

MonitoringAusschuss

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



Report to the UN Committee on Economic, Social and Cultural Rights on the constructive dialogue concerning Austria's fifth periodic report (E.C.12/AUT/QPR/5)

Reply to the List of Issues prior to the Submission of Austria's fifth periodic report

2026

I. Introduction

The **Independent Monitoring Committee on the Implementation of the Convention on the Rights of Persons with Disabilities** is an independent committee that monitors compliance with the human rights of persons with disabilities by the public administration for the area of federal competence. It refers to the UN Convention on the Rights of Persons with Disabilities (CRPD). It was established in accordance with Article 33 CRPD, which Austria ratified in 2008. The Independent Monitoring Committee issues public statements and recommendations.

II. Relevant issues for persons with disabilities in connection with the list of issues relating to the submission of Austria's fifth periodic report

Paragraph A.5:

Scientific studies¹ show that women and girls with disabilities are affected by sexual, physical and psychological violence to a significantly greater extent than women without disabilities. Women with learning difficulties, those with psychosocial disabilities and women living in institutional settings are particularly at risk. Many institutions lack strategies to promote sexual self-determination and to prevent violence.² Many victim support services and counselling

¹ See *Mayrhofer/Schachner/Mandl/Seidler*, 'Experiences and Prevention of Violence against Persons with Disabilities' (2019), <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=718> (accessed on 28 September 2026).

² See *Austrian Ombudsman Board*, press release: Focus of investigation: sexual self-determination for persons with disabilities. Findings and Recommendations (2024), https://volksanwaltschaft.gv.at/fileadmin/user_upload/Downloads/Presse/Presseunterlagen/PK_Schwerpunkt_MmB_20.02.2024.pdf (accessed on 21 September 2026).

centers are not accessible.³ The *National Action Plan to Combat Violence against Women and Girls 2025–2029* is to be qualified as positive development und was adopted by the Federal Government in 2025. The National Action Plan contains nine specific measures dedicated to women and girls with disabilities.⁴ However, disability was not adequately mainstreamed as a cross-cutting issue in all the measures of the National Action Plan.

Recommendations of the Monitoring Committee:

- **Ensure effective and accessible access to prevention and protection mechanisms against gender-based violence, particularly in institutions⁵**

Paragraph B.6:

International human rights treaties ratified in Austria are subject to a reservation of implementation (Erfüllungsvorbehalt) – as it is the case of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Covenant does not have direct legal effect but must first be implemented by means of implementing legislation. The obligation to implement the Covenant falls primarily on the legislature at federal and provincial level.⁶ In the most recent concluding observations of the UN Committee on Economic, Social and Cultural Rights in 2013, the lack of implementation into the domestic (in particular the federal) legal system was criticised.⁷ Since then, the Monitoring Committee is not aware of any developments in the field of legal education.

Recommendations of the Monitoring Committee:

- **Enact national legislation enabling the judicial enforcement of all individual rights guaranteed under the Covenant⁸**
- **Screening of Austrian legislation to ensure its consistent with the ICESCR⁹**

³ See *Independent Monitoring Committee*, “The implementation of CEDAW in Austria with regard to women and girls with disabilities”. Report to the Pre-Sessional Working Group 2024 (2024) 3, https://www.monitoringausschuss.at/wp-content/uploads/2025/01/UMA_CEDAW-Report-Austria.pdf (accessed on 21 September 2026).

⁴ See *Federal Ministry for Women, Science and Research* (ed.), *National Action Plan to Combat Violence against Women and Girls 2025–2029 of the Federal Government* (2025) 23.

⁵ See *UN Committee*, Concluding Observations on the combined second and third periodic reports of Austria^{***}, CRPD/C/AUT/CO/2-3*, para. 20.

⁶ *Independent Monitoring Committee*, THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES – HISTORICAL DEVELOPMENT AND IMPACT ON THE REPUBLIC OF AUSTRIA (2019) 6.2.

⁷ Economic and Social Council, Concluding observations on the fourth periodic report of Austria* (2013) E/C.12/AUT/CO/4, 5 ff.

⁸ See also *UN Committee*, Concluding observations, CRPD/C/AUT/CO/2-3* para 12.

⁹ See also *BMSGPK*, National Action Plan on Disability 2022–2030 (2022) BMSGPK/IV/1, 10.

Paragraph B.14:

There remains a fragmentation in Austrian anti-discrimination law and in the organisational landscape responsible for protection against discrimination. Discrimination based on disability is regulated separately from the other grounds of discrimination under the law. Consequently, different bodies are responsible, and different procedural steps are required for the enforcement of the law in cases of discrimination on the ground of disability.

This fragmentation hinders protection against intersectional discrimination and an equal level of protection. Furthermore, the Disability Equality Act (Behindertengleichstellungsgesetz) recognises only the term 'multiple discrimination'. This covers cases of discrimination arising from the combination of different grounds (e.g. disability *and* gender). Intersectional forms of discrimination are not explicitly covered and are not recognised in judicial practice either. These ambiguities lead to gaps in protection and obstacles to the enforcement of the law for victims of discrimination.

Recommendations of the Monitoring Committee:

- **Close the protection gap regarding 'intersectional discrimination' by involving persons with disabilities in the legislative process**
- **Raise standards in anti-discrimination law by harmonising the varying levels of protection in favour of people who have experience¹⁰**

Paragraph B.16:

The second version of the National Action Plan on Disability is now in place. It covers the period 2022–2030. Implementation of the National Action Plan is behind schedule, as many measures should already have been completed.

The percentage of companies that have met the employment quota for persons with disabilities in recent years is as follows:

- 2020: **21.92%** met the employment quota (**78.08%** did not meet the employment quota; payment of the compensation levy required)
- 2021: **22.43%** met the employment quota (**77.57%** did not meet the employment quota; payment of the compensation levy required)
- 2022: **23.79%** met the employment quota (**76.21%** did not meet the employment quota; payment of the compensation levy required)

¹⁰ See *Independent Monitoring Committee*, Monitoring Report for the UN Committee on the Rights of Persons with Disabilities on the Occasion of the Second Constructive Dialogue with Austria (2023) 6, https://www.monitoringausschuss.at/wp-content/uploads/2023/07/Monitoring-Report-2023_engl.pdf (accessed on 21 September 2026).

- 2023: **23.89%** of the employment quota met (**76.11%** of the employment quota not met; payment of the compensation levy required)
- 2024: **23.89%** employment quota met (**76.11%** employment quota not met; payment of the compensation levy required)

The Federal Civil Service also fails to meet its employment quota and is therefore liable to pay compensation levies. Only 3 per cent of companies – those with at least 25 employees – are subject to the employment quota for persons with disabilities. The compensation levy system is problematic in its design, as the compensation payments are still cheaper for many companies than employing a person with disability.

Recommendations of the Monitoring Committee:

- **Further development and implementation of the projects under the NAP 2022 – 2030 in close consultation with persons with disabilities¹¹**
- **Include specific measures in the subsequent Action Plan that are backed by sufficient resources, deadlines and monitoring mechanisms, and which ensure the transition from segregated employment to employment in the open labour market for all persons with disabilities¹²**

Paragraph B.17:

Access to the open labour market, as well as finding and retaining an apprenticeship, remains a problem for persons with disabilities.¹³ For many persons with disabilities, particularly those who have only completed special education school, access to the open labour market is not available. The only jobs open to them are in sheltered workshops.¹⁴

The latest unemployment figures show an increase in unemployment of +18.2 per cent compared with the previous year. This figure is well above the average of +3.3 per cent.¹⁵ This continues the trend whereby persons with disabilities in Austria are more severely affected by unemployment than the average.

Since January 2024, the statutory assessment of the capacity for work of young persons with disabilities up to the age of 25 has been suspended ('Fit for work up to 25').¹⁶ Until the age of 25, young persons with disabilities can have their capacity for work assessed on a voluntary

¹¹ See also *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 64(a).

¹² See also *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 64(a).

¹³ See *Independent Monitoring Committee*, Opinion on Work and Employment (2011), p. 1 et seq.

¹⁴ See the response below paragraph B.21.

¹⁵ *Public Employment Service Austria*, Labour Market Data – August 2026 (2026) 2, <https://www.ams.at/arbeitsmarktdaten-und-medien/arbeitsmarkt-daten-und-arbeitsmarkt-forschung/arbeitsmarktdaten> (accessed on 28 September 2026).

¹⁶ *BMASGPK*, Fit for Work up to Age 25, <https://www.sozialministerium.gv.at/Themen/Arbeit/Arbeitsmarkt/Arbeitsmarktforderungen/Arbeitsfaehig-bis-25.html> (As of February 2026) (accessed on 30 September 2026).

basis. If no incapacity for work is determined – a process that is extremely flawed and based on the medical model of disability – young persons with disabilities are entitled to the job placement, further education and training services provided by the Public Employment Service Austria (Arbeitsmarktservice) and can take part in youth coaching (Jugendcoaching).¹⁷ At the Monitoring Committee's public meeting in 2026, it became clear that young persons with disabilities want to work in the open labour market.¹⁸

Recommendations of the Monitoring Committee:

See recommendations below paragraph B.21

Paragraph B.19:

According to the Monitoring Committee's understanding, the projects and measures outlined in the periodic report¹⁹ of Austria aimed at overcoming gender stereotypes in the labour market, as well as the labour market-related projects of the Austria-wide Network for Vocational Assistance (NEBA) for persons with disabilities, focus very little on girls and women with disabilities.

Only the public awareness campaign launched on 1 September 2026 by the Federal Ministry of Social Affairs, entitled '*Don't Disable Me*', is intended to counter prejudice, stigmatisation and discrimination against women with disabilities in the labour market and to raise awareness of their skills and abilities.²⁰ However, no accompanying or further structural measures for the labour market are apparent.

Recommendations of the Monitoring Committee:

- **Implement awareness-raising measures and structural measures**

Paragraph B.20:

The Monitoring Committee notes with concern that women and girls with disabilities continue to face barriers to accessing the labour market.²¹ Intersectional discrimination, multiple disadvantages, as well as a lack of accessibility and reasonable accommodation in the workplace are key reasons for the under-representation of women with disabilities in the open labour

¹⁷ See

<https://www.sozialministerium.gv.at/Themen/Arbeit/Arbeitsmarkt/Arbeitsmarktfoerderungen/Arbeitsfaehig-bis-25.html> (accessed on 9 September 2026).

¹⁸ *Independent Monitoring Committee*, 'My vote matters: The 2025 public meeting', <https://www.monitoringausschuss.at/aktuelles/meine-stimme-ist-wichtig-das-war-die-oeffentliche-sitzung-2025/> (accessed on 18 September 2026).

¹⁹ See the Fifth periodic report submitted by Austria under Articles 16 and 17 of the Covenant (E/C.12/AUT/5) 28.

²⁰ See <https://www.sozialministerium.gv.at/Themen/Soziales/Menschen-mit-Behinderungen/Berufliche-Teilhaber-von-Menschen-mit-Behinderungen/Frauen-mit-Behinderungen-am-Arbeitsmarkt.html> (accessed on 9 September 2026).

²¹ See *Independent Monitoring Committee*, "The Implementation of CEDAW in Austria" 6.

market.²² Furthermore, there is a lack of nationwide, needs-based personal assistance in the workplace and during leisure time. Women with learning difficulties and psychosocial disabilities are particularly affected. They often have no prospect of employment subject to social security contributions or a living wage but instead work in day-structuring programmes and sheltered workshops for a small amount of a so called ‘pocket money’.²³

Recommendations of the Monitoring Committee:

- **Implement measures to eliminate the gender gap in employment and pay**

Paragraph B.21:

Despite political declarations of intent²⁴, 28,000 persons with disabilities in Austria still receive no pay for their work and are not covered by social insurance. These are predominantly persons with high support needs and those deemed unfit for work. They are often in day-structure settings, where they carry out tasks in return for ‘pocket money’ of between 35 and 100 euros per month and are covered only by accident insurance. They are often financially dependent on relatives for their entire lives and face a high risk of poverty.

In 2024, the “directive on inclusive employment” was adopted. The aim is to provide public funding for employment projects guaranteeing fair wages and employment covered by social security legislation.²⁵ There is currently no information available on how many projects have received funding or whether the directive will be extended beyond 2026.

Recommendations of the Monitoring Committee:

- **Ensure equal pay for work of equal value, social security cover and employment contracts²⁶**
- **Provide reasonable accommodation and personal assistance in the workplace²⁷**

²² See the study by *Aufhauser et al*, Equal opportunities for women with disabilities in the labour market. Obstacles – Challenges – Solutions (Equal opportunities for women with disabilities in the labour market. Obstacles – Challenges – Solutions) (2020), https://www.lrsocialresearch.at/wp-content/uploads/2024/03/2021_Chancengleichheit_Frauen_Behinderungen_Arbeitsmarkt.pdf (accessed on 21 September 2026).

²³ See also the response below paragraph B.21.

²⁴ See *Federal Chancellery* (ed.), *Doing the Right Thing Now. For Austria. Government Programme 2025–2029* (2025) 111, https://www.bundeskanzleramt.gv.at/dam/jcr:8d78b028-70ba-4f60-a96e-2fca7324fd03/Regierungsprogramm_2025-2029.pdf (accessed 21 September 2026).

²⁵ See *Federal Ministry of Labour, Social Affairs, Health, Care and Consumer Protection*, <https://www.sozialministerium.gv.at/Services/Aktuelles/Archiv-2024/neue-Foerderrichtlinie-Inklusive-Arbeit.html> (accessed on 21 September 2026).

²⁶ See *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 64(c).

²⁷ See also *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 64(c).

Paragraph B.24:

As of 31 December 2022, 72.610 persons with a registered disability had their main residence in institutional settings. This means that one in ten persons with a disability in Austria lives in a setting where their daily life is organised by others (e.g. institutions for persons with disabilities, care facilities etc.).²⁸ Children and young people, particularly those with high support needs, are just as likely to live in institutional settings. One reason for this is the lack of support services for families with children with disabilities, and the fact that those available do not meet their needs. School-age children attending special schools often must live in boarding schools during the school year, as the school locations are too far away from their own homes.²⁹

An independent life is also often thwarted because there is no nationwide entitlement to needs-based personal assistance in Austria. Furthermore, setbacks can be observed in the implementation of accessible housing.³⁰ There is a lack of data on this issue, as well as a lack of a nationwide deinstitutionalisation strategy.³¹

Recommendations of the Monitoring Committee:³²

- **Develop a nationwide deinstitutionalisation strategy with specific targets and plans, effectively involving persons with disabilities**
- **No investment in existing or new institutional forms of housing and phasing out of existing institutions and expansion of self-determined forms of housing**
- **Harmonisation of regulations and the right to person-centred, needs-based and age-independent personal assistance**

²⁸ See *Statistics Austria*, Persons with Disabilities in Austria II. Demographic Characteristics of Persons with a 'Registered Disability' 2022 (2024) pp. 52 ff., https://www.statistik.at/fileadmin/publications/Menschen_mit_Behinderungen_in_OEsterreich_II.pdf (accessed on 16 September 2026). See also the response below paragraph B.21

²⁹ See *Independent Monitoring Committee*, Discussion Paper on De-institutionalisation (2024) 3, https://www.monitoringausschuss.at/wp-content/uploads/2024/02/Diskussionsgrundlage_De-Institutionalisierung_UMA_2024.pdf (accessed on 16 September 2026).

³⁰ See *Bizeps*, <https://www.bizeps.or.at/protest-gegen-rueckbau-der-barrierefreiheit-in-salzburg/> (accessed on 28 September 26).

³¹ See *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 48. The Independent Monitoring Committee devoted a specific focus to the topic of deinstitutionalisation in 2024 and held its 2024 public meeting on this subject. The personal accounts of persons with disabilities can be found in *MONITOR: De-institutionalisation* (2025), https://www.monitoringausschuss.at/wp-content/uploads/2025/12/UMA_MONITOR-De-Institutionalisierung.pdf (accessed on 16 September 2026).

³² See *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 48.

Paragraph B.27:

The provision of psychiatric care, particularly in the field of child and adolescent psychiatry, is a cause for concern due to a glaring shortage of staff, and the situation is worsening.³³ The staff shortage is leading to the closure of inpatient facilities or a reduction in services. Outpatient facilities are being forced to cut back on their services or are having to close. Waiting times for appointments with specialist doctors are getting longer and longer.³⁴ Furthermore, the insufficient provision of health insurance-funded therapy places for children and young people is highly problematic. Since the start of 2026, clinical psychological treatments have been available free of charge as a health insurance benefit for children and young people as well, though capped at 120,700 treatment sessions.³⁵

The situation regarding psychiatric and therapeutic care in prisons and forensic commitment (Maßnahmenvollzug) is equally precarious and worrying. Inmates with psychosocial disabilities can no longer be adequately cared for due to a shortage of specialist doctors.³⁶

Recommendations of the Monitoring Committee:

- **Address structural shortcomings and improve access to psychiatric and therapeutic care, particularly for children and young persons with disabilities³⁷**
- **Ensure adequate care within the prison and forensic commitment³⁸**

³³ See *Independent Monitoring Committee*, contribution to the call for a study on the impact of mental health issues on the enjoyment of human rights by young people – Human Rights Council Resolution 57/30 (2026) 3, https://www.monitoringausschuss.at/wp-content/uploads/2026/02/OHCHR-Call_InputUMA_Resolution57-30_english.pdf (accessed on 21 September 2026).

³⁴ See the press release from the *Austrian Society for Psychiatry, Psychotherapy and Psychosomatics*, <https://oegpp.at/psychiaterinnenmangel-warnung-vor-wachsender-unterversorgung-psychisch-erkrankter-menschen-ots-vom-22-04-2026/> (accessed on 18 September 2026).

³⁵ See the *Independent Monitoring Committee*, contribution to the call for proposals for the study on the impact of mental health problems 3.

³⁶ See *Austrian Society for Psychiatry, Psychotherapy and Psychosomatics*, <https://oegpp.at/psychiaterinnenmangel-warnung-vor-wachsender-unterversorgung-psychisch-erkrankter-menschen-ots-vom-22-04-2026/> (accessed on 18 September 2026); *Austrian Ombudsman Board*, Focus Report 2026. Persons with mental health conditions: Care in the prison system under scrutiny (2026), https://volksanwaltschaft.gv.at/fileadmin/user_upload/Downloads/Berichte/WB/Schwerpunktbericht_-_Psychisch_erkrankte_Menschen_im_Strafvollzug_2026_bf.pdf (accessed on 21 September 2026) and *Austrian Court of Audit* (ed.), Management and Coordination of the Prison and Secure Treatment System; Follow-up Review (2025), pp. 53 ff, https://www.rechnungshof.gv.at/rh/home/home/home_7/2024_9_Straf_Massnahmenvollzug_FuP.pdf (accessed on 21 September 2026).

³⁷ See *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 60.

³⁸ See *Independent Monitoring Committee*, Compulsory Treatment. Statement on the Current Situation and Prevention (2015), pp. 13 ff.

Paragraph B.28:

Persons with disabilities face difficulties in accessing health services and the Austrian healthcare system due to a lack of accessibility.³⁹ Communication, physical and psychosocial barriers make it difficult to access medical services. Medical jargon poses a particular hurdle for persons with learning difficulties. Stigmatising and stereotypical attitudes on the part of medical staff lead to discrimination and traumatising treatment situations.

Girls and women with disabilities, as well as persons with disabilities who are refugees, also face intersectional discrimination.⁴⁰

Recommendations of the Monitoring Committee:

- **Remove barriers within the healthcare system, raise awareness and ensure comprehensive accessibility across all areas of healthcare⁴¹**

Paragraph B.29:

The Austrian Action Plan on Women's Health has been in place since 2017 and comprises 17 impact targets and 40 measures. A specific outcome target and corresponding measures are dedicated to women with disabilities.⁴² The Women's Health Action Plan is currently being revised and expanded to include new gender-specific health priorities. Concrete implementation steps are planned from 2027 onwards.⁴³ The budgetary funds allocated for this purpose are not known.

Recommendations of the Monitoring Committee:

- **Ensure a participatory and fully accessible drafting process involving women with disabilities and their representative organisations**

Paragraph B.31:

The integration rate of pupils with special educational need (Sonderpädagogischer Förderbedarf) – that is, children and young persons with disabilities who have been assessed as having special educational needs and are educated in mainstream schools – has been declining for several years. There are significant regional differences across the federal states.⁴⁴

³⁹ See *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, paras. 59–60.

⁴⁰ See *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 59; *Independent Monitoring Committee*, "The implementation of CEDAW in Austria" 7.

⁴¹ See also *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 60(d).

⁴² See *Ministry of Social Affairs*, Women's and Gender Health, <https://www.sozialministerium.gv.at/Themen/Gesundheit/Frauen--und-Gendergesundheit.html> (accessed on 16 September 2026).

⁴³ See *ORF Online*, Work on strategy begins (2026), <https://orf.at/stories/3432619/> (accessed on 16 September 2026).

⁴⁴ See *Independent Monitoring Committee*, Monitoring Report for the UN Committee on the Rights of Persons with Disabilities 25.

Austria remains a long way from having an inclusive education system and continues to adhere to a segregated system (a dual system of mainstream and special schools).⁴⁵ . Despite significant criticism of the special school system in the context of the concluding observation 2023 by the UN Committee on the Rights of Persons with Disabilities, there is even evidence of a growing political commitment to special schools in the federal states. More new special schools are being built and existing ones renovated.⁴⁶

Nevertheless, the measures set out in the Federal Government Programme⁴⁷ (A New Start for All) for implementing an inclusive education system should, in principle, be regarded as important steps. However, issues relating to resources and follow-up measures remain unresolved in the current reforms (e.g. increasing staff-to-pupil ratios; accessible educational materials; structural reforms, etc.).

Another point of criticism is the lack of a nationwide strategy on the part of the federal government, the Länder and local authorities for implementing an inclusive education system.⁴⁸

Recommendations of the Monitoring Committee.⁴⁹

- **End the segregated education system, close special schools and transfer resources into an inclusive education system**
- **Implement a nationwide strategy for the realisation of an inclusive education system, with targets and indicators for measuring progress towards these targets**

⁴⁵ See *UN Expert Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3* para 57.

⁴⁶ See *ORF*, Renewed Criticism of Special Schools (2025), <https://ooe.orf.at/stories/3329468/> (accessed on 15 September 2026); for example, the Styrian provincial government commits to special schools in its government programme, <https://media.steiermark.at/flexpaper/Regierungsprogramm/index.html> 15 (accessed on 15 September 2026).

⁴⁷ See *Federal Chancellery* (ed.), Government Programme 2025–2029, p. 208.

⁴⁸ See *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 58.

⁴⁹ See also *UN Committee*, Concluding Observations, CRPD/C/AUT/CO/2-3*, para. 58(a).