

Vienna, 31 October 2011

Statement

On the implementation of the

Convention on the Rights of the Child in Austria

(Third Periodic Report in accordance with Article 44 CRC)

for children and youth with disabilities

Introduction: The Monitoring Committee

1. Austria signed the Convention on the Rights of Persons with Disabilities (CRPD) on 30 March, 2007, ratified it in October 2008 (Federal Law Gazette III No. 155/2008) and must comply since 26 October, 2008.
2. The Monitoring Committee was established pursuant to Section 13 Austrian Federal Disability Act (Bundesbehindertengesetz) (Federal Law Gazette No. 283/1993 as amended by the Federal Law Gazette I No. 109/2008), in line with Article 33 Para 2 CRPD. The Monitoring Committee was constituted on 10 December 2008 and adopted its Rules of Procedure on 1 April 2009 (see Annex a.). The preamble of the Rules of Procedure also explicitly refers to the principle of evolving capacities of children with disabilities pursuant to Article 3 (h) CRPD.
3. The CRPD provides for consideration of the principles relating to the status and functioning of national institutions for the protection and promotion of human rights (Article 33 Para 2 CRPD). As the Monitoring Committee has put on record in its statement of 27 May 2009, its design does not comply with the Paris Principles.
4. An independent Human Rights institution, as also regularly demanded by the Committee on the Rights of the Child (CRC Committee) - see CRC Committee General Comment 9, Para 24 et seq., which in particular is also responsible for children, does *not* exist in Austria. A „*coordinating body: focal point for disabilities*“ in terms of CRC Committee General Comment 9, Para 21 is partially established.

5. The Monitoring Committee has not yet been informed of the establishment or designation of further independent committees (see Article 33 Para 2 CRPD). The establishment or designation of Monitoring Committees in the *Länder* (Federal provinces) as provided for in Section 13 Para 8 Austrian Federal Disability Act has not been carried out fully as of 30 October 2011.
6. The remit of the Monitoring Committee is the protection and promotion of the human rights of persons with disabilities (Section 2 Para 2 Rules of Procedure). It therefore issues recommendations - also with reference to CRC Committee General Comment 2, *„the role of independent national human rights institutions in the promotion and protection of the rights of the child“* on the implementation of the human rights of children and youth with disabilities in Austria.
7. This statement is an outline of some of the topics brought to the attention of the Monitoring Committee it does not claim comprehensiveness.

Maximum inclusion of children with disabilities

8. The *„maximum inclusion of children with disabilities in society“* (CRC Committee General Comment 9, Para 11) demanded by the CRC Committee is not yet realised in Austria. The principles of the CRPD, which likewise foresee inclusion as a *„leading principle“* (Article 3 CRPD; cp. Article 2 & 23 CRC Convention, as well as CRC Committee General Comment 9, Para 11), are not legally established in Austria and are not implemented in administrative practice.¹
9. In Austria, children with disabilities are not included at all or not sufficiently in different areas of civil society. The basic tendency of legislation and practice is characterized by partial and often half-hearted „integration“, moreover resulting in a nationwide inconsistent picture due to the federal structures. Although there are integration classes, special schools, institutions and other facilities, which lead to segregation and exclusion, continue to be standard. Although Article 4 Federal Constitutional Act on Child Rights (Federal Law Gazette Nr. 4/2011) proclaims the right of the child to “adequate participation and consideration of his or her opinion in all matters concerning children” in part, a clear commitment to the inclusion of children and youth with disabilities is wanting. Accordingly there is also no action plan containing clear indicators to ensure lasting inclusion especially by appropriate administrative practice of public authorities, in order to achieve natural equal participation of children and youth in all areas of society.
10. Children and youth with disabilities rarely appear in the media - a reflection of the basic tendency to segregate. If children and youth with disabilities appear in media, then mass media tend to characterise them through the prism of welfare and paternalism, consideration of human rights principles left to individual cases, primarily focused on self-determination and inclusion.

¹ See also statement on participation, 2010.

Non-discrimination

11. With regard to Article 2 CRC Convention and the „key provisions for children with disabilities“ (CRC Committee General Comment 9, Para 8 et seq.) the Monitoring Committee observes: According to Article 7 Para 1 BVG (Austrian Federal Constitutional Law) *„All Federal nationals are equal before the law. Privileges based upon birth, sex, estate, class or religion are excluded. No one shall be discriminated against because of his disability. The Republic (Federation, Laender and municipalities) commits itself to ensuring the equal treatment of disabled and nondisabled persons in all spheres of every-day life.“*
12. The prohibition of discrimination enshrined in Article 7 Para 1 Federal Constitutional Act is now specified in Article 6 Federal Constitutional Act on Child Rights (Federal Law Gazette Nr. 4/2011), stating the “equality of disabled and non-disabled children in all areas of life.” Sex discrimination, which has a special relevance for girls with disabilities subject to multiple discrimination, is treated in greater detail in Article 7 Para 2. There is no explicit recognition of multiple discrimination in Austria - cf. in particular PP (p) & Article 6 CRPD.

Early identification

13. The Monitoring Committee does not consider measures in the context of early identification and early intervention to be exclusively medical issues (cp. CRC Committee General Comment 9, Para 51-61), but considers these to also be habilitation (Article 26 CRPD) and education issues (Article 24) in line with the social model of disabilities on which the CRPD is based. An appropriate discussion on the necessary amendments to the Austrian legal situation and administrative practice in the light of the social model is one of the first focus points of the Monitoring Committee.
14. As already stated by the CRC Committee, early identification is an essential factor, in order to provide children with disabilities early and effective habilitation (CRC Committee, General Comment 9, Para 56). The Monitoring Committee stresses that it regards habilitation as a concept different to rehabilitation, striving for maximum independence and the highest degree of inclusion and participation of persons with disabilities. The intention of the Austrian Federal Disability Act is to „ensure disabled persons and persons threatened by specific disability the best possible social participation by suitable measures“(§ 1 BBG).
15. In Austria, infants with a suspected impairment must wait for up to six months for a World Health Organisation (WHO) standardised diagnosis. According to a survey carried out in 2003, the federal capital Vienna already lacks three development social-paediatric centres.
16. Children aged 1 – 5, an age especially important for psychological development, have to wait for up to 2.5 years for a therapy place, mainly because therapists are lacking. There are indications that children of socially more competent parents are more likely to be rejected, because the authorities apparently assume that alternative - and therefore privately financed - therapies are utilised. The logistics are particularly challenging for families with many children as well as single mothers.

Inclusive educational system

17. Warranting an inclusive educational system (cp. the remarks of the CRC Committee in General Comment 9, Para 66) is further underlined by Article 24 CRPD - inclusive education. One of the most challenging issues in this context is the fact that the education of children and youth with disabilities in Austria is often separated and therefore segregated from children and youth in regular schools. A thorough structural reform is necessary to end segregation and exclusion in the Austrian education system.² The Monitoring Committee discussed the implementation of inclusive education in a comprehensive statement published June 10, 2010.
18. Since the provinces are responsible for this issue, care for preschool children is a matter of the provinces and subsequently differs depending upon province. There are some integrative kindergartens, i.e. children's groups, where the total number of children is lower in comparison, and which are provided with more and specially trained personnel, caring for up to six children with disabilities/special needs. There is however no inclusive preschool system in place, i.e. specific children's day care centres are equipped for children with disabilities - barrier-free and with regard to personnel - however by far not all. There is no legally embodied and enforceable right to visit an inclusive kindergarten and/or children's day care centre; therefore, social integration is not available for all children between the age of two and six to the same extent.
19. A sign language friendly environment is essential for hard of hearing and deaf children and youth. In Austria, appropriate supportive measures are missing, in particular sign language availability for infants during the first years of life, important for their psychological development. Apart from specific support for deaf children, support of parents, predominantly by sign language courses, requires considerable improvement.
20. Since not all children's day care centres are equipped for caring for children with disabilities, the children are often subject to longer journeys, which have negative consequences in particular for working parents. Due to the scarcity of resources - in particular, personnel, but also by pooling the children's day care centres during the vacation season – it is up to the parents to organise and primarily finance substitute care.
21. The Austrian educational system is not inclusive. In line with the above said regarding preschool education, there are so-called integration classes in the secondary school level I (compulsory school), eg. from the 1st to 9th grade, which are barrier-free and whose pupil/teacher ratio is reduced in comparison to regular school classes. There are also so-called special schools, in which only children with disabilities are educated, separate from other pupils. Children with high support and assistance needs in the secondary class age bracket largely attend special schools. § 8a Schulpflichtgesetz (Austrian Compulsory School Act) insofar provides that children of primary school age with so-called special educational needs are entitled to visit either a special school or a special school class which suits their needs or a primary school, secondary general school, or the lower cycle of a secondary academic school meeting their special educational needs, inasmuch as such schools have classes

² Statement on Inclusive Education, Page 6.

available. There is no legally enshrined and enforceable right to visit an integrative (inclusive) school in the community; nor are there adequate after school programmes. Preference is often given to special schools with the argument of the alleged better fostering possibilities in comparison to integrative models. Approximately half of the children with so-called special educational needs – 27.745 – attended a special school in 2006/2007.³ The social stigmatization still associated with visiting special schools, is no more taken into consideration as the fact that this method of segregating children and youth with disabilities also denies them numerous opportunities for learning, because certain skills are not foreseen in the context of the curriculum of the general special school. Neither a right to integrative education nor to inclusive education is embodied for the secondary school II - from the 9th to 12th resp. 13th grade. The Monitoring Committee does not know of any plans yet to gradually dissolve special education schools.

22. The consequences of separate education are manifold. Limited inclusion in education is a precursor and major factor for limited inclusion in society at large. The Austrian pattern, whereby special education school attendance is followed by sheltered workshop is a dramatic indicator for the structural consequences of segregated education.⁴
23. Furthermore, diverse barriers obstruct the possibilities of persons with disabilities to enjoy their human right to education on an equal basis with others. In addition to physical and building obstacles, these are particularly communication and intellectual barriers. The biggest challenge though still is massive social barriers, which consist of ignorance, resentment, prejudices, and wrong perceptions, which exclude persons with disabilities. Limited contact with persons with disabilities is inextricably linked to subsequent stigma.⁵
24. Deaf children and deaf youth are still predominantly taught spoken language. In practice, there is hardly any schooling on the basis of Austrian sign language (ÖGS), even though the Constitution recognises sign language as an independent language. There is practically no teaching material based on visual material or ÖGS suitable for children. As far as known to the Monitoring Committee, the sign language skills of teachers in schools for the deaf are in need of improvement; there is also an insufficient number of deaf teaching staff, who could set an example to children and youth.
25. The Monitoring Committee also considers a provision of the Austrian Education Act as problematic, an Act applicable to all pupils throughout the country. According to this Act, special permission must be obtained for education from the 9th grade onwards for children and youth, who have “special educational needs” according to the authorities, whereby altogether a maximum of 12 years of education are made possible. On the other hand, children and youth in a regular school system are entitled to at least 12 years of education, which can be extended by up to five years relatively unbureaucratically. A special educational needs centre must be provided for children and youth with “special educational needs”, whose education can only be extended up to the 12th grade, since changing over to the regular school system is

³ Citation Feyerer, see Statement on Inclusive Education.

⁴ Statement, Inclusive Education, Page 2.

⁵ Statement, Inclusive Education, Page 4.

not possible. Even if a new plan to enable integration in 9th grade materializes, this appears to be a case of unequal treatment, which is extremely problematic with view to the equal treatment legislation.

26. Another problem seems to be that diabetic children and children requiring special food experience extreme difficulties during care in children's day care centres and schools. The administration of food and/or determination of the blood sugar values is made impossible by liability issues and fears of the care personnel. This results in difficulties during every day care as well as also exclusion from trips and similar events, in which trained personnel cannot participate. The annual report of the Austrian Ombudsman Board refers to improvements within the field of liability.
27. The Monitoring Committee emphasizes the importance of educational reform based on human rights principles, which takes into account all educational fields and includes the participation of all concerned, including their representative organizations. A central factor in implementing inclusive education and independent living is the establishment of comprehensive personal assistance – as foreseen by the CRPD.⁶ Pedagogues play a central role in implementing inclusion, a structural reform of teachers' training, which aims at providing all teachers with competence in the field of inclusion, is inevitable.⁷

Independent living

28. The objective of enabling persons with disabilities to lead an independent life requires among other things the provision of personal and/or vocational assistance, in order to ensure participation on an equal footing in everyday life. In line with the medical model, a long-term care allowance - which by name and in the opinion of the responsible authority targets nursing care – is provided in Austria, not however any entitlement to services or financial support in terms of personal assistance.
29. Regulations regarding personal assistants are varied throughout Austria and generally personal assistants are unattainable for persons with learning difficulties or intellectual impairments. Personal assistants for children in schools are only partially available. Generally there is a lack of financial support for personal assistants, particularly for leisure time activities.
30. Support for children and youth with disabilities is inadequate in Austria despite individualised state cash benefits (care provisions, increased family allowance) and in no way corresponds to the individual requirements. Entitlement to assistance services is refused in particular to families with children and youth with disabilities, since the Federal states focus on the age of majority for care for persons with disabilities, and the Federal government does not support all children and youth with disabilities in the field of workplace assistance. An income and asset independent legal title to adequate personal assistance as required for all persons with disabilities is still missing in Austria. Therefore, especially families with children and youth with disabilities do not receive sufficient support.

⁶ Statement, Models of Personal Assistance.

⁷ Statement, Inclusive Education, Page 7.

31. Hard of hearing or deaf children and youth can apply for interpretation services from the social welfare office of the respective Federal province; however the province determines the budget for non-workplace-relevant interpretation services and it is normally extremely low. The distribution criteria differ considerably by region. Interpreters are rare in rural areas and travelling costs are settled from the interpreter budget.

Freedom of expression and information

32. The freedom of expression and information of children and youth with disabilities (cp. CRC Committee, General Comment 9, Para 37) is not sufficiently protected and guaranteed in Austria. Deaf preschool children for instance, who cannot yet read, have de facto no access to the programmes of public and private television, since these are only subtitled to a limited extent and do not offer Austrian sign language. As previously mentioned, sign language is recognised as an independent language; the practical implementation of this basic commitment is however fractional especially for hard of hearing and deaf children and youth.

33. As far as known to the Monitoring Committee, barrier-free communication for and with non-verbal children is not guaranteed.

Freedom & Security

34. Article 6 of the Federal Constitutional Act on Child Rights (Federal Law Gazette Nr. 4/2011) guarantees the right of every child with disabilities to protection as well as to support necessary to take care of special needs (reasonable accommodation).

35. Individual reports, however, lead to the impression that the liberty of children with disabilities (cf. General Comment 9, Para 42) is not completely ensured in Austria. In a few institutions for children, e.g. residential homes, integration kindergartens, integration and special education schools, there are separate rooms, which are also called time-out-rooms, where children are placed for punishment and prevention purposes. One cannot vouch that children with learning difficulties, non-verbal and children with behavioural challenges respectively, are placed in such rooms for not inconsiderable time. The Monitoring Committee is trying to follow-up on these reports.

36. The Monitoring Committee welcomes efforts to implement the monitoring provisions of the CRPD (Article 16 Para 3) by way of the planned Transposition Act for the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The Monitoring Committee stresses the need for the establishment of a truly independent body to monitor all places and facilities designated to serve persons with disabilities (Article 16 Para 3 CRPD) and reserves comment on future developments in this area.

37. The Monitoring Committee focused on the issue of violence against persons with disabilities in a public meeting in November 2010 and a subsequent recommendation issued February 24, 2011.

38. The Monitoring Committee stresses that the most frequent form of violence against children with disabilities is emotional violence, e.g. comments, action and approaches, which imply rejecting, humiliating, and degrading viewpoints. Another

frequent form of violence against children and youth, particularly children with disabilities is neglect: overlooking or refusing the fulfilment of basic psychological and emotional needs.⁸

39. In Austria, children and youth with disabilities also live in residential institutions, which often accommodate only children and youth with disabilities. This segregation of children and youth with disabilities from other children and youth appears questionable in particular with regard to remarks of the CRC Committee (cp. CRC Committee, General Comment 9, Para 47).
40. In principle, the Austrian legal situation offers sufficient protection to children and youth with disabilities against encroachment of their physical and psychological integrity, such as in particular protection from medical interventions for research purposes and from sterilisation. The Monitoring Committee is not familiar with any violations of these restrictive legal regulations in practice.
41. Therefore, it cannot be ruled out that illegal sterilisations are carried out on disabled persons, in particular children and youth with disabilities (cp. CRC Committee, General Comment 9, Para 79), without their consent.

Minorities

42. The Monitoring Committee has no information on the situation of children and youth with disabilities of minority groups. Apart from the recognised minorities, among others Croats and Slovenes, there is a significant number of migrants in Austria, among others from Turkey and ex-Yugoslavia, as well as many recognised refugees and asylum-seekers, among others a relatively large number from Chechnya. The Monitoring Committee can only speculate with regard to available data how the situation of minorities and migrants as well as of refugees, asylum-seekers and stateless people - described as precarious – affects persons with disabilities. It can be assumed that everyday life of migrants, refugees, asylum-seekers and stateless persons with disabilities is characterised by a multitude of barriers and that they tend to live a segregated and excluded life.

Development co-operation

43. According to the Federal Act on Development Cooperation, the Austrian development co-operation (OEZA) is among others guided by the principle of considering the needs of children and persons with disabilities in a „meaningful way“. The focus paper ‚Children as partners in the OEZA‘ refers among others to the necessity of inclusive education possibilities for children with disabilities. The background document ‚Child poverty – Millennium development goals - Child Rights‘ does not explicitly refer to children with disabilities. Austria presented its opinion on the international level in the debate on ‚Children in armed conflicts‘.
44. An extremely high level of debt relief is characteristic for the Austrian ODA (Official Development Assistance) (cp. ODA reports and/or results of the DAC Peer Review).

⁸ Statement, Violence and Abuse.

The tailored bilateral development co-operation is less than 10% of the entire ODA. The actual support of developing countries with regard to inclusion of children with disabilities (cp. CRC Committee, General Comment 9, Para 22) leaves plenty of scope for improvement. The commitment of Austria in multilateral EZA for the promotion of inclusion of children with disabilities in development co-operation should therefore be intensified.

Data & Statistics

45. Aware that the collection of data and statistics concerning impairments and/or disabilities is extremely sensitive, the Monitoring Committee criticizes the absence of a requirement survey on the basis of standardised procedures and thereof derived data and statistic material (cp. CRC Committee, General Comment 9, Para 19).

Annex:

Rules of Procedure Monitoring Committee

Unabhängiger Monitoringausschuss

zur Umsetzung der UN-Konvention über die

Rechte von Menschen mit Behinderungen

MonitoringAusschuss.at

UNOFFICIAL TRANSLATION

Rules of Procedure

46. a) Based on § 13 of the Federal Disability Act (FDA; Federal Law Gazette No. 283/1993 as revised in Federal Law Gazette No. 109/2008) and in line with the duties and responsibilities of the Federal Disability Council in accordance with § 8 Sec 2 Para 4 FDA,
47. b) For the purpose of domestic implementation and monitoring of the Convention in the Rights of Persons with Disabilities (ratified by Federal Law Gazette III No. 155/2008) an in accordance with its Article 33 Para 2 and 3 (hereinafter Convention),
48. c) In the spirit of the Paris Principles (Resolution of the General Assembly of the United Nations No. 48/134 including Annex) and the involvement of civil society in the independent monitoring of human rights, their promotion and protection, prescribed therein,
49. d) Based on the general principles: individual autonomy of persons with disabilities, equality and non-discrimination, inclusion, full and effective participation in society, respect for the difference of human beings, equality of opportunity, accessibility, and

equality between men and women as well as the advancement of children with disabilities (Article 3 Convention),

The Monitoring Committee establishes its

Rules of Procedure:

Members of the Committee

§ 1. (1) The members (substitute members) of the Committee, appointed by the Minister for Labour, Social and Consumer Affairs with due regard to the proposals by the Austrian National Council for Disabled Persons (ÖAR), are:

50. Four representatives of disabled people's organizations (and one substitute member each)
51. One representative of a non-governmental organization in the field of human rights (and one substitute member)
52. One representative of a non-governmental organization in the field of international development (and one substitute member)
53. One representative of academia (and one substitute member).
54. (2) A representative of the Ministry for Labour, Social and Consumer Affairs (BMASK) and of the department or the highest level of the administration concerned, participate in an advisory capacity.
55. (3) The members of the Committee are independent and not bound by any directives or orders.
56. (4) Membership in the Committee is an unpaid honorary office. The members und substitute members are to receive reimbursement for their travel and sojourn expenses in accordance with the rules set out for lay judges and jury members in the 1975 *Expenses Claim Act*. This includes also personal assistance as well as interpretation services, particularly for sign languages.
57. (5) The members and substitute members are appointed for a period of four years. Following the discharge of the mandate the old Committee has to continue its office until the new Committee convenes. The time elapsed during the continuation of the office by the old Committee shall count toward the term of office of the new Committee.
58. (6) The members and substitute members of the Committee are bound by the same level of confidentiality as the representative who discharges his or her mandate toward the Committee.

Duties & responsibilities

59. **§ 2.** (1) The Committee monitors the domestic implementation of the Convention on the Rights of Persons with Disabilities.

60. (2) The Committee promotes and protects the human rights of persons with disabilities.
61. (3) The Committee advises the legislature, the government, the administration – particularly the BMASK – and the judiciary.
62. (4) The Committee compiles reports to the legislature, the government, the administration – particularly the BMASK – and the judiciary.
63. (5) The Committee issues recommendations on all questions related to the promotion, implementation and monitoring of the Convention (Art. 33 Para. 2 Convention).
64. (6) The Committee assesses the legal and administrative rules in force as well as corresponding practice and issues recommendations for amendments.
65. (7) The Committee compiles statements on draft legislation and decrees.
66. (8) The Committee recommends new legislative and administrative rules.
67. (9) The Committee examines data and statistics.
68. (10) The Committee contributes to the awareness raising and sensitisation of the public, also through public relations work.
69. (11) The Committee collaborates with schools, universities, other educational institutions, medical, social and other relevant institutions.
70. (12) The Committee cooperates with institutions, agencies and bodies nationally and internationally, foremost with representatives of civil society, particularly with persons with disabilities and their representative organizations, to include them in the monitoring process.
71. (13) The Committee cooperates in particular with the focal points and coordination mechanism established in accordance with Art. 33 Para. 1 of the Convention.
72. (14) The Committee cooperates with the independent authorities, which are to effectively monitor all facilities and programmes designed to serve persons with disabilities in order to prevent the occurrence of all forms of exploitation, violence and abuse (Art. 16 Para. 3 Convention).
73. (15) Based on the unlimited application of the Convention for all parts of the State (*Länder*) – Art. 4 Para. 5 Convention – the Committee cooperates in particular with the “authorities of the *Länder* that are to be established or named” in accordance with § 13 Para. 8 BBG.
74. (16) The Committee cooperates with agencies related to the Convention abroad, in particular with other monitoring committees under Art. 33 Para. 2 of the Convention as well as the Committee on the Rights of Persons with Disabilities (Art. 34 Convention), to which it will report as required.
75. (17) The Committee advises and supports individuals and groups who want to file a communication with the Committee on the Rights of Persons with Disabilities established in line with Art. 34 of the Convention.
76. (18) The Committee deals with complaints, which can also be submitted informally, by the complainants or their representatives (including representative organizations) on asserted violations of the Convention; the Committee can also inquire into the presumption of a violation of the Convention ex-officio.
77. a. Based on a complaint or a presumption the Committee can request further information from the authority or institution in question as well as a statement from the administrative bodies (§ 13 Para 2 Sub 2 BBG).
78. b. For this purpose the Committee may seek the consent of the concerned person or their representative in compliance with data security regulations.

79. c. The Committee can, in line with data protection, seek the expertise of experts and civil society organizations, particularly organizations which represent persons with disabilities.
80. d. The Committee can invite the complainant or her/his representative to a dialogue.
81. e. The Committee examines the complaint or presumption, can make a statement within reasonable time, and makes a recommendation in case of a violation.
82. (19) The Committee informs the public as necessary in all matters related to monitoring.

Competences

83. **§ 3.** In discharging their mandate committee members have, if necessary, also as a delegation as well as in cooperation with experts, particularly
84. unlimited access to all relevant institutions and authorities necessary to discharge the mandate;
85. an unlimited right to inspect files, the content of which is naturally covered by public confidentiality (§ 1 Para 6);
86. the possibility to request statements from administrative bodies (§ 13 Para 2 Sub 2 BBG);
87. the possibility to request data and statistics (Art 31 Convention).

Chairperson and Rapporteur

88. **§ 4.** (1) Following the appointment of the new Committee, the Federal Ministry for Labour, Social and Consumer Affairs shall call a constituting meeting. The eligible members shall elect a chairperson and a deputy with simple majority for the term of office. The chairperson (her/his deputy) can be removed with a two third majority vote.
89. (2) The members entitled to do so elect with single majority a rapporteur and a deputy. The rapporteur (her/his deputy) can be removed with a simple majority.

Meetings of the Committee

90. **§ 5.** (1) Meetings of the Committee are to be convened when necessary, at least four times a year. The dates are determined by the chairperson in coordination with the members and the Ministry for Labour, Social and Consumer Affairs. The Committee must also be convened when one third of the members submits a written request stating the purpose.
91. (2) The invitation should be sent to the members together with the agenda two weeks ahead of the meeting. If individual cases are to be discussed, the relevant information shall be added to the agenda.

92. (3) The venue, the documents and the communication of the Committee are accessible.
93. (4) On decision of the Committee the meetings are public, foremost to ensure the inclusion of representatives of civil society, particularly persons with disabilities and their representative organizations in the monitoring process.

Quorums

94. § 6. (1) When all members have been duly invited, the Committee has a quorum if at least half of the members entitled to vote are present. If all members have been duly invited, the Committee also has the necessary quorum, if, 30 minutes after the set starting time for the meeting, less than half of the members are present. The Committee adopts its decisions with a simple majority of the votes cast. In case of a tie of votes, the vote of the chairperson shall decide.
95. (2) An amendment of the rules of procedure requires the approval of two thirds of all members entitled to vote.
96. (3) If necessary, a decision can also be made by circular resolution, which is to be noted in the minutes of the next meeting.

Experts and working groups

97. § 7. (1) On suggestion by the chairperson or a minimum three eligible members, experts can be added to the meetings or other business of the Committee in an advisory capacity. Experts are eligible for the same reimbursement as the members (§ 1 Para 3).
98. (2) The Committee may form working groups as needed.

Annual Report

§ 8. The Committee reports on its activities at least once annually to the Federal Disability Council. The chairperson or a member of the Committee eligible to vote named by her/him may participate in the meetings of the Federal Disability Council in an advisory capacity.

External Representation

99. § 9. (1) The representative of the Committee is the chairperson and in case of her/his unavailability, her/his deputy.

100. (2) For official correspondence the letterhead „Independent Monitoring Committee for the Implementation of the UN Convention on the Rights of Persons with Disabilities“ shall be used.

Secretariat

101. § 10. (1) The secretariat of the Committee is run by the Ministry for Labour, Social and Consumer Affairs. The Ministry for Labour, Social and Consumer Affairs supports the Committee in discharging its mandate.
102. (2) The head of the department in the Ministry for Labour, Social and Consumer Affairs or one of her/his deputies participates in the deliberations of the Committee. The Ministry for Labour, Social and Consumer Affairs supports the rapporteur in drawing up the minutes and the meeting's results.
103. (3) In lieu of an independent budget, accrued expenditures are covered by the Ministry for Labour, Social and Consumer Affairs after seeking agreement and the Ministry provides direct support by providing necessary resources respectively.
104. (4) Minutes are compiled for every meeting by staff of the Ministry for Labour, Social and Consumer Affairs, which is signed by the rapporteur and the chairperson. The members and deputy members are to receive a copy of the minutes.
105. (5) The Ministry for Labour, Social and Consumer Affairs undertakes to archive complaints, measures taken and statements issued.

Federal Social Office

§ 11. The Federal Social Office (*Bundessozialamt, BSB*) and – also in its capacity of serving people concerned in regional centers – its *Länder* offices support the Committee in discharging its mandate. As a general rule the communication between the Committee and the Federal Social Office is to be facilitated by the secretariat of the Committee. In compliance with § 13 Para 7 BBG, particularly with a view to the pertinent information possibilities of the Federal Social Agency,

106. the Federal Social Office receives complaints on the Committee's behalf and pro-actively provides counselling on possible provision of support and specified referrals respectively;
107. insofar possible, the Federal Social Office alerts the Committee to Convention related issues, particularly potential structural problems;
108. supports research in individual cases and provides information related to its mandate.

Accessible Formats

§ 12. The rules of procedure are to be made available in accessible formats, this includes in particular Braille, sign languages, easy-read and auditive forms.