

Shadow report on the List of Issues in connection with the forthcoming State Audit by the UN Committee of Experts

November 2020

Introduction:

Under Article 33, the Federal and State Monitoring Committees are the supervisory bodies of the UN CRPD in Austria. They have decided to make their own shadow reply after the publication of the Republic's reply to the List of Issues. In the following we refer to the experiences of the last seven years after publication of the recommendations for action on the occasion of the first state audit by the UN Committee of Experts as well as to the official response to the List of Issues¹, which was addressed to the Republic of Austria in 2018. Due to the heterogeneous situation in the respective federal states and the improved readability, the present report does not follow the question structure, but rather forms thematic clusters and deals with structural challenges.

We refer in the footnotes to opinions and further texts, which can be found in the Appendix.

Structural measures:

The recommendations for action formulated in 2013 following the first state audit are aimed, among other things, at structural measures. A major issue here is the systematic review and harmonisation of legislation of the Republic of Austria in all areas of law, not only in the field of social legislation.

From the point of view of the monitoring bodies at federal and state level, significant legal changes can only be identified in a few areas. At federal level, the 2nd Adult Protection Act, which has replaced the old guardianship law, should be explicitly mentioned here. In fact, the Adult Protection Act is the only major and substantial legal change that is directly and immediately attributable to the UN Committee of Experts' recommendation for action in 2013. There have been reports that some law improvements are being evaded in practise.

In the states there has been no comprehensive and systematic review of legislation as defined by the UN CRPD. Harmonisation has taken place in only a few areas. Isolated efforts are apparent, but are by no means sufficient.

In Salzburg, for example, there are terminological changes in the "Salzburg Disability Act" of 1981, but this wrongly gives the impression of a major reform: In fact, this is an administrative amendment that does not change the objectives, contents and

¹ You will find the version adopted by the Council of Ministers on 04.09.2019 on the website of the Federal Chancellery: https://www.bundekanzleramt.gv.at/dam/jcr:d3a3f8f5-ceba-453a-b083-474876off8ed/9_9_bericht_NB.pdf

understanding of support of the old law and does not come any closer to the implementation of the objectives from the UN CRPD. In the course of the evaluation procedure, critical opinions² were provided accordingly, but these were not taken into account, so that neither personal assistance for all people with disabilities nor measures for the systematic dismantling of institutions and homes were established. This actual state of affairs is also reflected in the incomprehensible reconstruction of the State Institution for the Disabled “Konradinum”³, which is completely contrary to the aims of the Convention.

In principle, many laws in Austria are called “Inclusion, Participation or Equal Opportunities Acts”, but these are just headings and not laws in line with the objectives of the UN CRPD: In no law in Austria - neither at state nor federal level - is the social model of disability consistently implemented.⁴

The human rights model of disability mentioned above (Art. 4 (3)) is still not substantially reflected in federal and state laws. As monitoring bodies, we see as particularly problematic those legal framework conditions which result in people with disabilities who have been certified in an “assessment procedure” as having an “ability” of less than 50% having no access to the labour market or to federal support services for integration into the labour market. At the end of 2019, the Ombudsman Board also formulated concrete demands in a special report.⁵

Exclusion of certain groups in community-based services

We also note that age limits for so-called “disability benefits” contradict the objectives of the UN CRPD. We would also like to stress that the example of the “personal assistance” service in particular highlights the inequality of treatment between groups of people with disabilities: there must be no exclusion of certain groups (people with learning difficulties, people with psychosocial disabilities) for community-based services. An exclusion according to the type of disability or age is not compatible with the UN CRPD.⁶

Since the first state audit in 2013, there has been no political declaration of intent between the federal, states and local governments to implement a systematic review of existing legal norms in all areas of law. Even new legislation or amendments to existing legal norms do not systematically follow the inclusion approach from the UN CRPD. The National Action Plan serves as an instrument for implementing the UN CRPD.

In its national report, the Focal Point of the Republic of Austria, the Ministry of Social Affairs, refers heavily to the National Action Plan as the instrument for implementing the UN CRPD. However, this National Action Plan (NAP) 2012-2020 was prepared

² See Appendix A 1. Opinion Disability Act 2019

³ See Appendix A 2a. Opinion De-institutionalisation 2018; 2b. Recommendation for new construction and operation of Konradinum 2019

⁴ See Appendix E Statements of the Tyrolean Monitoring Committee see page 25

⁵ See <https://volksanwaltschaft.gv.at/downloads/30c01/Sonderbericht%20MmB%202019%2029.11.19.11> (Status: 20.08.2020)

⁶ 3 Vienna Monitoring Centre statement on personal assistance:

<https://www.monitoringstelle.wien/assets/uploads/Empfehlung-Persoенliche-Assistenz.pdf>

(Status:

20.08.2020)

without significant inclusion of people with disabilities. In addition, neither the states nor other ministries were actively involved, resulting in a very one-sided focus. Similarly, there was no separate budget for this NAP, only projects and measures already planned were “pulled together”. On a positive note, monitoring bodies have been set up in all states in recent years. However, the legal basis and financial resources vary greatly between them. Overall, no measures have been taken either in the states or at federal level to ensure full and effective implementation of the National Action Plan on Disability 2012-2020. A major point of criticism from the monitoring bodies in this context is that there was no “real” participation of people with disabilities in the planning process/before the implementation of the first NAP. A clear orientation towards the individual specifications of the UN CRPD, taking into account the maxims of the social model of disability and the self-determination of people with disabilities, is the basic prerequisite for the success of a nationwide action plan. On the positive side, the planning of the new NAP is more participatory than in the old NAP and there will be an evaluation of the old NAP, the results of which will influence the re-design of the NAP. An important point here: There will also be indicators in the new NAP to ensure the effectiveness of the individual measures. We as monitoring bodies see this as a positive step.

Participation:

At the federal level there are partial tendencies to enable genuine participation in individual working groups. Particularly positive reference is made at this point of the process for reorganising the guardianship law, which led to the new “Adult Protection Act”.

In addition to this process from the Ministry of Justice, it is worth mentioning that there was a process involving people with disabilities in the new translation of the Convention by the Federal Ministry for European and International Affairs and the Ministry of Social Affairs.

Participation was implemented differently in the various states. In some cases the representative organisations and the advocacy for patients and the disabled are involved in the review process of draft laws and regulations and can comment on the drafts. Furthermore, there is the obligation to consult the those representing the interests of people with disabilities (e.g. § 38 Equal Opportunities Act Vienna.). Other states (e.g. Upper Austria), in turn, have established a Planning Advisory Board to support and advise the state governments in all matters essential to policy for people with disabilities; the Planning Advisory Board includes, among others, representatives of people with disabilities as proposed by the Interest Representation Advisory Board; the term of office of the Planning Advisory Board corresponds to the Upper Austrian legislative period.^{7 8}

The state of Tyrol tried new ways of inclusion by hosting a legislative theatre during the development of the Tyrolean Participation Act. Others (e.g. City of Salzburg and State of Salzburg) have chosen to develop participatory action plans to implement the UN CRPD. The participation of people with disabilities has been/is ensured throughout the process by different methods. However, comprehensive participation, especially in (political) decision-making processes, is only occasionally understood as a right - (participation is misunderstood as an advisory function without voting rights).

⁷ See Statement Tyrolean Monitoring Committee East Tyrol District p. 25

⁸ See Statement of the Tyrolean Monitoring Committee on the formation of the government p. 25

In principle, the participation of people with disabilities only ever takes place up to a certain point in the decision-making process. In the end, decisions on the scope of legislation are taken without the participation of people with disabilities.

We are very critical of the often very short review periods for new laws and amendments to laws. These short periods make participation extremely difficult.⁹

Specific measures:

The inclusion package brought a right to injunctive relief against harassment in the Federal Disability Equality Act (Bundes-Behindertengleichstellungsgesetz, BGStG). The collective action procedure has been strengthened, both in terms of content (injunctive relief for larger companies) and in terms of the institutions/organisations entitled to bring an action.

The fragmentation of legislation and the related problems of enforcement in cases of intersectional and multiple discrimination persist. There are very different laws on non-discrimination in the states. There is therefore still great inequality in Austria according to place of residence and according to the grounds of discrimination.

The rules on abortion have not been changed, contrary to the recommendations.

Protection against discrimination/claims for injunctive relief/removal of barriers:

The Lower Austrian Anti-discrimination Act (Niederösterreichisches Antidiskriminierungsgesetz, NÖ ADG) provides comprehensive protection against discrimination on the grounds of disability since the amendment of State Law Gazette 2017/24.

The collective right to bring an action under the Federal Disability Equality Act was extended by Federal Law Gazette 2017 I/155 to include the Federal Disability Ombudsman's Office and the litigation association for the enforcement of the rights of victims of discrimination. In principle, the collective action procedure still aims to detect discrimination. In the case of large companies, it is possible to file a suit for removal and injunctive relief.

Multiple discrimination:

Austria-wide, blanket and sufficient measures to strengthen the current structures to deal with cases of multiple discrimination have not been taken.

Women and girls with disabilities:

The Committee of Experts' recommendation for action to ensure equal rights and prevent multiple discrimination of women and girls with disabilities was not implemented. Individual initiatives are discernible which aim to prevent the multiple discrimination of girls and women with disabilities and, in particular, to raise awareness. The recommendations for action have not been comprehensively reviewed since the last state audit.

⁹ See Standards of public participation according to the Council of Ministers decision of 02.07.2008, p. 12: https://www.oeffentlicherdienst.gv.at/verwaltungsinnovation/oeffentlichkeitsbeteiligung/Standards_der_Oeffentlichkeitsbeteiligung_2008_1.pdf?7aczgh, accessed on 23.06.2020.

A study on the access of women with disabilities to victim protection facilities in the event of an experience of violence has shown that, for the most part, such facilities have major shortcomings in terms of accessibility. This applies to the structural design as well as to information services and staffing.

The monitoring bodies assume that women and girls with disabilities continue to be unduly affected by violence. A study on the experience of violence among people with disabilities commissioned by the Ministry of Social Affairs confirms and strongly supports this assumption.¹⁰

Comprehensive measures to ensure equal rights and prevent multiple discrimination against women and girls with disabilities have not been taken at either federal or state level, but isolated measures are discernible and some offers do exist in certain states.

Women with disabilities are not considered a specific target group for labour market measures in Austria. People with disabilities are a central target group of the Public Employment Service (Arbeitsmarktservice, AMS), but this only applies to people with disabilities who are attributed 50% “ability”. People with disabilities below this threshold have no possibility of being considered here. There are no gender-specific offers from the AMS.

Deterioration for people with disabilities by the AMS

The Public Employment Service, the point of contact for jobseekers, has developed a new algorithm in 2019 to classify people into categories. Depending on the category, they receive more or less support in finding a job. Data are not yet available to the monitoring bodies, but we have to assume that the introduction of this new categorisation will mean that people with disabilities will receive less support in labour market placement and training opportunities than before. Personal characteristics, such as disability or gender (woman), age over 50, are less likely to score “points” in the calculation.

Generally speaking, the situation on the labour market for people with disabilities has worsened dramatically in recent years: Even before the labour market policy changes caused by the COVID-19 pandemic, there was a significant increase in the number of people with disabilities looking for work. In July 2020, a total of 82,000 people with “health-related placement difficulties” were looking for work, an increase of 19.4% compared to 2019. However, people with learning difficulties do not appear at all in these labour market statistics: Around 27,000 people work in workshops or occupational therapy facilities for the disabled, without, however, having any social security cover or receiving any remuneration. This large group of people with disabilities is generally denied “employability”. This exclusionary practice is not compatible with the UN CRPD and should therefore be revised urgently (this was also noted by the Committee of Experts as early as 2013 during the first state audit).

Children with disabilities:

The recommendation for action of the UN Committee of Experts on Article 7 was not adequately implemented. Some measures have been implemented with the National Action Plan on Disability, such as the establishment of a “monitoring” board on

¹⁰ See <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=718>

children's rights and the establishment of an inclusion working group in the Federal Ministry for Family and Youth.

Child rehabilitation centres have been established or are in the process of being established in four regions. However, there are still glaring shortcomings in the areas of institutional placement and education. In most states, for example, there are still very large institutions, some with affiliated special schools, in which children with disabilities are placed. Although the Committee on the Rights of the Child called on Austria as early as 2012 to draft and implement a de-institutionalisation strategy for this purpose, nothing has happened in this respect. Data on these and other areas of life of children with disabilities are not available or only sporadically. Inclusive education - especially at elementary level - is not possible everywhere (see also Article 24).

In the states, reference is sometimes made to the work of private organisations (e.g. Burgenland, Vienna).

Out-of-school care is not guaranteed due to lack of accessibility and legal provisions.

What is completely missing in Austria is a nationwide self-advocacy of children and young people with disabilities. The Tyrolean Monitoring Committee carried out an exemplary project in this respect: Since 2014, the first self-advocacy measures for children and young people with disabilities have been in place and since 2019 the Tyrolean Monitoring Committee has had its own youth advisory board. This is a lighthouse project.

Basically the following applies: in Austria a distinction is made between children with and without disabilities. For example, different (better) quality standards apply to children and young people without disabilities than to children with disabilities. This is contrary to equality and contradicts the aims of the UN CRPD.

Disregard for the rights of children with disabilities:

On the part of the monitoring bodies, we cannot identify any steps that could actually be interpreted as measures to counter the disregard for the rights of children with disabilities. Children with disabilities continue to be segregated and are mainly educated in special institutions. There is no universal school inclusion and insufficient support measures for children with disabilities in schools¹¹. Any support mechanisms ("school care/school assistance") are linked to a medical assessment and are not based on the social model of disabilities.

In child and youth welfare, children and young people with disabilities are not a defined target group and are therefore not included in the design of the support measures. Strict conditions apply to child and youth welfare facilities (size of shared accommodation, staff structure, etc.), but as most of these facilities are not designed to be accessible, they are not suitable for children and young people with disabilities. As a result, there is a strong inequality of treatment between children with and without disabilities when they come into action.

Raising awareness:

The monitoring bodies make it clear that awareness raising is to be understood as a progressive and comprehensive process. The Austrian media policy of the Federal Government currently only takes selective measures to remind media professionals of

¹¹ See Appendix A: 3. Recommendation Education 2019

their responsibility. Effective campaigns to raise awareness and communicate the meaning and content of the UN Convention on the Rights of Persons with Disabilities have regrettably not been launched since the last state audit. There are no detailed legal requirements for the media to provide accessibility. It is up to the public Austrian Broadcasting Corporation (Österreichischer Rundfunk, ORF) to decide which steps it wants to take to increase accessibility. In 2017, the ORF Act stipulated that in future, a person with disabilities must be represented in the audience council (committee for safeguarding the interests of listeners and viewers) in the interests of participation.

No such measures are known in the states. General awareness-raising activities take place in various federal states.

Awareness raising through the publication of the General Comments at federal or state level has not taken place. The General Comments have only been dealt with on the websites, no other publication has been made in the last seven years. Here the monitoring bodies have for a long time been pointing out the lack of further public relations work or education, training and continuing education. Here the Republic is failing to fulfil its obligation to publicise the objectives of the Convention.

Abortion

The rules on abortion have not been amended, contrary to the recommendations, and have been in force since 1 January 1975.

Accessibility Education, health and social services:

The Federal Government and the states have still not developed an overarching inclusive approach to accessibility in accordance with Article 9 UN CRPD. The range of laws, regulations and information addressed to the public in simple language is insufficient. There have been different efforts to achieve accessibility in the states, but there are big differences depending on the federal state. Accessibility is mostly related to the accessibility of buildings, information published in simple language or sign language are still clearly underrepresented. There is no comprehensive accessibility in any federal state.

When it comes to accessibility, the lack of a systematically comprehensive plan is particularly evident: There is simply no agreed approach by the Federal Government, the states or the municipalities. There is no systematic networked approach at all levels since the ratification of the UN CRPD¹².

Progress on public transport accessibility and infrastructure:

Construction law:

There have been serious setbacks in terms of structural accessibility, which is the responsibility of the states. There are efforts by the states to harmonise, but at a much lower level than the current building standards, which previously contained provisions on accessibility¹³. In this context, it must be noted that in some national laws these are explicit violations of the prohibition on allowing property to deteriorate in Article 4 paragraph 4 of the UN CRPD.

¹² See Appendix A: 4. recommendation on accessible public swimming pools 2020

¹³ See Austrian Institute for Structural Engineering 4 (Österreichisches Institut für Bautechnik 4, OIB4): <https://www.oib.or.at/de/oib-richtlinien/richtlinien/2019/oib-richtlinie-4> (Status: 20.08.2020)

In Salzburg, in August 2019, the state government propagated a “package of measures to reduce housing costs” with which standards and regulations on the accessibility of housing are to be significantly eased through legal regulations¹⁴.

Public transport:

Accessibility in public transport is improving very slowly. Recommendations made by the Committee following an individual complaint (Communication 21/2014) - which should lead to an amendment of the Tram Regulation - were announced but not implemented. In some cases there is a clear urban-rural divide in states.

Media:

The range of accessible websites aimed at the general public is insufficient. Improvements based on directive 2016/2102 of the European Parliament cannot be estimated in advance.

It must be noted that the majority of measures focus on people with mobility or sensory impairments. The target group of people with learning difficulties is largely not seen.

Digital Accessibility:

In particular, there is a lack of concrete, binding staged plans to provide information in simple language. There is also a lack of efforts to promote access for people with disabilities to new information and communication technologies and systems, including the Internet.

Universal design/curricula for professions such as designer, architect, engineer, programmer:

It can be stated that the curricula in architecture studies have not been changed since the last state audit to the effect that universal design is not compulsory at any university location. In principle, it can also be stated here that there is no holistic and coordinated approach to bindingly harmonise curricula in these key occupations with the objectives of the Convention.

SDGs (sustainable development goals):

In general, Austria has not yet developed an overall plan for the systematic and coordinated implementation of SDGs. In the spirit of a mainstream approach, it is up to each ministry to decide whether and, if so, what it does. There is a lack of coordination between the Federal Government, the states and the municipalities as well as a serious involvement of civil society and self-advocates. The audit office therefore expresses comprehensive and serious criticism in its 2018 report¹⁵. In the meantime, a series of events has been launched to involve civil society, but this should not be regarded as substantial.

¹⁴ See Appendix A: 5a. Recommendation Housing cost reduction 2019; 5b. Statement Cost-reduced residential buildings 2020

¹⁵ See https://www.rechnungshof.gv.at/rh/home/home/Entwicklungsziele_Vereinten_Nationen_2030.pdf (Status: 20.08.2020)

Humanitarian aid/emergencies

General information

Hazard protection, disaster control and prevention in Austria: There is no nationwide, systematic presentation of measures to support people with disabilities in the event of a disaster. The disaster information systems (e.g. the KATWARN app) are not consistently accessible, information in simple language is only available on a case-by-case basis. Although the emergency number set up for deaf people is generally positive, senders of an SMS or fax emergency call do not receive confirmation that their message has been received. Proposed recommendations include: - Systematic involvement of people with disabilities in the development and evaluation of disaster prevention and preparedness (including fire protection, civil protection and evacuation plans). Training on rescue and care of people with disabilities for emergency services. - All information and communication systems for hazardous situations, including emergency call systems, and disaster prevention must be accessible, including in simple language and sign language.

The systematic inclusion of people with disabilities in humanitarian aid has not yet taken place. Although people with disabilities are mentioned in the Humanitarian Aid Guidelines (2007), there is no obligation to be inclusive. Austria has not yet joined the “Charter on Inclusion of Persons with Disabilities in Humanitarian Action”, which would be a good implementation plan for the use of the UN CRPD in humanitarian action.

Upper Austria

The range of services offered by the primary health care of the state of Upper Austria can be accessed without difficulty, especially in the Regional Service Centre (Landesdienstleistungszentrum, LDZ), or alternatively can be employed electronically. If necessary, the language barrier can be overcome in the LDZ by video interpreting. Several primary health care facilities for asylum seekers and refugees are accessible. If necessary, the persons concerned will be allocated such accommodation. With appropriately trained and supportive NGO staff, customers do not normally have to come to the authority in person to receive the services

Directorate of Internal and Municipal Affairs: The disaster control planning at state level is designed neutrally and refers, among other things, to hazards for people in general without, for example, referring to physical limitations. It goes without saying that, particularly in the field of disaster prevention, all people in need of help and their urgent needs are taken into account depending on the situation.

Tyrol

Attempts have been made to find accessible accommodation, but this is only partially successful. Accessibility is also partly taken into account in courses offered, but not often enough. The situation of refugees with disabilities: The refugee movement in Europe 2015 showed how insufficiently the reception and care of refugees with disabilities is regulated. There are too few accessible accommodations. Disabilities, especially those that are not immediately visible, are often not recognised/registered at the initial admittance and the Convention is not responded to appropriately.

The Tyrolean Disaster Management Act provides for various planning instruments for the preparation and implementation of the prevention and combating of disaster situations. In this context, the special requirements of people with disabilities can

already be addressed at the planning level in the event of a disaster. Care and custody is provided by specially trained and qualified staff of the relief and rescue organisations.

However, more attention needs to be paid to the needs of deaf people. In addition, it is possible for people with disabilities to become members of an operational team at local, district or state level, provided that they are able and can reasonably be expected to fulfil their duties in view of their state of health. However, the needs of deaf people (e.g. in terms of alarms) must be taken into account even more.

Lower Austria

According to the new Lower Austrian Disaster Prevention Act 2016, disaster prevention plans must also take into account measures to protect people with disabilities, if necessary. In the explanatory notes to the draft law it is emphasised that this is intended to take account of Art. 11 UN CRPD.

Styria

In the first phase of the action plan, the “Adaptation of the checklists and alarm plans in the field of disaster prevention to the requirements of the UN Disability Rights Convention” was an action taken together with the “Disaster Prevention and National Defence” department, whereby hearing impaired/deaf people were forgotten.

Situation of people with disabilities during the COVID-19 pandemic

Especially in the context of the current COVID 19 pandemic, it has become apparent that large institutions particularly endanger vulnerable groups, among which are people with disabilities, and that the lack of data due to the federal structure in this area made it difficult for the health authorities to react quickly and purposefully.

During the general lockdown in Austria between March and May 2020, gross violations of the basic rights and freedoms of people with disabilities (especially in institutions) occurred. The monitoring bodies are also concerned about the fact that there have been restrictions on the provision of assistance under the Convention. Examples include assistance and support services for school-age children with disabilities.

The federal and state monitoring bodies reserve the right to submit a detailed joint statement to the Committee of Experts.¹⁶

Supported decision making:

The support structures in the various states are very different, but it can be stated that neither at federal nor state level has a comprehensive plan been drawn up to regulate the provision of financial resources to support decision-making. There is a lack of structures and funds.

The Ministry of Justice at the time responded to the recommendation of the UN Committee of Experts in 2013 with a comprehensive 5-year participatory process to reform the guardianship law. It was planned to introduce the so-called 2nd Adult Protection Act (2. Erwachsenenschutzgesetz, 2.ErwSchG), which was intended to go in the direction of supported decision-making. It was adopted unanimously by Parliament in March 2017 and entered into force in August 2018.

¹⁶ See Appendix E: 11: The opinion of the Tyrolean Monitoring Committee

It has yet to be criticised here that the Federal Government, for reasons of competence law, has only changed or could only change the representation regulation and has strengthened the clearing houses. The states have so far failed to strengthen the advisory services within their competence with regard to the Adult Protection Act NEW/Clearing.

Adult representatives:

It is not possible for the Committees to make a final comment on this. According to reports from adult representation, the change in the law does not have a positive impact, particularly in the area of banking, as banks in particular insist on representation as soon as they become aware of the possibility. Insurance companies also generally insist on representation.

Training courses:

Part of the National Action Plan was to train future judges in the legal capacity of people with disabilities. The monitoring bodies are not aware of the extent to which this project has been implemented and whether this training has been extended to judges already in office. On the part of the monitoring bodies, it would be very desirable to have a comprehensive overall concept of training and further education for many occupational groups and officials, so that the objectives of the Convention are reflected in all occupational groups.

Access to justice:

In the area of enforcement of commitment - i.e. the treatment of so-called “mentally abnormal lawbreakers” - there are deficits in Austria that are questionable in terms of human rights. One of the aims of the Austrian penal system is resocialisation. An approach with a therapeutic focus - in the sense of a psychosocial intervention - is provided for people who, due to psychosocial disabilities, do not comprehend their criminal offence. For those who can comprehend their wrongdoing, a punishment in combination with therapy is indicated. The therapeutic nature should be the main focus for those who cannot see their wrongdoing and it should still represent an important focus for those who can see their wrongdoing. In the view of the federal Independent Monitoring Body, the Austrian practice does not meet the objective of resocialisation. The implementation of measures is often perceived as a dead end. In addition, the perception of the monitoring body is that there are significant shortcomings with regard to adequate and sufficient treatment options within the enforcement system. But there are also serious failures to take preventive measures in advance. There is a noticeable tendency in general psychiatry not to treat people in exceptional mental situations with the risk of external danger within the framework of social psychiatric care, but to hand them over to forensic psychiatry. Following numerous complaints from affected persons or their relatives (as well as the media exposure of the neglect of an affected person in Stein prison), the Independent Monitoring Committee published two detailed opinions on this issue. Shortcomings were found both in the reasons for preventive detention and in the run-up to a possible conditional release on access to justice (keyword: hearings), whereby the lack of obligatory representation by lawyers must also be regarded as a serious shortcoming. The Independent Monitoring Committee was subsequently invited to participate in a working group of the Ministry of Justice on preventive detention. Work on modernising the legal basis and enforcement practice led to the draft of a “law on the preventive detention”, which was intended to regulate the accommodation of offenders with psychosocial disabilities in a way that was in

need of reform and questionable in terms of human rights. However, the draft could not be implemented in the past legislative period. The Monitoring Committee is not currently aware of the Ministry of Justice's further plans regarding preventive detention. The government programme 2017-2022 speaks of increased security and medical treatment in connection with the preventive detention. Therapy, resocialisation and prevention are not mentioned.

On the positive side, systematic training of judges has taken place.

Structural accessibility

After several years of renovation, the Salzburg Regional Court has now been made completely accessible to people with disabilities.

Note to the national report of the Republic:

Information on access to the justice system is only given on structural accessibility and sign language interpreters, but simple language or other accessible formats are not available.

Restrictions on freedom:

Federal level

Despite relevant reports from civil society, there are no valid data on how many people with psychosocial disabilities and not in need of care are misplaced in nursing homes. The information available is extremely unclear. There are some reports of a kind of "shadow psychiatry" in which people are treated with psychotropic drugs and are sometimes subject to restrictions on their freedom.

In principle, measures restricting freedom are regulated by the Hospitalisation Act and the Nursing Home Residence Act. The commissions of the Ombudsman's Office attach great importance to reviewing measures restricting freedom and also to imposing mitigating measures. Situation analyses show that staff shortages and unsuitable structures often lead to hasty medicinal freedom-limiting measures. Especially people with an increased need for support and non-verbal communication lack information about the alternatives. Due to a lack of development of the care and assistance landscape, it happens again and again that people have to use unsuitable housing or care services and the structures lead to restrictions of freedom.

In the light of recent events, the monitoring bodies refer to sometimes serious violations of the fundamental rights of people with disabilities while combating the effects of COVID-19. Frequently, measures restricting freedoms were no longer reported at all, as the COVID-19 control measures wrongly assumed that all measures taken would be covered.

Vienna

In Vienna, the Hospitalisation Act (Unterbringungsgesetz, UbG) was amended due to an incident at federal level.

Additional Protocol to the Council of Europe Convention:

According to patients, information about the effects of psychotropic drugs in psychiatric treatment in inpatient and outpatient settings is often inadequate, non-existent or one-sided. It is also a cause for concern that children and young people in child and youth

welfare institutions who show problems or so-called “behavioural disorders” are increasingly being treated with psychotropic drugs. According to reports, psychotropic drugs are also administered to senior men and women in institutions without their consent. There are still too few offers of person-centred support and mobile, community-based, low-threshold services and assistance. Self-advocacy organisations criticise the lack of multi-professional mobile emergency services that visit people in mental crisis situations at any time of day, regardless of where they live, without waiting at home or at any other place of their choice. It would be necessary to expand support circles that can support the self-determination of people in mental crises or their decision making ability in comparable situations. It also requires the deployment of trained and paid peers in the entire psychiatric and psychosocial care sector.

Protection against torture

The monitoring body welcomes the fact that the use of cage beds has been prohibited by law in Austria since 01.07.2015. However, the Federal and State committees observe with concern that, according to reports from civil society, fixations and drug sedation continue to be used as non-consensual practices in psychiatric institutions. According to these reports, it is precisely these continued practices that are often perceived as much more invasive and violent, and would result in injury to the individuals concerned in the majority of instances. In many cases, however, the use of coercive treatment would in any case be avoidable if adequate and comprehensive mental health care were available. Of particular concern appears to be the use of private security services in individual hospitals, for activities reserved for legally qualified personnel. A lack of suitable and sufficiently trained psychiatric staff and a lack of police training to prevent escalation further aggravate the situation.

It is critical to note that there is no reporting whatsoever on whether and to what extent people who are looked after and cared for at home run the risk of becoming victims of measures restricting their freedom or of being immobilised by medication, for example. However, it can be assumed that there is a great need here for measures to protect against violence by relatives and third parties.

Protection from violence:

Many measures are available in the individual states to protect people with disabilities from violence. For example, the Commission of the Ombudsman’s Office, set up in 2012, plays a key role. However, a systematic approach to de-institutionalisation, which would represent an effective structural approach to violence prevention, is largely missing.

In Salzburg, despite massive criticism from the Salzburg Monitoring Committee, the Ombudsman’s Office, residents’ representatives and other organisations, extensive public funds are even being used for the construction and expansion of large institutions - for example the construction of the state institution “Konradinum”.

To ensure the protection of women, men, girls and boys with disabilities against exploitation, violence and abuse, the Ombudsman’s Office, together with six regional commissions, independently monitors and reviews institutions and measures for people with disabilities and attempts to identify and counteract risk factors relating to human rights violations at an early stage. Most of Salzburg’s institutions for the disabled have guidelines for the protection of children and adults with disabilities against assaults or corresponding instructions for action. The state of Salzburg carries

out quality assurance checks in this respect. In Salzburg (and in Upper Austria), compliance with the relevant standards is checked by means of controls carried out by the so-called “Commission 2”, which was set up by the Austrian Ombudsman, in addition to commissions for other states.

It must be noted that the documentation and data situation on violence is generally unsatisfactory.

Psychosocial health:

It should be mentioned here that Austria has committed itself to the protection of human rights as a “National Prevention Mechanism” (NPM) within the framework of its constitutional legislation. This is based on two United Nations legal instruments. On the one hand, the UN Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and, on the other hand, the UN Convention on the Rights of Persons with Disabilities. Through the work of the six Commissions, these legal bases are also examined in institutions. Annual reports are submitted to the National Council and the state parliaments.

Forced sterilisations:

The Committees make no mention of measures aimed at abolishing forced sterilisation. There has been a formal empowerment for people with disabilities under the Adult Protection Act. However, it is not yet possible to confirm whether the planned measures to support decision making are in line with the legislation.

In general, it is still up to the doctors treating people with disabilities to determine whether they are “capable of making decisions”. The monitoring bodies have no information whatsoever that the medical association systematically conducts training courses on the UN CRPD. We must therefore assume that doctors have little knowledge of the aims of the UN CRPD.

Free choice of residence:

The availability of accessible housing and community services and a personal budget are the basic requirements for the possibility to freely choose one’s place of residence. The lack of these basic conditions makes it almost impossible for people with disabilities to choose their place of residence themselves. In addition, it is virtually impossible to change one’s place of residence to another federal state in this situation, as benefits from so-called disability assistance are linked to the existing place of residence.

Austria’s federal structure makes further concrete statements difficult. Overall, a diversification of available housing and related forms of support can be noted. At the same time, the choice is severely limited due to only a few services available, such as Personal Budget or Personal Assistance. In addition, especially people with psychosocial disabilities and people with learning difficulties are mostly excluded from these services or are not provided with the corresponding legal entitlement.¹⁷

The Salzburg Model (beginning 2017) on Personal Assistance has positive design elements that distinguish it from other states, e.g. people with psychosocial impairments and/or learning difficulties have access, it is income-independent, one can choose between the employer and service provider model. However, due to tight

¹⁷ See Appendix E: 8 and 9: Housing in Tyrol

budget limits (project status) it is only available to a few people and there is no legal right to it¹⁸.

In general, the Salzburg Disability Act (1981, since autumn 2019 Participation Act)¹⁹ incorporates the right to benefits, but not the choice of certain benefits. Despite some diversification of housing options, people with high needs for support in particular have practically no choice. Challenges related to mobility, financial security, lack of funding for assistive technologies and accessibility restrictions planned to reduce housing costs also significantly limit the rights of people with disabilities to freely choose their place of residence.

So far, there is no systematic approach to de-institutionalisation in any federal state, which is the most effective measure against the dangers of exploitation, violence and abuse, as it changes the overall structural conditions for this²⁰.

The monitoring bodies attach importance to the fact that a reduction in the size of housing facilities does not constitute de-institutionalisation. Large providers of disability assistance have taken up the issue of de-institutionalisation, but the structure of reduced types of housing available and the associated flow of money to large institutions remains.

Despite extensive criticism from the Monitoring Committee, the Ombudsman's Office and residents' representatives, the new construction of the state institution "Konradinum", for example, is maintained, and the outdated concept, which contradicts the UN CRPD, is continued through extensive use of public funds and is now firmly established for decades²¹.

People with disabilities in institutions:

The monitoring bodies do have figures from Burgenland, Vienna, Upper Austria, Salzburg and Tyrol. However, neither the Federal Government nor the states comment on these figures with regard to their incompatibility with the UN CRPD and its objectives. There is no coordinated overall plan for gradual de-institutionalisation, let alone the intention to launch such a plan across the states.

In addition, in Styria, for example, there are financial incentives to place people with psychosocial disabilities in large institutions.

Inclusive education:

There are no sufficient measures to guarantee inclusive education throughout Austria. Inclusive schools are not the norm; instead, special education systems are being strengthened again and even special schools are being built²². There is still no comprehensive accessibility in all schools. Austrian sign language is still not a subject of instruction at regular Austrian schools. Moreover, no efforts are known to involve children and young people with disabilities in the development of inclusive structures.

¹⁸ See Appendix A: 6. Opinion Leisure assistance of the Salzburg Monitoring Committee

¹⁹ See Appendix A: 1. Opinion Disability Act 2019

²⁰ See Appendix A: 2a. Opinion De-institutionalisation 2018 p. 21

²¹ See Appendix A: 2b. Recommendation for new construction and operation of the "Konradinum" facility in 2019

²² 3. Recommendation Education 2019

Out-of-school care for children with disabilities is made difficult or impossible by a lack of accessibility. The situation is exacerbated by federalism.

In teacher training, the subject of inclusion is NEW part of required teaching. Since 2015 there are new curricula for prospective teachers, where there is also the possibility to deepen your knowledge in the field of inclusive education. For the state of Salzburg, the national report lists budget sums which are used for support in the education system. However, there is no indication as to whether they meet the needs. In fact, despite rising numbers, there is a lack of school and care assistance, above all, there is a lack of pedagogical inclusion specialists who are replaced by nursing assistants. There is a clear qualitative deficit, as the pedagogical work is insufficiently covered by professionals. The national report cites € 877,100 for the operation and maintenance of the St. Anton Special School as a merit in the implementation of UN CRPD Art 24. This contradiction illustrates the attitude and lack of willingness to implement inclusion on the part of the Directorate of Education and political decision-makers. The aim is not to dismantle special schools, but even to strengthen and expand them further.

Basically the following applies: In Austria there is neither the political will nor an overall strategy to implement inclusion in the education system; even special schools are being promoted again.²³

The monitoring bodies ask the Committee of Experts to pay particular attention to this.

Work and employment:

The main problem is the extensive exclusion of people with disabilities from the general labour market, to whom less than 50% ability is attributed in evaluation procedures. They are not included in unemployment statistics, have no access to appropriate support services and thus have little access to the primary labour market. This is due to the federal division of authority between the Federal Government and the states. The path of these people with disabilities therefore usually leads to daily structures within the jurisdiction of the states, where they do not receive remuneration for their work and are not covered by social insurance. There are some projects in states to integrate people with disabilities into the labour market. However, they are often very limited in places for participants and financial resources.

In its response, the national report refers to the responsibility of the states and explains the “predominantly therapeutic effect” of workshops/occupational therapy. Such “therapeutic effects” in workshops are not compatible with the objectives of the UN CRPD. Nor does the national report explain the extent to which there is a declaration of intent to change the status quo, especially since the “therapeutic approach” must be questioned in principle. What is the “therapeutic success” of people with disabilities in a day structure? The Ombudsman’s Office has published a special report on this subject²⁴, in which the exact shortcomings of occupational therapy are pointed out and solution models are presented. The same applies here: The Federal Government must develop a joint strategy with the states to implement the goals of the Convention (right to work).

²³ See Appendix E: 6. Opinion of the Tyrolean Monitoring Committee on Inclusive Education p. 26

²⁴ See <https://volksanwaltschaft.gv.at/downloads/30c01/Sonderbericht%20MmB%202019%2029.11.19.11> (Status: 20.08.2020)

The target group must be covered by social security, the transition to the open labour market must be made possible and in order to counteract careers in special schemes, measures at federal and state level are necessary, including amendment of the General Social Security Act, establishment and expansion of local support schemes for inclusive work, reduction of conflicts between financial support benefits and employment in the labour market.

The monitoring bodies request the Committee of Experts to pay particular attention to this in the state audit. There are currently no efforts to implement the right to work for people with disabilities in Austria. However, the current government programme includes a mandate to work out solutions.

Participation in political and public life (Art. 29)

People with disabilities are not excluded from voting rights in Austria. In Burgenland and Lower Austria there may be an exclusion from the right to vote on “medical grounds”, which is not compatible with the UN Convention. There are efforts on the part of the Republic to make voting rights inclusive. Nevertheless, not all polling stations and information material are accessible in all states.

International cooperation:

There is fundamental criticism of the Republic of Austria’s approach to date for implementing sustainable development goals. One of the reasons given is that there is not a sufficient transparent flow of information and no systematic inclusion of people with disabilities. Overall, major shortcomings have been identified in the approach to achieving development goals.

Austrian Development Cooperation (Österreichische Entwicklungszusammenarbeit, OEZA) has taken small steps towards inclusion. However, OEZA lacks effective mechanisms for the systematic inclusion of people with disabilities.

Conclusion:

From the point of view of the monitoring bodies there is a problematic understanding of international human rights obligations in Austria. International human rights obligations tend to be perceived more as “optional provisions” or even as a luxury. In particular, this concerns economic, social and cultural rights, such as the right to education or the right to work. Above all, the human rights-based approach of the UN CRPD has not yet sufficiently arrived in Austrian reality. In fact, the idea of charity dominates the whole issue. The social model of disability has not found its way into (disability) legislation and policy in a profound and comprehensive way either. Another complicating factor for the implementation of the UN CRPD and other conventions is the massive fragmentation of Austrian human rights protection. There are inconsistent standards of protection against discrimination, which differ according to the grounds of discrimination and federal or state competence. A serious problem, also criticised by the Council of Europe, lies in the completely unclear responsibilities of contact points in the event of human rights violations. These are also subject to substantive or local criteria.

Paternalism continues to be a major obstacle for people with disabilities in Austria. This concerns all groups, but especially people with learning difficulties and/or psychosocial disabilities. Despite some perceptible improvements (e.g. legislative process in the Adult Protection Act, involvement of self-advocates in the Federal Disability Advisory

Board, etc.), expertise derived from people's own experience is not yet sufficiently recognised for long periods. People still often speak for or about people with disabilities without letting them speak for themselves.

The phenomenon of placing disability and all related issues in the “social corner” remains. There is still a lack of awareness of the cross-sectional nature of the topic and thus of the responsibility of all ministries. Disability mainstreaming has not yet arrived in the Austrian administration and in policy-making. Consequently, accessibility as a comprehensive concept is still not generally understood. This is particularly difficult in those areas where there is shared authority between the Federal Government and the states.

Political will:

The implementation of the UN CRPD is considered important in Austria, especially in the social ministries of the states and the Federal Government. In these ministries, there is also an exchange and partial cooperation with the monitoring bodies. Basically, we perceive that the UN CRPD is seen almost exclusively as a social agenda, and the responsibility for implementation is “delegated” to it.

Issues such as disability, inclusion or comprehensive accessibility are considered to be of little “input” and have little political impact. They therefore generally have low priority and are often simply forgotten (for example in political programmes or other activities). Moreover, Austria's federal structure often makes it impossible to amend and unify standards. The difficulties arising from the shared responsibilities of the federal government and the states are therefore often used as justification for the standstill. There seems to be frustration on all sides, which also makes it difficult to deal with the federal system in a solution-oriented and constructive way. The Austrian method in implementing the UN CRPD can at best be described as a method of small adjustments. In the view of the Federal Independent Monitoring Committee, this results from the following basic trends in Austrian policy-making: 1) Significant changes in mindset and the political courage to draw conclusions are largely lacking. Cautious thinking continues to dominate the scene. It seems as if clinging to the old familiar and thus standstill is preferred to any possible risk. 2) “Human rights are all well and good, but it must not cost anything.” Monetary restrictions - even if they are only in the medium-term - are regularly used as a reason for not implementing essential human rights. It seems surprising that the cost factor is usually only considered directly. In the political arena, the economic benefits do not appear to be significant in the longer term.

Difficulties are often experienced in Austria when dealing with requirements from the UN CRPD, the realisation of which requires more than the implementation of individual measures. Consistent awareness raising and the broad implementation of the social model of disability need continuous and guided processes. To date, little consideration has been given to this. A lack of understanding of the process has also repeatedly emerged in connection with the processing of the recommendations for action from the last state audit or with the design of participatory processes.

The efforts to implement the recommendations for action from 2013 are explicitly acknowledged, but the recommendations have been processed very unevenly. The existing recommendations for action on Articles 14, 15 and 16 are far from being adequately implemented. In social psychiatric care there is a lack of person-centred support and low-threshold mobile services and assistance. The Ombudsman's Office shows how deficiencies in other areas (Articles 9, 14, 19, 20, 22, 27) affect freedom

from exploitation, violence and abuse. No structured activities to solve the federal authority problem between the Federal Government and the states could be registered.

Examples of deterioration:

The trend shows deterioration in the following areas: Rise in unemployment among people with disabilities, withdrawal of minimum standards for accessible construction, downward trend in the area of (school) education, standstill in relation to preventive detention, efforts towards de-institutionalisation not discernible, and violation of the basic rights and freedoms of people with disabilities during the pandemic;

Examples of improvements:

On the positive side, an inclusion package was adopted in 2017, which includes numerous improvements in the disability field; the guardianship law was fundamentally reformed and a new law came into force in mid-2018.

Since the last state audit, monitoring committees have been installed in all states. However, they do not all hold independent budgets.

Appendix and sources:

Appendix A Sources Salzburg Monitoring Committee:

1: Statement on the review of the amendment to the Salzburg Disability Act / Salzburg Participation Act 2019:

https://www.salzburg.gv.at/gesellschaft_/Documents/Monitoring-Ausschuss/Stellungnahme_SMA_Behindertengesetz_STHG_2019.pdf

2a: Statement on de-institutionalisation in 2018:

https://www.salzburg.gv.at/gesellschaft_/Documents/Monitoring-Ausschuss/Stellungnahme_SMA_De-Institutionalisierung.pdf

2b: Recommendation on the planned new construction and operation of the Konradinum facility in 2019:

https://www.salzburg.gv.at/gesellschaft_/Documents/Monitoring-Ausschuss/SMA_Konradinum_Empfehlung.pdf

3: Recommendation Education 2019:

https://www.salzburg.gv.at/gesellschaft_/Documents/Monitoring-Ausschuss/SMA_Bildung_Empfehlung_2019.pdf

4: Recommendation on accessible public swimming pools 2020:

https://www.salzburg.gv.at/gesellschaft_/Documents/Monitoring-Ausschuss/Empfehlung_zur_B%C3%A4derordnung_Magistrat_Salzburg.pdf

5a: Recommendation on housing cost reduction - no restriction on accessibility in housing in 2019:

https://www.salzburg.gv.at/gesellschaft_/Documents/Monitoring-Ausschuss/SMA_Empfehlung_Wohnkostenreduktion.pdf

5b: Opinion on temporary special arrangements for cost-reduced housing in 2020:

https://www.salzburg.gv.at/gesellschaft_/Documents/Monitoring-Ausschuss/SMA_Stellungnahme%20Wohnkostenreduktion_2020.pdf

6: Opinion Leisure Assistance 2018:

https://www.salzburg.gv.at/gesellschaft/Documents/Monitoring-Ausschuss/Stellungnahme_SMA_Freizeitassistenz.pdf

Appendix B: Sources Lower Austrian Monitoring Committee:

Protection against discrimination/claims for injunctive relief/removal of barriers:

1: Statement on the Lower Austrian Anti-discrimination Act 2017 of 07.11.2016:

Difficult language: https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/MTA_ADG2017.pdf

Simple language: https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/MTALL_ADG2017.pdf

Participation:

2: Recommendation on the Lower Austrian Social Assistance Implementation Act (NÖ Sozialhilfe-Ausführungsgesetz, NÖ SAG) of 03.07.2019

[https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/Beilage_Empfehlung_fuer_Evaluierung_\(NOe_SAG\).pdf](https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/Beilage_Empfehlung_fuer_Evaluierung_(NOe_SAG).pdf)

Accessibility:

3: Statement on the Lower Austrian Building Regulations 2014, Lower Austrian Building Technology Ordinance 2014 of 01.08.2014

Difficult language: https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/Stellungnahme_BO_und_BTV.pdf

Simple language: https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/beschlossene_Stellungnahme_BO_und_BTV_LL.pdf

4: Recommendation to the Lower Austrian government on accessible building and housing v.09.06.2020

https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/Empfehlung_Barrierefreies_Bauen_und_Wohnen_vom_9.6.2020_1.pdf

Dangerous situations and humanitarian emergencies:

5: Statement on the Lower Austrian Disaster Relief Act 2016 (NÖ Katastrophenhilfegesetz, KHG 2016) of 31.05.2016

<https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/StellungnahmeKHG.pdf>

6: Recommendation to the Lower Austrian government on “People with disabilities in facilities during Covid-19: protection measures of 09.06.2020

https://www.noe.gv.at/noe/Gleichbehandlung-Antidiskriminierung/Empfehlung_Menschen_mit_Behinderungen_in_Einrichtungen_w_a_1.pdf

Protection of the integrity of the person:

7: Recommendation on the Basic Law on Social Assistance and the Law on Social Assistance Statistics of 17.12.2018

http://www.noegv.at/noe/Gleichbehandlung-Antidiskriminierung/Empfehlung_zum_Sozialhilfe-Grundsatzgesetz_und_Sozialhilfe-S.pdf

8: Statement on the Regulation on the consideration of own resources of 03.12.2019

http://www.noegv.at/noe/Gleichbehandlung-Antidiskriminierung/Stellungnahme_zur_VO_ueber_die_Beruecksichtigung_von_Eigenmi.pdf

9: Statement on the Lower Austrian Guidelines Regulation and Lower Austrian Minimum Standards Regulation of 05.12.2019

http://www.noegv.at/noe/Gleichbehandlung-Antidiskriminierung/Stellungnahme_zur_NOe_Richtsatzverordnung_und_NOe_Mindeststa.pdf

Education:

10: Inclusive Education Recommendation of 06.04.2017

Difficult language:

[https://www.noegv.at/noe/Gleichbehandlung-Antidiskriminierung/Empfehlung_Inklusive_Bildung_\(schwere_Sprache\).pdf](https://www.noegv.at/noe/Gleichbehandlung-Antidiskriminierung/Empfehlung_Inklusive_Bildung_(schwere_Sprache).pdf)

Simple language:

[https://www.noegv.at/noe/Gleichbehandlung-Antidiskriminierung/Empfehlung_Inklusive_Bildung_\(einfach_verstaendliche_Sprache\).pdf](https://www.noegv.at/noe/Gleichbehandlung-Antidiskriminierung/Empfehlung_Inklusive_Bildung_(einfach_verstaendliche_Sprache).pdf)

Appendix C: Sources Upper Austrian Monitoring Committee:

Education (Art. 24)

1: Recommendation for the maintenance of the integration classes:

https://www.land-oberoesterreich.gv.at/Mediendateien/Formulare/Dokumente_PersD_Abt_Pers/Empfehlung_zur_Erhaltung_der_Integrationsklassen.pdf

Self-determined life and inclusion in the community (Art. 37)

2: Statement on the regulation of the fishing industry

https://www.land-oberoesterreich.gv.at/Mediendateien/Formulare/Dokumente%20PersD%20Abt_Pers/Stellungnahme%20Oo.%20MoA%20-%20Begutachtungsentwurf%20zum%20Oo.%20Fischer.pdf

3: Statement on the draft assessment of the Upper Austrian Social Assistance Implementation Act

https://www.land-oberoesterreich.gv.at/Mediendateien/Formulare/Dokumente%20PersD%20Abt_Pers/Stellungnahme%20Oo.%20Monitoringausschuss%20zum%20Oo.%20Sozialhilfe-Au.pdf

Accessibility (Art. 9)

4: Recommendation on barrier-free access for assistance dogs:

https://www.land-oberoesterreich.gv.at/Mediendateien/Formulare/Dokumente%20PersD%20Abt_Pers/Empfehlung%20Assistenzhunde.pdf

Appendix D: Sources Styrian Monitoring Committee:

1: Statement on § 1a Styrian Disability Act (Steiermärkisches Behindertengesetz, StBHG) - People with disabilities

This statement refers to the definition of people with disabilities within the meaning of § 1a of the Styrian Disability Act.

<https://www.monitoring-stmk.at/wp-content/uploads/2019/11/Stellungnahme-zu-%C2%A71.pdf>

https://www.monitoring-stmk.at/wp-content/uploads/2019/12/LL_STMK_MA_Stellungnahme_%C2%A71a-StBHG.pdf

2: Styrian Building Act (Stmk BauG)

The Independent Styrian Monitoring Committee has reviewed the Styrian Building Act (§§ 70 para. 3 and 4 - development and 76 para. 4 - accessible design of buildings Stmk BauG, LGBl 59/1995 as amended by LGBl 34/2015) for its compatibility with the UN CRPD

<https://www.monitoring-stmk.at/wp-content/uploads/2020/01/Zusammenfassung-Pr%C3%BCbericht-Stmk-BauG.pdf>

<https://www.monitoring-stmk.at/wp-content/uploads/2019/11/Pr%C3%BCbericht-%C2%A7-70.pdf>

<https://www.monitoring-stmk.at/wp-content/uploads/2020/01/StN-StBauG-Novelle-2019-1.pdf>

<https://www.monitoring-stmk.at/wp-content/uploads/2020/01/Unterst%C3%BCtzung-Stmk-BauG-Petition.pdf>

Together with the Styria Advocacy for People with Disabilities and Self-Determined Life, the Monitoring Committee issued a statement on the draft bill for the Styrian Building Act.

<https://www.monitoring-stmk.at/wp-content/uploads/2019/11/Stellungnahme-zu-%C2%A7-25.pdf>

3: Statement on the Basic Law on Social Assistance

<https://www.monitoring-stmk.at/wp-content/uploads/2020/01/BMin-Hartinger-Klein-Sozialhilfe-Grundsatzgesetz.pdf>

4: Psychiatric allowance

<https://www.monitoring-stmk.at/wp-content/uploads/2020/07/Stellungnahme-Stmk-MA-Psychiatriezuschlag.pdf>

This statement refers to the psychiatric allowance granted in the Social Assistance Care Benefits and Remuneration Ordinance 2017, which nursing homes receive when accommodating mentally ill people. The aim of the statement is to counteract this placement of people with mental disabilities in nursing homes.

Appendix E: Sources and statements of the Tyrolean Monitoring Committee:

1: Recommendations on the Rehabilitation Act NEW:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Stellungnahme_Reha-Gesetz-NEU-Empfehlungen_Endfassung.pdf

2: Statement on the draft Tyrolean participation law:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Stellungnahme_THG.pdf

3: Statement on the Tyrolean participation law:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/VOundRL_Teilhabegesetz.pdf

It should be noted in the text that, as a participatory measure, the Tyrolean Monitoring Committee holds public meetings in the districts where district-specific concerns are addressed.

4: Statement on the district of East Tyrol:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Stellungnahme_Lienz.pdf

5: Statement on government formation:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Wichtige_Anregungen_aus_dem_Staatenbericht_an_die_Tiroler_Politik.pdf

6: Inclusive education in Tyrol:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Stellungnahme_Inklusive_Bildung_Tirol_Letzte_version_schwer_9.10.15.pdf

7: Amendment to the Tyrolean School Organisation Act:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Novelle_Tiroler_Schulorganisationsgesetz.pdf

8.1: Housing in Tyrol Part 1:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Stellungnahme_WOHNEN_1_Teil.pdf

8.2: Housing in Tyrol Part 2:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Wohnen_Teil_2_ONLINEVERSION.pdf

9: Statement on the amendment of the Tyrolean building regulations:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/Novelle_TBO_2019.pdf

10: Statement on the Corona crisis:

https://www.tirol.gv.at/fileadmin/themen/gesellschaft-soziales/UN-Konventionen/tiroler-monitoring-ausschuss/dokumente/stellungnahmen/TMA_INFORMIERT_Corona_Krise.pdf