

MonitoringAusschuss

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



October 2025

Contribution

In response to the Call for written submissions on the draft guidelines on addressing multiple and intersectional forms of discrimination against women and girls with disabilities

Presentation of the Independent Monitoring Committee

The Independent Monitoring Committee is responsible for monitoring compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD). It is in charge of federal legislative and executive matters. In accordance with § 13g para. 2 no. 1 and 2 of the BBG, the Independent Monitoring Committee obtains statements from administrative bodies on the implementation of the CRPD and issue its own recommendations and opinions.

The Independent Monitoring Committee welcomes the Call for contributions and expresses its gratitude for the opportunity to participate. It comments on the individual questions as follows:

Question 1: Do the anti-discrimination legislation and/or policy frameworks in force in your country recognize disability and the denial of reasonable accommodation as prohibited forms of discrimination against persons with disabilities?

Non-discrimination on the basis of disability is protected by anti-discrimination law in Austria. The concept of “reasonable accommodation” is not explicitly mentioned in all the statutory provisions covering discrimination on the grounds of disability. There is no consistent legal definition in accordance with the CRPD, that the failure to provide reasonable accommodation amounts to discrimination. Reasonable accommodations are not always recognized as a form of protection against discrimination. When asserting “disability” as a ground for discrimination, different legal provisions and procedures apply than for other grounds of discrimination. Protection against discrimination is therefore **scattered**.

More detailed information can be found in the answer to question 2.

Question 2: Do the anti-discrimination legislation and/or policy frameworks in force in your country recognize the multiple and intersecting forms of discrimination affecting women with disabilities on account of their disability and other factors, such as sex, gender, ethnicity, migration status, origin, socio-economic status, religious beliefs, etc.?

The Republic of Austria is a state party to the **CRPD** and hence, inter alia, obliged to ensure the protection from discrimination of women and girls with disabilities in line with Article 6 CRPD. However, the enforcement of this protection faces major challenges, as the CRPD is not directly applicable in Austria but requires implementation. Therefore, no individual can directly invoke the applicable rights under the Convention. But existing and new laws, as well as case law, must be in line with the CRPD.

As Austria is also a member state of the **EU**, discrimination on the grounds of disability and the failure to provide reasonable accommodation in Austria are prohibited under EU law regarding employment and occupation, including vocational training (directive EC/2000/78). The respective EU directives, however, do not provide explicit and sufficient protection against intersecting forms of discrimination. In its Parris ruling, the ECJ found that EU directives themselves do not provide a legal basis for claims of intersectional discrimination.

Austrian anti-discrimination law does **not explicitly** use the term “intersectional discrimination”, but only the term “multiple discrimination”. This covers cases of discrimination based on separate claims, such as disability and gender. Whether this term comprehends also intersecting forms of discrimination, i.e. an inseparable combination of various grounds of discrimination, is not explicitly clarified. Despite individual efforts to further develop case law and doctrine, it needs to be pointed out that the legal provisions are not clear enough and cause legal uncertainty. Hence, a gap of protection remains.

Furthermore, the **implementation of EU law**, such as anti-discrimination directives, into the Austrian legal system is also difficult. Since there are different regulations and systems for protection against discrimination in the Austrian system, Austria requires many laws to implement the respective anti-discrimination directives on federal and state levels. These individual laws are formulated almost identically, as the wording of the directive is simply adopted directly. However, the access to legal counseling and examination of a discrimination case, differs. The access to justice in that regard needs to be pointed out as inconsistent. The division of Austrian discrimination protection therefore also causes problems in its application at the national level, primarily because it occurs on several levels and leads to different approaches to law enforcement.

A differentiation is made between the **grounds of discrimination** that are asserted. The Equal Treatment Act (GlBG) protects the following characteristics on federal level: gender, ethnicity, religion or belief, age, or sexual orientation **in the field of employment and occupation**, and only gender and ethnicity **in the access to goods and services** including social benefits. Discriminations based on disability, on the other hand, are covered by separate provision, i.e. the Disability Employment Act (BEinstG) for employment and occupation and the Federal Act on Equal Opportunities for Persons with Disabilities (BGStG) for the access to goods and services. This causes not only a gap in protection concerning intersecting discrimination (outside employment there is no consistent protection against discrimination based on sexual orientation, religion and belief, and age) but also leads to different procedures for addressing discrimination and different authorities are being involved. Intersectional discrimination involving disability and another characteristics, such as age or gender, is therefore difficult to deal with.

Depending on the reasons for discrimination that are asserted, **different institutional counseling centers** are involved. If a woman or girl with disabilities is discriminated against on the basis of both her gender and her disability, she could either contact the Austrian Disability Ombudsperson (BAW) or the Austrian Ombudsperson for Equal Treatment (GAW). Both institutions have a different normative base. The Austrian Disability Ombudsperson works with the statutory provisions covering (only) discrimination on the grounds of disability, whereas the Austrian Ombudsperson for Equal Treatment works on the basis of the Equal Treatment Act (GlBG), covering all other grounds of discrimination.

The further **enforcement of the rights** of the discriminated person also differs depending on the reasons for discrimination asserted. If characteristics such as age, sexual orientation, religion or ideology, ethnic origin, and gender are asserted individually or in combination, the Equal Treatment Act (GlBG) applies. Those affected have access to the optional procedure at the Equal Treatment Commission.

As soon as a person claims that they have been discriminated against (also) on the basis of a disability, this regime does not apply, but the victims of discrimination can only enforce their rights based on the respective laws forbidding discrimination based on disability.

For more detailed information on the further proceedings and remedies see question 7.

As mentioned above, there remain **significant gaps** in Austrian anti-discrimination law outside the field of employment and occupation. There is **no uniform level of protection**, in the access to goods and services, education, and social protection at federal level there is no legal protection against discrimination based on sexual orientation, age and

religion or belief. This also affects people with disabilities experiencing intersective forms of discrimination regarding these grounds. This means that for example, a homosexual person with disabilities can defend themselves against discrimination in connection with their work. However, if they are not allowed into a bar or restaurant in their free time, they can only invoke disability as the reason for discrimination.

Question 3: Do authorities in your country collect data reflecting intersectionality between disability and other factors such as sex, gender, ethnicity, migration status, origin, socio-economic status, religious beliefs, etc.

The answer has to be **no**.

The Independent Monitoring Committee has repeatedly stated that Austria is **not sufficiently fulfilling its obligations** to collect and provide data. In the latest state review of the implementation of the CRPD in Austria, the UN Committee in Geneva criticized the general lack of data on persons with disabilities (CRPD/C/AUT/CO/2-3* Rz 71 f) and the lack of disaggregated data at federal and state level on women and girls with disabilities (CRPD/C/AUT/CO/2-3*Rz 19 lit c). In particular, the UN Committee recommended that, in accordance with Article 17 CRPD, data on sterilizations performed be made available (CRPD/C/AUT/CO/2-3* Rz 4 lit. a).

With regard to children with disabilities, there is a lack of data in the areas of education and existing measures (CRPD/C/AUT/CO/2-3* Rz 57 lit. h and Rz 58 lit. h) as well as health care and psychotherapeutic care (CRPD/C/AUT/CO/2-3* para. 59 lit. a). The UN Committee calls for improvements in the provision of care and data collection on this issue, as well as a breakdown by age, gender, region, and type of impairment (CRPD/C/AUT/CO/2-3* para. 60 lit. a).

Certain **agencies** in Austria collect data independently. However, it is apparent that the division of protection against discrimination also leads to problems in data collection. In the course of a mediation procedure based on discrimination on the basis of disability the gender of the discriminated person is not systematically inquired and hence recorded. The Austrian Ombudsperson for Equal Treatment (GAW), on the other hand, collects data on its own cases of discrimination that are reported. Since the GAW is not responsible for “disability” as reason of discrimination, less than 1% (12 out of 1,627 cases) of women reported a disability in the last three years (2022–2024).

It is assumed that there is a **massive underreporting** of intersectional discrimination cases. It should be noted that stricter enforcement mechanisms generally lead to more inquiries. The study on experiences of discrimination in Austria concluded that one of the reasons why people who experience discrimination do not defend themselves

against it is because they do not expect to be able to assert their rights (see Schönherr et al., Diskriminierungserfahrung in Österreich (2019)).

Question 4: Which groups of women and girls with disabilities face the greatest risks of multiple and intersectional discrimination? For example: - Women and girls with disabilities living in rural or remote areas; - Women and girls with disabilities from ethnic or racial minorities; - Indigenous women and girls with disabilities; - Migrant, asylum-seeking, or refugee women and girls with disabilities; - Older women with disabilities; - Young girls with disabilities; - Women and girls with intellectual or psychosocial disabilities; - Women and girls with disabilities living in institutions.

Given the lack of available data (see question 3), it is difficult to provide the requested assessment. It would require in-depth, intersectional analyses of experiences of discrimination to be able to make these statements. However, it is known that women and girls with disabilities are generally at risk of experiencing discrimination due to their position in society. The institutionalization of women and girls with disabilities also creates particular situations of risk. Segregation and isolation in themselves constitute discrimination and further increase the risk of dependency.

See also question 5.

Question 5: What are the main Intersectional risks and forms of discrimination faced by women and girls with disabilities? Do you consider that the violence and discrimination against women and girls with disabilities is due to two or more of personal characteristics, or that is colored by these characteristics? For example: being a woman with a disability and indigenous; being a woman with a disability and living with albinism; being a woman with a disability and also an elderly; being a woman with disability and also a child or teenager; being a woman with a disability and a migrant or an asylum seeker, or a person seeking international protection or a refugee; a member of the LGBTIQ+ community; or being someone with diverse sexual orientation or gender identity. Please specify.

Due to a lack of data, it is difficult to identify the greatest risks of discrimination experienced by women and girls with disabilities.

Surveys conducted by the Austrian Disability Ombudsperson reveal an intersection between **disability and age** in terms of intersectionality and experiences of discrimination. However, many inquiries also concern **female caregivers**, such as mothers, particularly with regard to education and activities.

It is important to note that there is a tendency to defensive and hostile attitude towards **refugees** in Austria. In addition, the Independent Monitoring Committee has received reports that women with disabilities face problems because they do not fit the “typical”

image of a refugee. This would be a young man without disabilities who is alone. As a result, laws and regulations, as well as services and accommodation, are not adequately tailored to their needs.

As long as the residence status of refugees remains unclear, they often have no guaranteed access to support services and assistance. This means that refugees with disabilities are left to fend for themselves during this lengthy process.

Question 6: Describe the areas of life in which women and girls with disabilities exposed to multiple and intersecting forms of discrimination are more excluded from the access and enjoyment of their rights. (examples: in housing, access to justice, employment, political participation, etc.)

In 2019, a study on violence against persons with disabilities was conducted at the national level in Austria on behalf of the Austrian Federal Ministry of Social Affairs, Health, Care, and Consumer Protection. This study dealt with both experiences of violence and its prevention.

It found that women in general—with and without disabilities—report a higher incidence of **sexual violence** than men. Women with disabilities experience severe sexual violence more often than women without disabilities.

The places where the violence described occurred were mainly institutions, the victims' own homes, or their parents' homes. It should be noted that in Austria, many people with disabilities live in institutions. For young girls with disabilities, special schools are often provided as boarding schools for their education; for women with disabilities, homes for the disabled or retirement homes are provided as places of residence.

Institutionalization places people with disabilities in situations of dependency in which it is difficult for them to defend themselves against assault or abuse. Support services or assistance are often difficult to access because institutions are often located in more rural areas. This means that residents cannot always simply leave.

Question 7: Indicate which remedies are available to women and girls with disabilities facing multiple and intersecting forms of discrimination. Are these remedies accessible, available, and effective?

As already mentioned above (question 2), in Austria, the reason for the discrimination claimed decides which procedure needs to be followed for the enforcement of rights.

In cases of multiple **discrimination where disability is also a factor**, a mandatory mediation procedure is initiated. In contrast, this is not provided for in the case of other grounds of discrimination. Before a claim can be filed at court, the discriminated person has to apply for a settlement/mediation, this means they have to meet with the

discriminating person or institution and lead a conversation that is moderated by a neutral person from the service point of the Ministry of Social Affairs (Sozialministeriumservice). On a positive note, it needs to be pointed out that mediation offers more options for suitable, individual outcomes than court proceedings. For example, it is possible to demand the cessation of discrimination, such as the removal of a barrier, which is in most instances not available in a claim at court.

At the same time, the requirement to meet in a mediation setting before bringing a claim to court can be difficult. People who have experienced discrimination or harassment are more likely to avoid meeting with the other party. It should be noted that it is possible to be represented in mediation. Representation by the Austrian Disability Ombudsperson has also been possible since 2024. This means that the person who has been discriminated against does not have to be present in person. However, other protective measures, such as a separate interview with the person, are not provided.

If **other reasons for discrimination**, such as gender or ethnic origin, are asserted, the person can either go directly to court or, optionally, appeal to the Equal Treatment Commission. If harassment is asserted in proceedings before the Equal Treatment Commission, the person does not have to interact with the harasser. The questioning generally takes place separately.

This means that women with disabilities who are harassed or discriminated are **treated differently** from women without disabilities in the same situation, being (sexually) harassed or discriminated against based on their gender. When an intersection form of discrimination or harassment occurs where disability is involved, the disability regime applies.

Question 8: Describe any example of positive initiative, plan, programme, strategy or piece of legislation addressing multiple and intersecting forms of discrimination against women and girls with disabilities.

Under the leadership of the Federal Ministry for Women, Science, and Research the current Austrian government has decided to develop a **National Action Plan against Violence against Women** (NAP). The NAP covers the period 2025-2029 and includes concrete measures to protect women and girls, including implementation targets, responsibilities, and timetables

(<https://www.bmfwf.gv.at/ministerium/presse/20250423.html>). It also addresses intersectional discrimination, such as the situation of women and girls with disabilities and older women. It should be noted that disability was not recognized as a cross-cutting issue. The topic of women with disabilities, for example, was only addressed in

a single working group. In other areas, such as employment, organizations of people with disabilities and self-advocates were not involved.

However, the NAP can be a good starting point for further efforts to combat intersectional discrimination.

The counseling landscape in Austria is quite broad. Some **NGOs** also deal with intersectional discrimination. These include, for example, Mafalda (<https://www.mafalda.at/#a>), NINLIL (<https://www.ninlil.at/>), FmB (<https://fmb-frauenmitbehinderungen.at/>). Also the Federal Association of Women's Shelters in Austria (<https://www.gewaltschutzzentrum.at/>) should be mentioned. The counseling landscape is also fragmented. Most of these organizations are dependent on funding from public bodies, such as the federal or state governments. This funding is not normally guaranteed over a period of years. Currently, there are drastic cuts due to the current budgetary constraints.

For the Independent Monitoring Committee

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