

Vienna, 14 September 2015

Independent Monitoring Committee for the Implementation of the
UN Convention on the Rights of Persons with Disabilities
(Section 13 Austrian Federal Disability Act)

**Submission
for the preparation of the study of the
UN Special Rapporteur on the Rights of Persons with Disabilities
on the right to participate in decision-making**

Introduction: The Monitoring Committee

1. Austria signed the Convention on the Rights of Persons with Disabilities (CRPD) on 30 March 2007 and ratified it in October 2008 (Federal Law Gazette III No. 155/2008). The Monitoring Committee was established pursuant to Section 13 Austrian Federal Disability Act (Bundesbehindertengesetz) (Federal Law Gazette No. 283/1993 as amended by the Federal Law Gazette I No. 109/2008), in line with Article 33 Para 2 CRPD. The Monitoring Committee was constituted on 10 December 2008 and adopted its Rules of Procedure on 1 April 2009 (see Annex a.). It is in charge for federal matters only.
2. The Austrian Monitoring Committee is grateful for the opportunity to contribute to this study. It will respond to the selected set of questions below.
3. The Monitoring Committee wants to stress as part of the introduction its understanding of participation as going beyond the political and legal sphere. As the Committee highlighted in its Statement on Comprehensive Participation¹, participation means as well to ensure that persons with disabilities become decision-makers in all aspects. Participation in political processes cannot stand alone – it is strongly interrelated and in mutual interdependence with participation in all areas of life.
4. This statement is an outline of some of the topics brought to the attention of the Monitoring Committee – it does not claim to be comprehensive.

Ad question 2:

Please provide information on existing legislation and policies aimed at ensuring that persons with disabilities and their representative organizations, including children with disabilities, are consulted and

¹ Monitoring Committee, Statement on Comprehensive Participation, 28 April 2015, p. 1.

involved in decision-making processes that directly or indirectly concern them.

5. On 2 July 2008 the Austrian Council of Ministers adopted the so called **Standards of Public Participation**.² These Standards intend to guarantee public participation in general i.e. they are not explicitly targeted at persons with disabilities or DPOs. They are recommended to be applied by the Austrian federal administration in order to offer the public (those concerned and/or interested) an opportunity to participate in the preparation of policies, plans, programmes and legal instruments in an effective and efficient manner.³ Although the Standards line out that “All target groups are addressed in a balanced way. The participation process is organized barrier-free.”⁴, they lack lining out the aspects that are necessary in order to create such barrier-free participation processes. The Monitoring Committee repeatedly witnessed the necessity to reiterate that these standards must be applied in an inclusive and accessible way. This includes also the provision of comprehensive accessible information including the use of Easy-To-Read-Formats and communicative assistance, particularly for persons with sensory impairments.⁵ The Standards of Public Participation are not legally binding. Additionally even when frameworks for participation formally exist, often the NGOs have to urge their involvement instead of being actively invited by the public bodies in charge of a process.
6. Section 8 para 2 **Federal Disability Equality Act** enshrines the obligation of the federal government to take adequate and specifically required measures to enable people with disabilities to gain access to its services and offers. In particular, it has to draw up a plan after consultations with the Umbrella Organization of the Austrian Disability Associations (ÖAR) by 31 December 2006 to reduce construction related barriers to accessibility in the buildings it uses, and to implement the plan in stages (staged plans for the federal buildings). It should be mentioned, that the same section stipulates in para 4 that the Federal Minister for Labour, Social Affairs and Consumer Protection holds at least once a year a dialogue with NGOs active in the field of non-discrimination of persons with disabilities. However, the latter provision is not transformed into practice. The Ministry for Labour, Social and Consumer Affairs considers to use the framework of the Federal Disability Advisory Board (para 8 ff. Federal Disability Act) for the implementation.

² See Standards of Public Participation, available under http://www.partizipation.at/fileadmin/media_data/Downloads/Standards_OeB/oebs_standards_engl_finale_web.pdf.

³ See Standards of Public Participation, p. 6.

⁴ Ibidem, p. 9.

⁵ See Monitoring Committee, Contribution to the study of the Office of the High Commissioner for Human Rights on participation in political and public life by persons with disabilities, 15 October 2011, p. 2. See also Monitoring Committee, Statement on the implementation of the Convention on the Elimination of Discrimination against Women in Austria, 12 April 2012, p. 4.

7. The **National Action Plan on Disability 2012 – 2020** was adopted in July 2012 as the “strategy of the Austrian federal government for the implementation of the UN Disability Rights Convention”.⁶ The Monitoring Committee repeatedly expressed its deep concern about the lack of genuine participation in the drafting process of the National Action Plan (NAP) that “had not been prepared on the basis of cooperation but rather in the vein of information”.⁷ The NAP itself contains various measures that foresee the involvement or participation of persons with disabilities, e.g. when announcing the amendment of the guardianship legislation and the development of a supported decision making model.⁸ The NAP also announces a “participative strategy development for the implementation of the UN Disability Rights Convention to realize an inclusive school system” for the period of 2012 – 2013 under the auspices of the Federal Ministry on Education.⁹ It has to be mentioned, though, that the latter never took place.
8. The Federal Ministry for Social Affairs and Consumer Protection mentions in its National Action Plan on Disability 2012 - 2020 that “the **Federal Chancellery** (BKA) pointed out to the ministries in an **ordinance** as early as the 1990s that the umbrella organization of the disabled persons' organizations ÖAR should be involved in plans for legislation.”¹⁰

After further inquiry no concrete information or data about the ordinance could be received. In practice, on a regular basis draft legislation and partly also draft policies are sent to the disability umbrella organizations and other DPOs for comment. However, the statement procedures are often criticized for not providing genuine participation processes as well as for inadequately short deadlines and for being without effect.

Ad question 3:

Please provide information on any consultative body or mechanism established to consult and engage with representative organizations of persons with disabilities, including information about their composition, criteria for membership (nomination, appointment, election, etc.) and functioning.

9. The Monitoring Committee wants to point out, that there is a remarkable number of equality bodies active on the federal as well as on Länder (federal

⁶ See National Action Plan on Disability 2012 – 2020, online available at http://www.sozialministerium.at/cms/site/attachments/7/7/8/CH2477/CMS1332494355998/nap_behin_derung-web_2013-01-30_eng.pdf.

⁷ See, inter alia, Report of the Independent Monitoring Committee for the Implementation of the Convention on the Rights of Persons with Disabilities to the Committee on the Rights of Persons with Disabilities in preparation of the dialogue with Austria in September 2013, p.16f.

⁸ See National Action Plan on Disability 2012 – 2020, measures no.49 and 50, p.35. In fact, the Federal Ministry on Justice has consequently organized a participative process that in this form can be described as unprecedented in Austria.

⁹ Ibidem, measure no. 24, p. 64.

¹⁰ Ibidem, p. 13.

provinces) level that are in charge of various human rights violations. However, none of these equality bodies fully complies with the Paris Principles applicable for National Human Rights Institutions.¹¹ This fact and the resulting **fragmentation** of competences and various levels of protection against discrimination are problematic and have often been criticized.¹²

10. On the federal level, there are **various bodies** installed that fulfil, inter alia, consultative functions with regard to the rights of persons with disabilities. There is e.g. the Federal Disability Ombudsman, the Austrian Ombudsman Board and the Independent Monitoring Committee. Additionally, there is the Federal Social Office (so called Social Ministry Service) with its nine Länder branches and the conciliation offices that are embedded in this framework.
11. The **Federal Disability Ombudsman** is by mandate responsible for the consultation and support of persons who feel discriminated on grounds of disability. In the exercise of its powers, the ombudsman is not bound by instructions. The function is embedded in the administration of the Federal Ministry for Labour, Social Affairs and Consumer Protection. The Minister for Labour, Social Affairs and Consumer Protection designates the Disability Ombudsperson for a period of four years with the possibility of re-election. Before designation there has to be a public call. The Federal Disability Board¹³ has to be heard and there has to be a public hearing that is conducted by the umbrella organization of the Austrian disability associations. The results of the hearing are not binding for the designation. Currently, the former Minister for Social Affairs holds the function and before him a predeceasing minister.

The ombudsman holds consultation days throughout Austria and can advise and support persons with disabilities in conciliation proceedings (with the possibility of taking part as a trusted third party). The ombudsperson can conduct investigations on discrimination against persons with disabilities and publish reports and recommendations.¹⁴

12. The **Federal Social Office** (i.e. the Social Ministry Service and its nine Länder branches) is, inter alia, responsible for conducting the conciliation processes for persons who feel discriminated on the ground of disability.¹⁵ It works under the administrative authority of the Federal Ministry for Labour,

¹¹ A/RES/48/134.

¹² See, e.g. Independent Expert of the United Nations in the Field of Cultural Rights, Farida Shaheed, Report on the Mission to Austria, June 2012, A/HRC/20/26/Add.1, paras. 35-42, as well as the recommendations of the Working Group on the Universal Periodic Review, A/HRC/17/8. Criticism by NGOs see, inter alia, Platform human rights now. Joint Submission for the 23rd Session of the Universal Periodic Review AUSTRIA; <http://www.menschenrechte-jetzt.at/english/>, p. 2f.

¹³ Compare section 8 to 12 Federal Disability Act. The Federal Disability Board is an advisory body of the Minister for Labour, Social Affairs and Consumer Protection.

¹⁴ Compare sections 13(b) ff Federal Disability Act.

¹⁵ Compare sections 14ff Federal Disability Equality Act. Before taking legal action in the case of alleged discrimination on the ground of disability at court a conciliation proceeding at the Federal Social Office is obligatory.

Social Affairs and Consumer Protection. It functions as a central contact point for persons with disabilities with a focus on integration into the Labour market.¹⁶

13. The **Austrian Ombudsman Board** is based on the Federal Constitution and monitors the public administration. It investigates complaints from citizens with regard to maladministration and can also act ex-officio. It is now by mandate also responsible for protecting and promoting compliance with human rights. As a consequence of the implementation of the Optional Protocol of the UN Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the mandate of the Austrian Ombudsman Board was broadened in 2012 to cover as well the function of a National Preventive Mechanism (NPM) and article 16 para 3 CRPD.¹⁷ Although the Austrian Ombudsman Board performs essential tasks, it has B status according to the ICC Sub-Committee on Accreditation.¹⁸ One of the main points of criticism is the lack of a transparent and participatory selection process. The three members of the Board are elected by the Austrian Parliament (i.e. by the three parties holding most seats in the National Council) and can be re-elected once.
14. The **Independent Monitoring Committee** according to article 33 para 2 CRPD. According to its Rules of Procedure¹⁹ the Monitoring Committee “deals with complaints, which can also be submitted informally, by the complainants or their representatives (including representative organizations) on asserted violations of the Convention; the Committee can also inquire into the presumption of a violation of the Convention ex-officio.”²⁰ (for more information see “Ad question 5” and Annex, Rules of Procedure).

Ad question 5:

Please explain whether and how persons with disabilities participate in monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (art. 33, para 3), and in the nomination of experts to the Committee on the Rights of Persons with Disabilities (art. 34, para. 3).

15. As the Monitoring Committee explained, inter alia, in its contribution to the Thematic Study of the OHCHR on article 29 CRPD, “The Monitoring Committee is comprised of seven members, all of whom are proposed by the main Disabled People’s Organization, the Austrian National Council of Disabled Persons (ÖAR). Four members represent disabled people’s

¹⁶ For more information see also sections 14ff Federal Disability Act.

¹⁷ Compare OPCAT Implementation Law, Federal Law Gazette I no. 1/2012.

¹⁸ Report of ICC Sub-Committee on Accreditation: <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Pages/SCA-Reports.aspx>; SCA Report 2011.

¹⁹ See Annex, Rules of Procedure.

²⁰ See Annex, Rules of Procedure section 2 (18).

organizations, one each represents a human rights non-governmental organization, a development cooperation organization and one person is a university expert. In addition one substitute is nominated per member.“ And: “The members are appointed by the Minister of Labour, Social Affairs and Consumer Protection for a period of four years. (...) The Monitoring Committee has a variety of duties and responsibilities, which derive from both the Convention as well as Section 13 Federal Disability Act.”²¹

16. “The Monitoring Committee strives to uphold a minimum level of [note: public] participation within its very restricted resource possibilities. Accordingly, the Monitoring Committee is committed to holding **public meetings** twice annually. [...] In preparation of such meetings, the Monitoring Committee provides a draft recommendation or a discussion paper on its web site. A version in Easy-to-Read-Format is made available, efforts to provide a sign language video are underway. [...] At the meetings, the draft or discussion paper respectively is briefly introduced by members of the Committee, with the possibility to comment. Persons with disabilities are given preference in making contributions and the three-minute-rule for interventions is lifted for those persons overcoming communication barriers. The minutes of the meetings, which reflect every intervention by name, are made available on the web site – as are the minutes of all other Committee meetings. The Committee invites additional comments to the draft and discussion for a minimum of six weeks following the public meeting. Thereafter, a summary of the submissions and the revised recommendation are made available on the web site.”²² 12 public meetings have been held since 2009, the next public meeting is to take place early 2016. The public meetings have so far been attended by an average of 250 persons with an increasing participation of persons with disabilities. The Monitoring Committee holds the public meetings alternating in Vienna and in the other Länder. The meeting have taken place, e.g. at the Parliament in Vienna, the Ministry for Health, the Ministry of Justice, as well as a University auditorium in Tyrol and at the Chamber of Labour in Styria.
17. “Efforts to ensure participation of persons with disabilities in the monitoring process are at the beginning, within its limited resource possibilities, the Monitoring Committee is committed to revising and improving opportunities for participation of persons with disabilities. The Monitoring Committee is also guided by the Standards of Public Participation”²³ ²⁴

²¹ Monitoring Committee, Contribution in response to a request by the OHCHR based on Human Rights Council Resolution 16/15 – „The role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities“ requesting a study on participation in political and public life by persons with disabilities.“, 15 October 2011, p. 3.

²² Ibidem, p. 3f.

²³ See above *ad question 2*, para 5.

²⁴ Monitoring Committee, Contribution in response to a request by the OHCHR based on Human Rights Council Resolution 16/15 – „The role of international cooperation in support of national efforts

18. The Monitoring Committee has repeatedly pointed out that its design does not comply with the Paris Principles: “The formal organization of the Committee – a sub-body of the advisory board of a ministry – does not conform to the Paris Principles. Without a constitutional basis, comprehensive tasks, an effective interface to the responsibilities of the federal provinces, guaranteed independence by placing it under the purview of Parliament as well as an adequate and independently managed budget, a committee of this type cannot satisfy the legitimate requirements of various institutions and individuals.”²⁵
19. In Austria, persons with disabilities have so far not been involved in the nomination of experts to the **Committee on the Rights of Persons with Disabilities (article 34 para 3)**.

Ad question 6:

Please identify the main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability-specific decision-making processes at the national, regional and local levels, including challenges faced by persons who experience multiple discrimination (e.g. on the basis of disability, age, gender, ethnic origin, geographical location)

20. The Monitoring Committee considers the predominant **lack of genuine participation** as one of the most pressing challenges. The reasons behind this are complex. Due to the persistent dual and hence segregating **education system**, persons with disabilities have less access to quality and mainstream education,²⁶ which adversely affects the access to participation. Another reason is the understanding or **image of expertise**. Expertise based on real life experience is still not perceived as sufficiently relevant. Participation needs sound preparation. The necessity of **timely information** on planned participative policy-making processes is often not taken into account.
21. In April this 2015 the Monitoring Committee held a public meeting on comprehensive participation²⁷. In this context, self-advocates and persons with disabilities reported on their experience of not **being taken seriously** in the context of participative processes and that their view was heard but not taken considered any further.²⁸ Additionally, a culture of creating **multiple working groups and advisory boards** in order to give the impression that the view of the participants would be of importance could be observed,

for the realization of the rights of persons with disabilities“ requesting a study on participation in political and public life by persons with disabilities.“, 15 October 2011, p. 4.

²⁵ Ibidem, p. 30.

²⁶ See also Monitoring Committee, Statement on Education, 10 June 2010.

²⁷ See Monitoring Committee, protocol of the public meeting on 28 April 2015 as well as Monitoring Committee, Statement on Comprehensive Participation, 28 April 2015.

²⁸ See Statement on Comprehensive Participation, 28 April 2015, p. 1f.

whereby the decisions are de facto taken somewhere else ignoring the results of the working groups.²⁹ Often, such working groups are not designed in a **comprehensively accessible** way (concerning, inter alia, structure, language, etc.).³⁰

22. The Monitoring Committee observes the need for **awareness-raising** with regard to the existence and the meaning of article 4 para 3 CRPD. It is often overseen by the duty bearers or not understood in its complexity. Also the outlined Standards of Participation are not sufficiently known and implemented. There is as well a lack of awareness regarding the existence of multiple and complex barriers, especially in the context of multiple discrimination.
23. The Monitoring Committee wants to underline the need to promote the participation of **self-advocates**. This includes sustainable support for groups of self-advocates in getting organized. Timely involvement and information on policy-making processes is indispensable. It must be taken into account that all necessary material and communication need to be fully accessible which is as well crucial for the design of meetings and discussions.

The Monitoring Committee could also observe a lack of representation of (or support for) certain groups of persons with disabilities, including women or children and youth with disabilities.

²⁹ Ibidem, p. 2.

³⁰ Ibidem, p. 3f.

Annex:

*Unabhängiger Monitoringausschuss
zur Umsetzung der UN-Konvention über die
Rechte von Menschen mit Behinderungen*

MonitoringAusschuss.at

Rules of Procedure

[UNOFFICIAL TRANSLATION]

a) Based on § 13 of the Federal Disability Act (FDA; Federal Law Gazette No. 283/1993 as revised in Federal Law Gazette No. 109/2008) and in line with the duties and responsibilities of the Federal Disability Council in accordance with § 8 Sec 2 Para 4 FDA,

b) For the purpose of domestic implementation and monitoring of the Convention in the Rights of Persons with Disabilities (ratified by Federal Law Gazette III No. 155/2008) and in accordance with its Article 33 Para 2 and 3 (hereinafter Convention),

c) In the spirit of the Paris Principles (Resolution of the General Assembly of the United Nations No. 48/134 including Annex) and the involvement of civil society in the independent monitoring of human rights, their promotion and protection, prescribed therein,

d) Based on the general principles: individual autonomy of persons with disabilities, equality and non-discrimination, inclusion, full and effective participation in society, respect for the difference of human beings, equality of opportunity, accessibility, and equality between men and women as well as the advancement of children with disabilities (Article 3 Convention),

The Monitoring Committee establishes its

Rules of Procedure:

Members of the Committee

§ 1. (1) The members (substitute members) of the Committee, appointed by the Minister for Labour, Social and Consumer Affairs with due regard to the proposals by the Austrian National Council for Disabled Persons (ÖAR), are:

- a. Four representatives of disabled people's organizations (and one substitute member each)
- b. One representative of a non-governmental organization in the field of human rights (and one substitute member)
- c. One representative of a non-governmental organization in the field of international development (and one substitute member)
- d. One representative of academia (and one substitute member).

(2) A representative of the Ministry for Labour, Social and Consumer Affairs (BMASK) and of the department or the highest level of the administration concerned, participate in an advisory capacity.

(3) The members of the Committee are independent and not bound by any directives or orders.

(4) Membership in the Committee is an unpaid honorary office. The members und substitute members are to receive reimbursement for their travel and sojourn expenses in accordance with the rules set out for lay judges and jury members in the 1975 *Expenses Claim Act*. This includes also personal assistance as well as interpretation services, particularly for sign languages.

(5) The members and substitute members are appointed for a period of four years. Following the discharge of the mandate the old Committee has to continue its office until the new Committee convenes. The time elapsed during the continuation of the office by the old Committee shall count toward the term of office of the new Committee.

(6) The members and substitute members of the Committee are bound by the same level of confidentiality as the representative who discharges his or her mandate toward the Committee.

Duties & responsibilities

§ 2. (1) The Committee monitors the domestic implementation of the Convention on the Rights of Persons with Disabilities.

(2) The Committee promotes and protects the human rights of persons with disabilities.

(3) The Committee advises the legislature, the government, the administration – particularly the BMASK – and the judiciary.

(4) The Committee compiles reports to the legislature, the government, the administration – particularly the BMASK – and the judiciary.

(5) The Committee issues recommendations on all questions related to the promotion, implementation and monitoring of the Convention (Art. 33 Para. 2 Convention).

(6) The Committee assesses the legal and administrative rules in force as well as corresponding practice and issues recommendations for amendments.

(7) The Committee compiles statements on draft legislation and decrees.

(8) The Committee recommends new legislative and administrative rules.

(9) The Committee examines data and statistics.

(10) The Committee contributes to the awareness raising and sensitisation of the public, also through public relations work.

(11) The Committee collaborates with schools, universities, other educational institutions, medical, social and other relevant institutions.

(12) The Committee cooperates with institutions, agencies and bodies nationally and internationally, foremost with representatives of civil society, particularly with persons with disabilities and their representative organizations, to include them in the monitoring process.

(13) The Committee cooperates in particular with the focal points and coordination mechanism established in accordance with Art. 33 Para. 1 of the Convention.

(14) The Committee cooperates with the independent authorities, which are to effectively monitor all facilities and programmes designed to serve persons with disabilities in order to prevent the occurrence of all forms of exploitation, violence and abuse (Art. 16 Para. 3 Convention).

(15) Based on the unlimited application of the Convention for all parts of the State (*Länder*) – Art. 4 Para. 5 Convention – the Committee cooperates in particular with the “authorities of the *Länder* that are to be established or named” in accordance with § 13 Para. 8 BBG.

(16) The Committee cooperates with agencies related to the Convention abroad, in particular with other monitoring committees under Art. 33 Para. 2 of the Convention as well as the Committee on the Rights of Persons with Disabilities (Art. 34 Convention), to which it will report as required.

(17) The Committee advises and supports individuals and groups who want to file a communication with the Committee on the Rights of Persons with Disabilities established in line with Art. 34 of the Convention.

(18) The Committee deals with complaints, which can also be submitted informally, by the complainants or their representatives (including representative organizations) on asserted violations of the Convention; the Committee can also inquire into the presumption of a violation of the Convention ex-officio.

a. Based on a complaint or a presumption the Committee can request further information from the authority or institution in question as well as a statement from the administrative bodies (§ 13 Para 2 Sub 2 BBG).

- b. For this purpose the Committee may seek the consent of the concerned person or their representative in compliance with data security regulations.
- c. The Committee can, in line with data protection, seek the expertise of experts and civil society organizations, particularly organizations which represent persons with disabilities.
- d. The Committee can invite the complainant or her/his representative to a dialogue.
- e. The Committee examines the complaint or presumption, can make a statement within reasonable time, and makes a recommendation in case of a violation.

(19) The Committee informs the public as necessary in all matters related to monitoring.

Competences

§ 3. In discharging their mandate committee members have, if necessary, also as a delegation as well as in cooperation with experts, particularly

- a. unlimited access to all relevant institutions and authorities necessary to discharge the mandate;
- b. an unlimited right to inspect files, the content of which is naturally covered by public confidentiality (§ 1 Para 6);
- c. the possibility to request statements from administrative bodies (§ 13 Para 2 Sub 2 BBG);
- d. the possibility to request data and statistics (Art 31 Convention).

Chairperson and Rapporteur

§ 4. (1) Following the appointment of the new Committee, the Federal Ministry for Labour, Social and Consumer Affairs shall call a constituting meeting. The eligible members shall elect a chairperson and a deputy with simple majority for the term of office. The chairperson (her/his deputy) can be removed with a two third majority vote.

(2) The members entitled to do so elect with single majority a rapporteur and a deputy. The rapporteur (her/his deputy) can be removed with a simple majority.

Meetings of the Committee

§ 5. (1) Meetings of the Committee are to be convened when necessary, at least four times a year. The dates are determined by the chairperson in coordination with the members and the Ministry for Labour, Social and Consumer Affairs. The Committee must also be convened when one third of the members submits a written request stating the purpose.

(2) The invitation should be sent to the members together with the agenda two weeks ahead of the meeting. If individual cases are to be discussed, the relevant information shall be added to the agenda.

(3) The venue, the documents and the communication of the Committee are accessible.

(4) On decision of the Committee the meetings are public, foremost to ensure the inclusion of representatives of civil society, particularly persons with disabilities and their representative organizations in the monitoring process.

Quorums

§ 6. (1) When all members have been duly invited, the Committee has a quorum if at least half of the members entitled to vote are present. If all members have been duly invited, the Committee also has the necessary quorum, if, 30 minutes after the set starting time for the meeting, less than half of the members are present. The Committee adopts its decisions with a simple majority of the votes cast. In case of a tie of votes, the vote of the chairperson shall decide.

(2) An amendment of the rules of procedure requires the approval of two thirds of all members entitled to vote.

(3) If necessary, a decision can also be made by circular resolution, which is to be noted in the minutes of the next meeting.

Experts and working groups

§ 7. (1) On suggestion by the chairperson or a minimum three eligible members, experts can be added to the meetings or other business of the Committee in an advisory capacity. Experts are eligible for the same reimbursement as the members (§ 1 Para 3).

(2) The Committee may form working groups as needed.

Annual Report

§ 8. The Committee reports on its activities at least once annually to the Federal Disability Council. The chairperson or a member of the Committee eligible to vote named by her/him may participate in the meetings of the Federal Disability Council in an advisory capacity.

External Representation

§ 9. (1) The representative of the Committee is the chairperson and in case of her/his unavailability, her/his deputy.

(2) For official correspondence the letterhead „Independent Monitoring Committee for the Implementation of the UN Convention on the Rights of Persons with Disabilities“ shall be used.

Secretariat

§ 10. (1) The secretariat of the Committee is run by the Ministry for Labour, Social and Consumer Affairs. The Ministry for Labour, Social and Consumer Affairs supports the Committee in discharging its mandate.

(2) The head of the department in the Ministry for Labour, Social and Consumer Affairs or one of her/his deputies participates in the deliberations of the Committee. The Ministry for Labour, Social and Consumer Affairs supports the rapporteur in drawing up the minutes and the meeting's results.

(3) In lieu of an independent budget, accrued expenditures are covered by the Ministry for Labour, Social and Consumer Affairs after seeking agreement and the Ministry provides direct support by providing necessary resources respectively.

(4) Minutes are compiled for every meeting by staff of the Ministry for Labour, Social and Consumer Affairs, which is signed by the rapporteur and the chairperson. The members and deputy members are to receive a copy of the minutes.

(5) The Ministry for Labour, Social and Consumer Affairs undertakes to archive complaints, measures taken and statements issued.

Federal Social Office

§ 11. The Federal Social Office (*Bundessozialamt, BSB*) and – also in its capacity of serving people concerned in regional centers – its *Länder* offices support the Committee in discharging its mandate. As a general rule the communication between the Committee and the Federal Social Office is to be facilitated by the secretariat of the Committee. In compliance with § 13 Para 7 BBG, particularly with a view to the pertinent information possibilities of the Federal Social Agency,

- a. the Federal Social Office receives complaints on the Committee's behalf and pro-actively provides counselling on possible provision of support and specified referrals respectively;
- b. insofar possible, the Federal Social Office alerts the Committee to Convention related issues, particularly potential structural problems;
- c. supports research in individual cases and provides information related to its mandate.

Accessible Formats

§ 12. The rules of procedure are to be made available in accessible formats, this includes in particular Braille, sign languages, easy-read and auditive forms.