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**Statement by Independent Living Austria  
and Network Self-Advocacy  
for the Universal Periodic Review in Austria**



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## 1. Independent Living Austria, Network Self-Advocacy and the representation of interests of persons with disabilities in Austria

Independent Living Austria (ILA) is the national representation of interests of currently nine Centers for Independent Living (CIL) in Austria. These initiatives are not members of the largest umbrella organization – the Austrian Work Group for Rehabilitation (Österreichische Arbeitsgemeinschaft für Rehabilitation). Many large organizations which run institutions for persons with disabilities are part of the Austrian Work Group for Rehabilitation. On the one hand these are workshops for occupational therapy, on the other hand shared apartments, residential buildings and homes for persons with disabilities. ILA therefore takes up a critical position towards the Austrian Work Group for Rehabilitation as representation of interests. In the last 30 years some CILs have significantly influenced the Austrian disability policy, however, unlike the Austrian Work Group for Rehabilitation, they do not receive any resources for lobbying.<sup>i</sup>

**The Network Self-Advocacy is a new initiative<sup>ii</sup>.**

**The goal is to create a national network of self-advocates with learning disabilities.**

**The self-advocacy of persons with learning difficulties is still in its infancy in Austria.**

**Parents and service providers often still speak for persons with learning disabilities.**

**There are some good projects; however, they have to fight for funding each year. The self-advocacy of persons with disabilities needs better support and reliable financial resources.**

### ***Demand:***

- *Establishment of an interest group which is independent of service providers and is sufficiently supported on national and provincial level*

## 2. Comment on the sources

As far as possible, the information in this statement refers to publicly accessible and published sources which are endnoted. Since the information about the life situation of persons with disabilities in Austria is insufficient, about some subjects only presumptions can be made or observations or a specific example have to be brought in.

## 3. Disability policy in Austria

Disability policy in Austria is based on the federal system, meaning, some sectors are the responsibility of the federal government (e.g. work), other fields are the responsibility of each of the nine Austrian provinces. Social services are generally a matter of the individual province, therefore there are different forms of services for persons with disabilities in each province and it is difficult to have a good overview. Some sectors are based on a federal law, but the provinces are responsible for the implementation, e.g. school integration of children with disabilities. This regulation brings about a variety of implementations. Therefore, CILs have to fight for improvements or changes in each province.

A disability concept was launched by the Austrian Government in 1992<sup>iii</sup>. This concept, however, is not legally binding and not compulsory. The concept is strongly oriented on normalization, rehabilitation and integration. There was no review whether this concept complies with the UN-

Convention on the Rights of Persons with Disabilities (CRPD).

The medical model is still the basis of all laws which regulate entitlements to financial support or services for persons with disabilities. Even though terms such as Independent Living or Personal Assistance are slowly becoming part of law texts, in most cases the use of these rights is based on the assessment by a medical expert, who is not familiar with the social model of disability.

The public image of persons with disabilities and their representation in the media is often characterized by suffering or pitifulness. To that effect, gratefulness is expected from the persons with disabilities for the support.

**In Austria, persons with disabilities are often reduced to their disability.**

**For example: A few months ago a woman with learning disabilities arrived in a hospital.**

**A form was filled in for her. Profession: “Disabled”.**

***Demands:***

- *Development of an action plan for the implementation of the CRPD that is legally binding for the federal government as well as for the provinces.*
- *Review of all law passages which are oriented towards the medical model and revision in the sense of the social model of disability. (cf. Article 4 (1) CRPD)*
- *Incorporation of the social model of disability in school and university curriculums of all educational institutions.*
- *Broad awareness raising of society in the sense of an image of persons with disabilities that is oriented towards equal participation.*
- *Introduction of mandatory standards for the representation of persons with disabilities in the media.*

#### **4. The CRPD in Austria**

After the ratification of the CRPD, the Austrian government only felt obliged to introduce a committee for the monitoring of the implementation. It is widely believed that all the rights which are enshrined in the convention have already been implemented. An explanation in a parliamentary paper is: “It has to be assumed that the specific rights which are set in the agreement are already established by law in the Austrian legal system in terms of content before the signing of the convention”<sup>iv</sup>. According to this, we have the impression that nothing has been done by the Austrian government for the specific implementation of the UN-Convention. Neither large information events took place, nor were persons with disabilities or experts or people working with persons with disabilities efficiently informed. There were hardly any initiatives in which the consequences of each article of the convention were discussed on a federal and provincial level. For example, the request for participation of persons with disabilities in the process of preparing a new law for persons with disabilities<sup>v</sup> was rejected by the Tyrolean government. The justification was that the requirements of the UN-Convention would be met, because the politicians are in contact with service providers. Furthermore, the request for the preparation of a concept to implement the UN-Convention<sup>vi</sup> was rejected. It is obvious that most of the politicians have a medical model of disability in mind or concepts such as care and attendance when it actually comes to questions of accessibility and inclusion.

***Demand:***

- *Full and binding concern of politics and administration with the content and goals of the UN-Convention on the Rights of Persons with Disabilities. This must be accomplished with the participation of persons with disabilities.*

## **5. Regarding article 9 of the CRPD (Accessibility)**

There is no nationwide data about the accessibility of shops and service enterprises; therefore we have to base our statement on our own observations. We assume that only 35% of the places mentioned are accessible for persons with mobility impairments. The regulations for the conservation of monuments often hinder necessary adjustments to historical buildings. It can for example occur that a shop undergoes a complete renovation and there is still a step at the entrance afterwards. The person with a disability then first of all has to file a complaint against the manager and if this is not successful, a conciliation procedure can be set. However, there is no legal entitlement that the discrimination must be eliminated; there is only an entitlement to compensation for damages. No data on whether information in Austria is sufficiently accessible for persons with sensory disabilities or learning difficulties exists. In general, there are not enough sign language interpreters.

**Accessibility is very important for persons with learning difficulties.  
Buildings and public transport have to become more accessible for wheelchair users.  
There should be more pictures, large print and plain language available.**

***Demand:***

- *Introduction of legally binding standards for accessibility in public and private areas.*

## **6. Regarding article 16 of the CRPD (Freedom from exploitation, violence and abuse)**

We assume that in many institutions for persons with disabilities violence is inherent in the system. Men and women with disabilities are subordinated in institutional situations, are heteronomous and cannot live independently due to these structures. It is known that men and women with disabilities are significantly more often affected by sexual abuse than men and women without disabilities. But sexual abuse of persons with disabilities is a taboo in Austria and attempts to reveal such cases are often systematically prevented. National and provincial politics do not feel responsible, also because numerous institutions are set up and run by private organizations.

***Demands:***

- *Education measures all over Austria for men and women with disabilities to prevent violence.*
- *Training and awareness raising of institutions for violence prevention as well as the executive authorities to support persons with disabilities.*
- *Monitoring of institutions for persons with disabilities by independent authorities. (cf. Article 16 (3))*

## **7. Regarding article 19 of the CRPD (Living independently and being included in the community)**

There is no legal entitlement to personal assistance, neither on a national nor on a provincial level. A provision for personal assistance that covers all support needs only exists in Vienna but it is very selective in regard to who is eligible. Personal Assistance is only offered in those regions where CILs have been fighting for this kind of support for decades. This shows how little this model is supported by the official disability policy in Austria. On the other hand, well-established service providers dominate, which typically carry out traditional care and attendance for persons with disabilities. Large homes for persons with disabilities still exist in Austria, where hundreds of men and women with disabilities have to live.<sup>vii</sup> Many persons with disabilities live in old people's homes or nursing homes.

In Austria there is no information about how many men and women with disabilities live in institutions for persons with disabilities and whether they are happy with that situation. Furthermore, there is no data on how much money flows into institutional or community-based support.<sup>viii</sup> It is a fact that one still has to fight for personal assistance, while traditional institutions are offered, newly built and preferred without problems. A binding and general action plan for deinstitutionalization does not exist.

A positive aspect that can be mentioned is personal assistance at the work place which is financed by the federal government and has a remarkable concept, because it perfectly reflects the independent living paradigm. A problematic point, however, is the fact that this kind of assistance is restricted to a target group of men and women with a very high level of support needs, furthermore, persons with learning difficulties are completely excluded.

**Men and women with learning disabilities want to decide for themselves where they live.**

**They should not be forced to live in a special home or special shared housing.**

**Persons with learning disabilities often have to learn how to iron, cook and wash before they are allowed to move out from one of these homes.**

**Although they could have a personal assistant for these jobs.**

### ***Demands:***

- *Introduction of a national legal entitlement for personal assistance that covers all support needs for all persons with disabilities.*
- *Expansion of community-based and individual support.*
- *Initiation of a consequent resource transfer from special homes towards individual support models.*

## 8. Regarding article 24 of the CRPD (Education)

The Austrian education system is extremely selective, because many children are sent to special schools from the first grade onwards. The percentage of pupils in special schools rises from grade to grade. Although there are laws for school integration, the number of special schools has only been reduced by 15% since 1992 and still new special schools are built. According to the micro census of 2007<sup>ix</sup>, the Austrian education system discriminates persons with disabilities. Only 14.6% of men with disabilities between the age of 20 and 60 graduated from school or have a university degree, compared to 31.3% of all men without a disability. The inequality is also very high with women: 15.7% in comparison to 33.3%. Persons living in institutions were not taken into account in this research. If they had been taken into account in this statistic, the difference would have been even larger.

Demands:

- *Replacement of the right of choice of the parents whether their child with a disability should be integrated or not by the right of children with disabilities for inclusive education.*
- *Realization of an action plan to close down all special schools and a consequent resource transfer from the special school system towards an inclusive school system, prohibiting the establishment of new special schools and the investment into existing buildings.*
- *Complete reformation of the school system, guaranteeing accessibility and inclusion.*

- i cf. Fliieger, Petra (2009). ANED country report on the implementation of policies supporting independent living for disabled people. Country: Austria. Internet: <http://www.disability-europe.net/content/pdf/ANED%20Independent%20Living%20report%20-%20Austria.pdf>
- ii **The right-aligned text in plain-language and bold face was written by the Network Self-Advocacy**
- iii BMAS (Federal Ministry for Labour and Social Affairs) (1992). The Federal Austrian Government's Disability Concept. (English). Internet: [https://broschuerenservice.bmask.gv.at/PubAttachments/behindertenkonzept\\_eng.pdf](https://broschuerenservice.bmask.gv.at/PubAttachments/behindertenkonzept_eng.pdf)
- iv Vorblatt und Erläuterungen zu 587 d.B. (XXIII. GP) Bundesbehindertengesetz. Im Internet: [http://www.parlament.gv.at/PG/DE/XXIII/I/I\\_00587/fnameorig\\_111163.html](http://www.parlament.gv.at/PG/DE/XXIII/I/I_00587/fnameorig_111163.html)
- v <http://www.bizeps.or.at/news.php?nr=11279>
- vi <http://www.bizeps.or.at/news.php?nr=10948>
- vii cf. Fliieger, Petra (2009). ANED country report on the implementation of policies supporting independent living for disabled people. Country: Austria. Internet: <http://www.disability-europe.net/content/pdf/ANED%20Independent%20Living%20report%20-%20Austria.pdf>
- viii cf. Beadle-Brown, Julie; Kozma, Agnes (Ed.) (2007). Deinstitutionalisation and community living – outcomes and costs: report of a European Study. Volume 3: Country Reports. Canterbury: Tizard Centre, University of Kent.
- ix cf. Leitner, Barbara (2008). Menschen mit Beeinträchtigung. Ergebnisse der Mikrozensus-Zusatzfragen im 4. Quartal 2007. Statistische Nachrichten 12/2008, 1132 – 1141. Internet: <http://www.bmsk.gv.at/cms/site/dokument.html?channel=CH0092&doc=CMS1233138935231>