from 1 September 2010.