



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Austria**

I. Introduction

1. The Committee considered the combined second and third periodic reports of Austria¹ at its 664th and 665th meetings,² held on 22 and 23 August 2023. It adopted the present concluding observations at its 681st meeting, held on 4 September 2023.
2. The Committee welcomes the combined second and third periodic reports of Austria, which were prepared in accordance with the Committee's reporting guidelines in response to the list of issues prior to reporting prepared by the Committee,³ and the additional information submitted by the State party.
3. The Committee also welcomes the constructive dialogue held with the high-level delegation of the State party, which covered a wide array of issues and included representatives of relevant government ministries and Members of Parliament.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party, following the recommendations of the Committee contained in its concluding observations on the initial report of the State party,⁴ to review domestic laws and policies and harmonize them with the Convention.
5. The Committee welcomes in particular the legislative and policy measures taken to promote the rights of persons with disabilities, namely:
 - (a) The entry into force, in July 2018, of the second Protection of Adults Act;
 - (b) The amendment to the Federal Disability Equality Act;
 - (c) The adoption, in July 2022, of the National Action Plan on Disability for the period 2022–2030;
 - (d) The adoption of the Inclusion Package in 2017;
 - (e) The adoption, in July 2023, of the Federal Act on Accessibility Requirements for Products and Services, which will enter into force on 28 June 2025.

* Second reissue for technical reasons (26 October 2023).

** Adopted by the Committee at its twenty-ninth session (14 August–8 September 2023).

¹ [CRPD/C/AUT/2-3](#).

² See [CRPD/C/SR.664](#) and [CRPD/C/SR.665](#).

³ [CRPD/C/AUT/QPR/2-3](#) and [CRPD/C/AUT/QPR/2-3/Corr.1](#).

⁴ [CRPD/C/AUT/CO/1](#).



6. The Committee also welcomes the development and distribution of the new German translation of the Convention and its publication in Easy Read format.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

7. The Committee notes with great concern the scant attention that the governments of the Länder pay to the Convention.

8. **The Committee recommends that the governments of all Länder respect the principle of general international law, codified in article 27 of the Vienna Convention on the Law of Treaties, that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. It recalls that article 4 (5) of the Convention specifies that the provisions of the Convention extend to all parts of federal states without any limitations or exceptions, and recommends that the governments of all Länder act accordingly.**

9. The Committee is concerned about the wide variety of different legislative approaches taken to implementing the Convention at the federal level and at the level of the Länder, including, but not restricted to, widely differing concepts of disability, which are often based on a medical understanding of disability. In particular, the Committee notes, in this respect, measures 1 to 17 of the National Action Plan on Disability for the period 2022–2030.

10. **The Committee, recalling its previous recommendations,⁵ encourages the State party to expeditiously amend and align its laws – at the federal level and at the level of the Länder – and to render them compliant with the human rights model of disability.**

11. Taking note of the fulfilment reservation (*Erfüllungsvorbehalt*) issued by the national council upon ratification of the Convention, and the ensuing dependence of judicially enforceable individual rights on domestic transformative legislation, the Committee is concerned about the effective implementation of the Convention and the provision of effective domestic remedies for the purposes of article 2 of the Optional Protocol.

12. **The Committee recommends that the State party enact domestic legislation providing for the judicial enforcement of all individual rights guaranteed by the Convention, or that the State party rescind its fulfilment reservation.**

13. The Committee is concerned that there are no structured processes based on law, at either the federal or the Länder level, to closely consult with and actively involve organizations of persons with disabilities in the development and implementation of legislation and policies to implement the Convention.

14. **Recalling its general comment No. 7 (2018) and its previous recommendations,⁶ the Committee recommends that the State party enact legislation, at both the federal and the Länder levels, to institute structured processes to closely consult with and actively involve organizations of persons with disabilities in the development, implementation and monitoring of legislation and policies to implement the Convention.**

15. The Committee is concerned about the lack of established procedures to implement the recommendations of the Committee arising from its individual communications procedure.

16. **The Committee recommends that the State party establish, at both the federal and the Länder levels, administrative and judicial procedures designed to implement the case-specific recommendations arising from individual communications, and procedures designed to implement the general recommendations arising from individual communications that often require legislative or regulatory action.**

⁵ Ibid., paras. 9 and 11.

⁶ Ibid., para. 11.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

17. The Committee recognizes the progress made by the State party in developing anti-discrimination laws at the federal and Länder levels. However, it notes that, with some exceptions, such as lawsuits in the employment sector and lawsuits for harassment and against large companies, the only remedy available to victims of discrimination based on disability is financial compensation. It also notes several reports that, despite strict legal requirements, the mandatory conciliation procedure in civil lawsuits, which is based on the Federal Disability Equality Act, is often not fully accessible in practice.

18. The Committee recommends that the State party further strengthen the Federal Disability Equality Act by extending the scope of available remedies to injunctive and remedial relief in all areas, render the conciliation procedure under the Act fully accessible in practice and improve financial support for organizations of persons with disabilities who have standing in such procedures.

Women with disabilities (art. 6)

19. The Committee notes with concern:

(a) The lack of participation of women and girls with disabilities and their representative organizations in the development and implementation of measures relating to the implementation of the Convention, including in higher education, employment and public affairs;

(b) The insufficiency of measures to establish effective violence prevention and protection mechanisms that are accessible to all women and girls with disabilities, including women and girls with disabilities still in institutions;

(c) The lack of disaggregated data at the federal and Länder levels about the situation of women and girls with disabilities;

(d) The lack of a disability perspective in gender-equality laws;

(e) The lack of mechanisms and procedures to address multiple and intersectional forms of discrimination against women with disabilities.

20. The Committee, recalling its general comment No. 3 (2016) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, recommends that the State party:

(a) Adopt effective and specific measures to prevent multiple and intersectional forms of discrimination against women and girls with disabilities;

(b) Ensure that women and girls with disabilities, including women and girls with disabilities still in institutions, have effective access to prevention and protection mechanisms against gender-based violence, including helplines, shelters, sexual education programmes, crisis management plans and health counselling;

(c) Mainstream the rights of women and girls with disabilities into all gender equality and disability-related legislation and policies.

Children with disabilities (art. 7)

21. The Committee is concerned about the close link between segregated education and institutionalization, owing to the frequent design of special education schools as residential schools, and about the lack of support measures to allow for organizations of children with disabilities to actively participate in public discourse and of prompt provision of early intervention services and individualized support services for children with disabilities and their families.

22. The Committee recommends that the State party, including the Länder, take effective measures in accordance with the human rights model of disability to end the use of segregated institutional settings for children with disabilities in all areas of life,

including in education, provide financial and technical support to organizations of children with disabilities to allow for their active participation in public discourse and promptly make available early intervention services and individualized support for children with disabilities and their families.

Awareness-raising (art. 8)

23. The Committee notes with concern that awareness of the principles and rights enshrined in the Convention and of the obligations of States parties under the Convention seems to be insufficiently developed, in particular in the governments of the Länder.

24. **The Committee recommends that the State party, at the federal level and in particular at the Länder level, institute, in close consultation with and the active participation of organizations of persons with disabilities, awareness-raising programmes on the principles and rights enshrined in the Convention, the obligations incurred by the State party, including the Länder, and the specific importance of the present recommendations. Such programmes should be directed at all persons holding political and judicial office, government employees and medical personnel.**

25. While the Committee recognizes women's rights to reproductive autonomy, it expresses concern that section 97 (1) (2) of the Criminal Code establishes a "serious risk that the child will be mentally or physically seriously damaged" as a specific ground for abortion.

26. **The Committee recommends that the State party define the permissible grounds for an abortion without reference to impairments.**

Accessibility (art. 9)

27. The Committee is concerned about:

(a) The State party's narrow implementation of the European Accessibility Act, which omits important areas such as health services, educational goods and services, household appliances and the built environment, and the corresponding widespread inaccessibility of services provided by public and private entities, including services listed in article 2 of the Act;

(b) The regression in the standards for accessible construction of housing, compounding the already substantial obstacles to guaranteeing independent living;

(c) The lack of binding time frames for rendering public transport by coach and bus accessible.

28. **Recalling its general comment No. 2 (2014), the Committee recommends that the State party:**

(a) **Enact legislation and set standards for the accessibility of services, goods and infrastructure not covered by the European Accessibility Act, and implement them, including by allocating sufficient budgets;**

(b) **Substantially improve accessibility requirements for housing, as set out in regulation ÖNORM B 1600, and refrain from following guidelines issued by the Austrian Institute of Construction Engineering (OIB) that lower the standards set out in regulation ÖNORM B 1600;**

(c) **Set standards and binding time frames for rendering public transport not covered by European standards accessible, and allocate sufficient budgets therefor.**

Situations of risk and humanitarian emergencies (art. 11)

29. The Committee notes with concern the lack of involvement at the Länder level in disaster management of organizations of persons with disabilities, resulting in a lack of inclusive and accessible communication and services in disaster management plans. The Committee is also concerned about the lack of data on persons with disabilities in the context of situations of risk.

30. **Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action, the Committee recommends that the State party, in particular at the Länder level, closely consult with and actively involve organizations of persons with disabilities in the design and implementation of disaster response and recovery measures. It also recommends that the State party render those measures, including evacuation mechanisms, warning systems, shelters, transportation and humanitarian support facilities, fully accessible for persons with disabilities, as envisaged by the National Action Plan on Disability for the period 2022–2030.**

Equal recognition before the law (art. 12)

31. The Committee notes the entry into force, in July 2018, of the second Protection of Adults Act, and the close consultation with and active involvement of organizations of persons with disabilities in the development thereof. However, it is concerned about the significant remaining elements of substituted decision-making and the high number of established legal adult representations and court-appointed representations, the lack of progress made in the implementation of the law, in particular the lack of community-based services for supported decision-making provided by the Länder, and the lack of awareness about the law in many parts of the State and society.

32. **Recalling its general comment No. 1 (2014), the Committee recommends that the State party repeal the remaining elements of substituted decision-making in its laws, substantially strengthen community-based services for supported decision-making, in particular those within the competencies of the Länder, and implement them comprehensively, and train the employees of all public and private entities who have a role in implementing the law. The Committee also recommends that the State party regularly evaluate the implementation of the second Protection of Adults Act, with a strong emphasis on the measures taken by the Länder.**

Access to justice (art. 13)

33. The Committee is concerned about:

(a) The insufficient availability of qualified sign language interpreters for administrative and court proceedings, the inaccessibility of some administrative and court buildings, a widespread lack of administrative and court decisions in accessible formats and the insufficient accessibility of online administrative and court hearings;

(b) The denial of legal standing to any person with disabilities subject to substituted decision-making within the ambit of the substitution.

34. **The Committee recommends that the State party:**

(a) **Ensure the availability of qualified sign language interpreters in administrative and court proceedings, expedite the evaluation and development of standards on the accessibility of administrative and court buildings, in close consultation with and the active participation of organizations of persons with disabilities, and implement them expeditiously, provide administrative and court decisions in accessible formats and render online administrative and court hearings accessible;**

(b) **Amend the laws to remove the exclusion of persons with disabilities subject to substituted decision-making from legal standing.**

Liberty and security of person (art. 14)

35. The Committee is concerned that the State party's mental health legislation is largely based on a medical model of disability and that it allows for involuntary detention and compulsory treatment.

36. **The Committee recalls its guidelines on the right to liberty and security of persons with disabilities and recommends that the State party abolish all provisions that allow for the deprivation of liberty on the basis of impairment or for compulsory**

treatment, that measures for supported decision-making in places of detention are provided and that organizations of persons with disabilities, in particular of persons with psychosocial and/or intellectual disabilities, are closely consulted and actively involved in the development of those measures.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

37. The Committee notes the absolute prohibition of net beds, but it is concerned about:

(a) The legal permissibility and continued use of seclusion, physical and chemical restraints and other restrictive practices for persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, including children with disabilities, in places of detention;

(b) Insufficient support measures for persons with intellectual and/or psychosocial disabilities, including access to mental health support and services, and a lack of qualified staff in places of detention.

38. **The Committee recommends that the State party:**

(a) **End the use of seclusion, physical and chemical restraints and other restrictive practices in places of detention;**

(b) **Provide sufficient support measures, including mental health support, and qualified staff in places of detention, in particular for persons with intellectual and/or psychosocial disabilities.**

39. The Committee is concerned about the continued performance of sex-reassignment surgery on intersex children.

40. **The Committee recommends that the State party enact a legal ban on non-life-saving sex-reassignment medical intervention on intersex children.**

Freedom from exploitation, violence and abuse (art. 16)

41. The Committee notes the expanded protection of victims of domestic violence in the Violence Protection Act 2019, but it is concerned about the high rates of violence against persons with disabilities, in particular persons with disabilities still in institutions, women and girls with disabilities and persons with intellectual and/or psychosocial disabilities, as evinced by a study of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection, published in 2019, the widespread lack of concepts promoting sexual self-determination, violence-prevention concepts and standard reporting procedures with effective remedies and the shortages of qualified staff in institutions.

42. **The Committee recalls its general comment No. 3 (2016) and recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, in particular women and girls with disabilities, develop measures to address the high rate of violence against persons with disabilities still in institutional settings, promote sexual self-determination, violence prevention and accessible standard reporting procedures with effective remedies, and provide sufficient qualified staff. Recalling its guidelines on deinstitutionalization, including in emergencies, the Committee also recommends that the State party dismantle institutional settings and provide to persons with disabilities, including women and girls with disabilities, adequate support for living in the community, with community support services and redress.**

Protecting the integrity of the person (art. 17)

43. The Committee is concerned about reports stating that:

(a) Sterilizations of women and girls with disabilities without their consent, apparently outside the confines of sections 253–255 of the Austrian Civil Code, have taken place in the State party;

(b) Contraceptives are administered to women and girls with disabilities without their consent or even their knowledge, in particular in institutions.

44. **The Committee recommends the State party:**

(a) **Strictly enforce the prohibition of sterilization as set out in section 255 of the Austrian Civil Code, provide accessible information on sexual self-determination, collect data on sterilizations performed in the State party, disaggregated by sex, gender, age, procedure followed and place of the intervention, and train medical personnel on the requirements of the law;**

(b) **Implement a ban on the use of contraceptive measures on persons with disabilities without their personal consent, and enforce it.**

Liberty of movement and nationality (art. 18)

45. The Committee is concerned about:

(a) Insufficient provision of qualified interpreters, sign language interpretation, information in Easy Read format, Plain German and Braille and other measures to ensure the accessibility of health services for refugees with disabilities, stateless persons with disabilities and persons with disabilities in refugee-like situations;

(b) Insufficient accessible information about the admissions process, the content of decisions taken therein and appropriate service providers for refugees with disabilities, stateless persons with disabilities and persons with disabilities in refugee-like situations, deficiencies in their referral to the appropriate services providers and insufficient access to crucial disability support schemes;

(c) Reports that refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations, including unaccompanied children with disabilities, are frequently accommodated in facilities that are not accessible or not designed for those purposes, and are not provided the necessary support measures;

(d) Insufficient targeted and regular training on the standards for the treatment and the rights of persons with disabilities under the Convention for the employees of all entities participating in the admissions process.

46. **The Committee recommends that the State party:**

(a) **Provide qualified interpreters, sign language interpretation, information in Easy Read format, Plain German and Braille and other measures to ensure the accessibility of health services for refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations;**

(b) **Provide accessible information about the admissions process, the content of decisions taken therein and service providers for refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations and guarantee access to crucial support schemes to persons with disabilities in refugee-like situations and persons with disabilities under temporary protection;**

(c) **Ensure that refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations, including unaccompanied children with disabilities, are accommodated in facilities that are accessible and designed for those purposes;**

(d) **Provide targeted and regular training on the standards for the treatment of persons with disabilities and their rights under the Convention for the employees of all entities participating in the admissions process, as envisaged by the National Action Plan on Disability for the period 2022–2030.**

Living independently and being included in the community (art. 19)

47. The Committee is concerned about:

(a) The lack of a comprehensive and unified strategy, encompassing the federal Government and the Länder, to design, promote and coordinate the deinstitutionalization process;

(b) Persons with disabilities being unable and not having the right to choose their place of residence, with choice equal to others, due to a lack of adequate housing accommodation in the community, the requisite support services, including budget allocations, for personal assistants, and a corresponding enforceable legal right;

(c) The lack of harmonized regulations regarding the different personal assistance services and offers and their being assessed based on a medical model of disability;

(d) Investments being made, partly with funding by the Structural Funds of the European Union, in the renovation and construction of segregated institutions for persons with disabilities.

48. Recalling its general comment No. 5 (2017) and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party:

(a) **Establish a comprehensive, nationwide deinstitutionalization strategy, with benchmarks, time frames and funding, encompassing the competencies of the federal Government, the Länder and the municipalities, and ensure close consultation with and the active involvement of organizations of persons with disabilities in all deinstitutionalization processes;**

(b) **Enact legislation, at the federal, Länder and – if appropriate – municipal levels, providing the requisite legal bases to end the institutionalization of persons with disabilities and to provide adequate accessible housing and support services for persons with disabilities to live independently in the community, and implement it expeditiously;**

(c) **Guarantee an enforceable legal right to adequate financial, technical and personal support to live independently in the community;**

(d) **Urge the participation of all Länder in the pilot project to harmonize personal assistance regulations;**

(e) **Refrain from any further investment, including through European Funds, in existing or new institutions for persons with disabilities and allocate appropriate financial, technical and educational resources to foster the right to independent living of all persons with disabilities.**

Personal mobility (art. 20)

49. The Committee is concerned that:

(a) State party subsidies for the adaptation of vehicles, including cars of persons with disabilities, are granted solely to employed people, jobseekers, apprentices and pensioners, there is no legal right to such subsidies and there are insufficient data on them;

(b) The shortage of training personnel for assistive devices, including mobility devices, and the high cost of assistive devices and equipment restrict the access of persons with disabilities to the appropriate assistive devices, modification services and quality mobility aids.

50. The Committee recommends that the State party:

(a) **Guarantee a legal right to mobility subsidies and extend it to persons with disabilities outside of the employment context;**

(b) **Ensure the availability of sufficient qualified and trained personnel for mobility issues and the affordability of appropriate assistive devices, modification services and mobility aids, including assistive technology, for all persons with disabilities.**

Freedom of expression and opinion, and access to information (art. 21)

51. The Committee is concerned about:

(a) Shortcomings in the dissemination of government information in accessible formats, such as Plain German, sign language, Easy Read, Braille and tactile, augmentative and alternative means of communication;

(b) The lack of support measures, including financial support, for organizations of persons with disabilities, including organizations of persons with intellectual and/or psychosocial disabilities, of women with disabilities and of children with disabilities, to facilitate awareness-raising or information-sharing activities;

(c) The lack of close consultation with and active involvement of organizations of persons with disabilities in the design and review of measures planned or taken to ensure the accessibility of information.

52. **The Committee recommends that the State party:**

(a) **Ensure the dissemination of information, in particular government information, in accessible formats and technologies, fully implement Directive 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies and render all websites and mobile applications of public sector entities accessible, in line with the European standard for information and communications technology (EN 301 549);**

(b) **Provide support, including financial assistance, to organizations of persons with disabilities, including organizations of persons with intellectual and/or psychosocial disabilities, women with disabilities and children with disabilities, to facilitate their awareness-raising or information-sharing activities;**

(c) **Closely consult with and actively involve organizations of persons with disabilities in the design and review of measures planned or taken to ensure accessibility of information.**

Respect for privacy (art. 22)

53. The Committee is concerned about:

(a) The constraints for persons with disabilities still in institutions in terms of deciding on and entering into personal relationships, in particular same-sex relationships, largely owing to a lack of privacy and interference by personnel and legal representatives;

(b) The deterring effect of anti-prostitution laws in the Länder on publicly funded services that facilitate sexual companionship for persons with disabilities.

54. **The Committee recommends that the State party:**

(a) **Ensure respect for the right to private life, including sexual self-determination, of persons with disabilities still living in institutions, and end interference in this regard by personnel and legal representatives;**

(b) **Harmonize federal and Länder legislation on prostitution and sexual companionship to ensure the provision of publicly funded services to facilitate sexual companionship for persons with disabilities.**

Respect for home and the family (art. 23)

55. The Committee is concerned about:

(a) The denial of the right to marry of persons with disabilities under adult or court-appointed representation without the consent of their legal representative;

(b) The lack of support services for persons with intellectual and/or psychosocial disabilities and their children and the latter's removal from their parents.

56. **The Committee recalls its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities and recommends that the State party:**

(a) **Recognize the right to marry of all persons with disabilities on the basis of their personal consent;**

(b) **Provide the support services necessary for persons with intellectual and/or psychosocial disabilities to effectively exercise their right to family life with their children and cease the latter's removal from their parents and placement in institutions, including in residential special schools.**

Education (art. 24)

57. The Committee is gravely concerned about:

(a) The regression in inclusive education, partly owing to the termination of inclusive school policies, the prioritization of segregated schools over inclusive schools in the Education Reform Act (2017), the severe shortages of personnel and places in inclusive kindergarten and elementary education and a lack of funding for and transfer of resources from the segregated school system to inclusive education, resulting in increased enrolment of students with disabilities in segregated schools, including at the kindergarten level;

(b) The lack of trained personnel for inclusive education, owing to cuts at the primary and secondary levels and the insufficiency of disability-specific teacher training and recruitment;

(c) The lack of reasonable accommodation in education, such as personal assistance and support services for students with disabilities, in particular at the secondary and tertiary levels, and the exclusion of persons with psychosocial and/or intellectual disabilities from such supports;

(d) Exceedingly complex and lengthy administrative procedures for access to inclusive education;

(e) The non-admission of children with disabilities to extracurricular pedagogical supervision services, such as complementary care facilities, and the inaccessibility of such services;

(f) The lack of an established, enforceable legal right for children with disabilities aged 14 and older to attend inclusive schools at the secondary level;

(g) The absence of Austrian Sign Language in school programmes as a language of instruction in class and a subject to be taught;

(h) The lack of comprehensive data on education of children with disabilities, disaggregated by sex, age, level of education, region and type of impairment, and the lack of comprehensive data on financial, organizational, educational and political measures taken to implement the objective of inclusive education in accordance with the Convention.

58. **Recalling its general comment No. 4 (2016), the Committee recommends that the State party:**

(a) **Promptly end the expansion of and phase out the segregated school system, ensure transition resources, including funding, from segregated education to inclusive education, develop a nationwide strategy for inclusive education that encompasses all education systems at all levels of education, including those of the Länder and the municipalities, establish inclusive education policies and guidelines, including at the level of the Länder and the municipalities, develop harmonized inclusive education curricula, in close consultation with and the active involvement of organizations of persons with disabilities, and implement the strategy in a timely manner;**

(b) **Redevelop and expand teacher training for inclusive education;**

(c) **Provide reasonable accommodation, including personal assistance, for students with disabilities at all levels of education;**

(d) **Render administrative procedures for access to inclusive education fully accessible, easy to navigate and quick;**

(e) **Take measures at all federal levels, including the municipalities, to ensure access by all children with disabilities to extracurricular pedagogical supervision services, such as complementary care facilities;**

(f) **Enact legislation providing for an enforceable, legal right of all children with disabilities to attend inclusive education, including at the secondary and tertiary levels;**

(g) **Recognize Austrian Sign Language in education and effectively implement it as a language of instruction in schools and as a subject to be taught;**

(h) **Comprehensively collect data on inclusive and non-inclusive education of all children with disabilities, disaggregated by sex, age, level of education, region and type of impairment, and on financial, organizational, educational and political measures taken to implement inclusive education in accordance with the Convention.**

Health (art. 25)

59. The Committee is concerned about:

(a) The negative impact of seemingly structural deficiencies of child and adolescent mental health services on children and adolescents with disabilities, which were particularly pronounced after the coronavirus (COVID-19) pandemic, and about the lack of reliable information and data on that impact;

(b) The restricted access of women and girls with disabilities, in particular women and girls with disabilities still in institutions, to sexual and reproductive health services, including contraception, and sex education;

(c) The lack of qualified sign language interpretation services in the provision of health services for persons with disabilities, including for refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations;

(d) The inaccessibility, including physical inaccessibility, of many health facilities and services.

60. **The Committee recommends that the State party:**

(a) **Significantly improve access to community-based mental health services for persons with disabilities, in particular children with disabilities, and collect data on the provision of such services and their results, disaggregated by age, sex, region and type of impairment;**

(b) **Ensure access for women and girls with disabilities, in particular women and girls with disabilities still in institutions, to sexual and reproductive health services, including contraception, and sex education;**

(c) **Provide quality sign language interpretation in health services for persons with disabilities, including refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations;**

(d) **Effectively guarantee the accessibility, including physical accessibility, of health facilities and services.**

Habilitation and rehabilitation (art. 26)

61. The Committee is concerned about unequal and often restricted access to habilitation and rehabilitation services for persons with disabilities, depending on their employment status.

62. **The Committee recommends that the State party guarantee equal and effective access to quality habilitation and rehabilitation services for all persons with disabilities, irrespective of their present or previous employment status.**

Work and employment (art. 27)

63. The Committee is concerned about:

(a) The comparatively low rate of participation in the workforce of persons with disabilities, the low employment rate of persons with disabilities on the open labour market and the increasingly high rate of long-term unemployment among persons with disabilities;

(b) The segregating effects of the assessment of the ability to work by the pension insurance institute (PVA), commissioned by the Austrian Public Employment Service (AMS) on the basis of legal principles for the evaluation of “performance capability”, and the ensuing classification as “unfit for work” of persons with disabilities (resulting in loss of health and pension insurance, counselling and care services, ineligibility for a retirement pension, etc.), its grounding in a medical model of disability, its application even to children, the irreversibility of the assessment and the lack of an effective remedy against it;

(c) The segregated employment of persons with disabilities in sheltered workshops and “occupational therapy workshops”, engendering, among others, the denial of the status of employed or self-employed person, and the payment of pocket money instead of adequate wages;

(d) The lack of compatibility between the provision of disability benefits and payment from gainful employment by persons with disabilities;

(e) The prerequisites for the provision of personal assistance in the workplace being based on a medical model of disability;

(f) The lack of inclusive vocational orientation and training for persons with disabilities, in particular young persons with disabilities.

64. The Committee recommends that the State party:

(a) **Further develop and implement the projects in the National Action Plan on Disability for the period 2022–2030, in close consultation with and the active involvement of persons with disabilities, including women with disabilities, and incorporate specific measures into the Plan, endowed with adequate resources, time frames and monitoring mechanisms, ensuring the transition from segregated employment to employment on the open labour market for all persons with disabilities;**

(b) **Render the assessment of the ability to work compliant with the human rights model of disability, do not apply it to children, re-evaluate assessments periodically, provide an effective remedy against assessments, ensure that persons with disabilities retain their social security status, including health and pension insurance, irrespective of the outcome of the assessment, and apply that status retroactively to persons with disabilities already assessed as “unfit for work”;**

(c) **Ensure equal payment for work of equal value to all persons with disabilities, on an equal basis with others, adopt measures to eliminate the gender gap in employment, including pay, and secure the provision of employment contracts or the conferment of the legal status of employee, and recognition as self-employed, for all persons with disabilities, on an equal basis with others;**

(d) **Harmonize disability benefits with payment from gainful employment, avoiding negative repercussions on disability benefits from taking up employment;**

(e) **Ground the prerequisites for the provision of reasonable accommodation in the workplace, including personal assistance, in the human rights model of disability, as enshrined in the Convention;**

(f) **Provide inclusive vocational orientation and training to persons with disabilities, in particular young persons with disabilities.**

Adequate standard of living and social protection (art. 28)

65. The Committee is concerned about:

(a) The disproportionately high incidence of poverty among persons with disabilities;

(b) The lack of access to disability support schemes for refugees with disabilities and persons with disabilities in refugee-like situations, including persons with disabilities under temporary protection.

66. **The Committee recommends that the State party:**

(a) **Take effective measures, including full coverage by the social security scheme, to eradicate poverty among persons with disabilities;**

(b) **Provide access to disability support schemes for refugees with disabilities and persons with disabilities in refugee-like situations, including persons with disabilities under temporary protection, preventing them from falling into poverty.**

Participation in political and public life (art. 29)

67. The Committee notes with concern that:

(a) Voting and election procedures (active right to vote) are not fully accessible;

(b) Participation in political and public life by children and young persons with disabilities is seriously limited.

68. **The Committee recommends that the State party:**

(a) **Ensure that voting and election procedures are fully accessible for persons with disabilities, including by training election officials, party officials and members of civil society organizations and by providing the respective materials in accessible formats such as Easy Read, Plain German and Braille.**

(b) **Promote and support organizations of children with disabilities to improve their participation in political and public life, in accordance with general comment No. 7 (2018).**

Participation in cultural life, recreation, leisure and sport (art. 30)

69. The Committee is concerned about the lack of inclusivity and accessibility of mainstream cultural, recreational, tourism and sporting venues and activities for persons with disabilities, including women with disabilities and children with disabilities;

70. **The Committee recommends that the State party render mainstream cultural, recreational, tourism and sporting venues and activities accessible and inclusive for persons with disabilities, including women with disabilities and children with disabilities, by, inter alia, training the respective personnel, adjusting the infrastructure, providing information in accessible formats and providing an adequate budget.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

71. The Committee notes with concern:

(a) The serious shortcomings in the collection and publication of data on the situation of persons with disabilities across all areas of life, including health, education, employment and the justice system;

(b) The lack of disaggregated data, including in relation to the situation of lesbian, gay, bisexual, transgender and intersex persons with disabilities, refugees and stateless persons with disabilities, persons with disabilities in refugee-like situations, persons with disabilities under temporary protection, children with disabilities (in particular concerning education), women and girls with disabilities and persons with disabilities in institutions.

72. **The Committee recommends that the State party develop a comprehensive national disability data framework to ensure appropriate, nationally consistent measures for the collection, interpretation and public reporting of disaggregated data on the full range of obligations under the Convention, in particular with regard to lesbian, gay, bisexual, transgender and intersex persons with disabilities, refugees and**

stateless persons with disabilities, persons with disabilities in refugee-like situations, persons with disabilities under temporary protection, children with disabilities, women and girls with disabilities and persons with disabilities in institutions.

International cooperation (art. 32)

73. The Committee is concerned about:

(a) The lack of a systematic and coordinated strategy to implement the 2030 Agenda for Sustainable Development in the international cooperation activities of the State party, with the full involvement of persons with disabilities, in particular with regard to the National Action Plan on Disability for the period 2022–2030, and the lack of systematic involvement of and consultation with organizations of persons with disabilities by the Austrian Development Agency (OEZA);

(b) The lack of indicators to assess progress in the attainment of the Sustainable Development Goals, in particular Goals 4, on ensuring inclusive education, and 11, on making cities and settlements inclusive, safe, resilient and sustainable.

74. **The Committee recommends that the State party:**

(a) **Enact and implement a legal and administrative framework ensuring close consultation with and active involvement of organizations of persons with disabilities in the design, implementation, monitoring and evaluation of international cooperation programs and projects, including those of the Austrian Development Agency;**

(b) **Develop and implement, in close consultation with and the active involvement of organizations of persons with disabilities, indicators to assess progress in the attainment of the Sustainable Development Goals, in particular Goals 4, on ensuring inclusive education, and 11, on making cities and settlements inclusive, safe, resilient and sustainable.**

National implementation and monitoring (art. 33)

75. The Committee notes that the Austrian Ombudsman Board (AOB) was reaccredited with A status by the Global Alliance of National Human Rights Institutions; however, it highlights the appraisal by the Subcommittee on Accreditation that the selection and appointment process laid down in the federal constitutional law is not sufficiently broad and transparent and notes that the Subcommittee issued several recommendations.

76. **The Committee recommends that the State party address the recommendations issued by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and strengthen the Austrian Ombudsman Board accordingly.**

D. Follow-up

Dissemination of information

77. **The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 46, on living independently and being included in the community, and 56, on education.**

78. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.**

79. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

80. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

81. The State party has opted to report under the simplified reporting procedure. The Committee will prepare a list of issues prior to reporting and request the State party to submit its replies within one year of receipt of the list of issues. The replies of the State party, expected by 26 October 2030, will constitute its combined fourth, fifth and sixth periodic reports.
