CHAPTER SIX

IMPLEMENTATION OF ARTICLE 33 CRPD IN AUSTRIA:
AN EVOLVING SENSE OF ACTION

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INTRODUCTION

Austria was fast in signing and ratifying the CRPD. The government’s initial conclusion was that there was no need for significant action to comply with the treaty, assuming that most regulations and policies were in fact in sync with the obligations, the exception being the creation of a monitoring entity.

Following a cursory overview of Austria’s involvement in the negotiation process of the Convention—heightened by its presidency of the European Union in the first half of 2006—this text sketches policy regarding persons with disabilities in Austria. The establishment of focal points and a coordination mechanism, respectively, are explained as is the newly created federal monitoring mechanism, which is situated in a vast landscape of Ombudsmen and other monitoring entities. The important role of civil society in the monitoring process is recognised in a separate sub-section. The work of the new entity increased awareness of the implications of the Convention among officials, creating an evolving sense of action.

I. NEGOTIATION PROCESS

The Austrian engagement in the negotiation process of the Convention on the Rights of Persons with Disabilities (CRPD) was in no small part spurred by the EU Presidency it assumed in the first half of 2006, propelling the Austrian delegation into having to cover the longest of the Ad Hoc Committee’s sessions on behalf of the European Union: three weeks. While the task was discharged formidably by one of the smallest teams

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among the European Union delegations, a telling fact was the absence of a representative of persons with disabilities. Contrary to other EU delegations, that seemed to go out of their way in ensuring the participation of at least one person with disabilities, not to speak of governments that vested the delegation’s lead with representatives of non-governmental organisations (NGOs), Austria’s delegation was left wanting. The delegation was headed by the Ministry of Foreign Affairs and the delegation’s experts heralded from the Ministry of Social Affairs’ small international department only. Representation of NGOs and Disabled People’s Organisations (DPOs), respectively from Austria remained insignificant, the past-president of Inclusion International and a representative of the Austrian development organisation Light for the World were the only civil society representatives on the ground; the latter supporting a concerted effort by the International Disability and Development Consortium (IDDC) to push for a stand-alone provision on international cooperation.

II. Disability Policy

A well-established set of rules and regulations governs policy about persons with disabilities in Austria, which is split along the lines of the country’s federalist structure. Particularly but not confined to the areas of social benefits and education the overlap of responsibilities creates significant challenges, most obviously for adjustment processes. Notably, Austrian disability policy is not rights based and is largely framed by a welfare-state approach guided by a medical model of disability. 19,000 persons with disabilities are said to be ‘working’ in sheltered workshops, the number of housing facilities—i.e. institutions—cannot be determined exactly. Similar statistics challenges apply to the realm of guardianship: there are estimates of 60,000–90,000 cases. Inclusion of persons with disabilities in primary education is varied, one region, Reutte/Tyrol, has divested special education institutions and Styria has a high-degree of integration classes but the education system has yet to embrace and be based on inclusive education.

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2 The effort focused on one representative fell through due to immigration requirements.
3 The representative of Light for the World was this author.