

MonitoringAusschuss

Unabhängiger Monitoringausschuss zur Umsetzung der UN-Konvention über die Rechte von Menschen mit Behinderungen



Written submission of the Independent Monitoring Committee to Article 29 UN CRPD on the occasion of the Day of General Discussion on 20. 03. 2025

I. Participation of persons with disabilities in elections

The **right to vote** is an essential part of the rights enshrined in Article 29 of the UN CRPD. Article 29 (a) UN CRPD guarantees the right of persons with disabilities to vote and stand for election. The signatory states are obliged to take measures to ensure unrestricted and accessible participation in political life.

Attention must be paid to the political system of a country. In principle, persons with disabilities have the unrestricted **right to vote**¹ under Austrian law.² In a **federal system** such as in Austria, the electoral regulations differ depending on the federal state. The regulations for federal and state elections therefore differ. But even the regulations at local level for municipal council elections are different. This means that persons with disabilities have to adjust to a wide range of regulations and differences.

The voter turnout of persons with disabilities is considered to be low despite the legally determined opportunity to vote.³ This has mainly to do with the **actual exercise** of the right to vote. In order for persons with disabilities to actually exercise their right to vote, certain precautions and guarantees are required at all stages of an election (including preparation, voting process and follow-up).

The preparation:

Accessible **information** is a prerequisite for exercising the right to political participation. The Independent Monitoring Committee still sees a need for improvement in this area. Although there are efforts and already good systems for providing information to persons with disabilities regarding election information in the narrower sense (election location, election day, election time and the polling station). However, this does not apply to additional information, such as on accessibility on site.⁴ The information itself must be **accessible**, as must the way in which it is communicated and presented. For example, the information must be accessible in plain language as well as in Braille, or it must be accessible using a screen reader. Everyone must know where, how and who they can vote for.

¹ The information on the right to stand for election can be found in this document under point II.

² See Art. 26 para. 1 B-VG, § 20 para. 1 on the Election of the Styrian Parliament (Styrian Parliament Election Regulations 2004 - LTWO), LGBl. 2004/45 as amended by LGBl. 2024/99 etc.

³ Austrian Parliament, Wie barrierefrei ist die Nationalratswahl 2024?, available at <https://www.parlament.gv.at/fachinfos/rlw/Wie-barrierefrei-ist-die-Nationalratswahl-2024> (last viewed 23.09.2024); lebenshilfe, Forschungsbericht - Politische Teilhabe Wahlbeteiligung Menschen mit Behinderungen (2018), 30.

⁴ UMA, Appraisal of the Electoral Law Amendment Act, 4.

In order to vote on site or by postal vote, further information must also be clarified in advance. Information on **postal voting** is already widely available in Austria. Although this is not completely accessible in every sense, it is at least available in plain language. Explanatory videos are also available for voting by post.

There seems to be a lack of understanding of **what is needed** to exercise the right to vote. For example, information in plain language on what is expected of a person when they enter a polling station and how they can cast their vote would be helpful so that persons with psychosocial disabilities, for example, can participate in elections more easily.

Accessibility also covers the procedures and **modalities** surrounding the election. This includes the strategic planning of the election itself, but also other processes and procedures surrounding the elections. For example, there are no guidelines on whether and how accessibility it is when applying for a polling card or submitting a declaration of support.⁵ It should also be noted that the handling of assistance with early voting is often not clarified. There is a lack of legal regulations. However, the same guarantees must apply to the exercise of the right to vote as to voting on the planned election day.⁶

Furthermore, **workshops and training courses** on political education for persons with disabilities are part of the preparation for an election. Some of these are already taking place - mostly under the direction of NGOs, but also in cooperation with public bodies. Little is known about the content. It is essential that the importance of the right to vote itself, the democratic principles and the structure of an election and its consequences are explained in a general and value-neutral way. In addition, the core issues of each electable party from the party programs must be presented and the electable persons introduced. The training courses or workshops for persons with disabilities must be neutral and must not contain any evaluation of the parties, individual persons or the party programs. To the knowledge of the Independent Monitoring Committee, these training courses are held in larger cities for European and National Council elections and occasionally for provincial parliamentary elections. Measures for permanent political education for persons with disabilities that address every level of the democratic process and every election are not known.

In addition to the workshops and training courses, the **election programs** of the political parties must be made accessible. This is essential so that persons with disabilities can inform themselves through self-study. This is currently not the case for most programs.⁷ The election program is a key factor in the election of political representatives. Only with this information is it possible to understand what you are voting for or against. There is currently no legal regulation in Austria that stipulates the accessibility of this information.

Information, training and awareness-raising measures must also be provided for **election organizers, election officials, election commissions, election observers, party officials and members of civil society organizations**.⁸ These also take place sporadically - due to the efforts of

⁵ See UMA, Appraisal of the Electoral Law Amendment Act, 6 f.

⁶ UMA, Appraisal of the Electoral Law Amendment Act, 7.

⁷ See also KOBV, Wahl 24: Inklusion in den Programmen der wahlwerbenden Parteien, available at <https://wnb.kobv.at/wahl-24-inklusion-in-den-programmen-der-wahlwerbenden-parteien/> (last viewed 10.02.2025).

⁸ UN Committee, Concluding observations on the combined second and third periodic report of Austria, 68(a).

certain NGOs and public bodies - for certain elections and usually in larger cities. In terms of content, the necessity of accessibility in elections, the irrevocable right to vote of persons with disabilities and the existing barriers to exercising this right are addressed. This is essential in order to break down barriers in the minds of those organizing elections. Such training would also bring enormous benefits at local level but does not take place across the board.

The voting process:

When voting, accessibility must be ensured by voting in **accessible establishments**. It should be noted that accessibility must be guaranteed for all aspects of an election and the entire voting process. In the past, for example, a polling station was marked as accessible, although this only applied to the entrance area.⁹

The accessibility requirements include the voting booth (with sufficient lighting, space for wheelchairs, desks at different heights, aids such as cane holders and magnifying glasses, etc.), fully informative voting templates, assistance on site, but also the building itself (with the ability to get in, find your way around inside, an accessible toilet, etc.). The Independent Monitoring Committee is repeatedly confronted with the problem that these necessary elements of accessibility are **not covered** in the **legal requirements**.¹⁰

In order to guarantee the active voting rights of persons with disabilities, care must also be taken to ensure that the **expert knowledge** of persons with disabilities is already included in the development of measures and aids. A voting template on which the names of the parties are not listed in full is not an aid for accessibility. Organizations of and for persons with disabilities are occasionally consulted and persons with disabilities "test" the aids developed without this having any effect. However, this is not enough. Cooperation in the development of aids must be a matter of course from the very beginning.

The question of support must be clarified during the voting process. In particular, the "tension" between the support of an **assistant or companion** and the guarantee of the secret and personal right to vote must be addressed. Persons with disabilities must be able to call on a person for support if they wish so. At the same time, they must not be obliged to have another person with them when voting. In this case, other modalities must be found. In Austria, this provision to allow an accompanying person to vote can be found in the electoral regulations.¹¹ However, there are concerns regarding the implementation of these regulations. The Independent Monitoring Committee fears that the regulations will not be implemented in all constituencies at the time of voting. Data in this area is not yet available.

In general, the situation of persons who are dependent on other persons in order to exercise their right to vote must be closely monitored. For example, persons who live in institutions need staff to get to a certain place outside the institution. Persons who live with their family are also dependent on their family members to enable them to go to the polling station. In Austria, there is currently **little data or reports** on the voting activity of persons living in institutions or with family. In a 2018 study, the lowest voter turnout was recorded among persons with disabilities

⁹ lebenshilfe, Forschungsbericht - Politische Teilhabe Wahlbeteiligung Menschen mit Behinderungen, 6.

¹⁰ See UMA, Appraisal of the Electoral Law Amendment Act, 4f.

¹¹ See for example § 66 para. 1 Federal Act on Elections to the National Council, Federal Law Gazette 1992/471 as amended by Federal Law Gazette I 2023/130 or § 42 para. 2 Tyrolean Provincial Election Regulations 2017 - TLWO 2017, LGBl. 2017/74 as amended by LGBl. 2023/85.

who live with their families.¹² It must be ensured that persons whose self-determination is restricted can also exercise their right to vote. This would require in-depth data collection on the self-determination of persons with disabilities in various settings as well as awareness-raising measures in all institutions and at family level.

It should also be noted that persons with disabilities must be able to actively participate in the electoral process as **election officials** or as members of an electoral authority. To this end, the activities of a member of the electoral authority must also have the necessary accessibility.¹³ This is currently not explicitly guaranteed in Austria.

Although there are also neutral and independent electoral officials, in Austria this point is also linked to party affiliation and the right to stand for election. Most officials are members of a party and are sent to the polling stations as electoral officials by that party. This raises the problem that it is often difficult for persons with disabilities to belong to parties.¹⁴

The follow-up:

The exercise of the right to vote does not end with the casting of the vote. The period until the elected representatives are actually **sworn into office** is also covered by political participation through an election.

Accordingly, care must also be taken to ensure that the **results and consequences** of an election are accessible and published. Persons with disabilities must be able to find out how the election has turned out and which coalition negotiations are currently taking place. They must also be informed about how persons with disabilities will be kept up to date on the next steps and the state of the negotiations. Television broadcasts of election results have proven to be problematic in Austria. Particularly in the case of elections in the federal provinces or regional elections, there are hardly any accessible options for finding out the results quickly.¹⁵ There is no data on the accessibility of additional information.

II. Participation of persons with disabilities in parliaments and public offices

Article 29 UN CRPD protects the **right to stand for election** as a representative of the people. The election of a person with disabilities and the active exercise of this right is not only a recognition of that person's abilities, but also sends a strong signal for an inclusive society, the reduction of prejudice and highlights the barriers that still exist in the environment and society.

In Austria, however, public offices are still very rarely held by persons with disabilities. The legal regulations do not exclude anyone per se from the right to stand for election. Nevertheless, there are only a few persons with disabilities in governments or in **federal** decision-making bodies such as parliament. Each of the parties represented in parliament has its own disability spokesperson to specifically address the concerns of persons with disabilities. However, these

¹² lebenshilfe, Forschungsbericht - Politische Teilhabe Wahlbeteiligung Menschen mit Behinderungen, 33 ff.

¹³ UMA, Appraisal of the Electoral Law Amendment Act, 4.

¹⁴ See in this document point II. Participation of persons with disabilities in parliaments and public offices.

¹⁵ BIZEPS, Missing sign language interpretation during special broadcasts for the municipal elections in Lower Austria, available at <https://www.bizeps.or.at/schlichtungen/fehlende-gebaerdensprachdolmetschung-bei-sondersendungen-zur-gemeinderatswahl-in-niederoesterreich/> (last viewed 03.02.2025).

persons rarely identify themselves as persons with disabilities

In general, there is hardly any **representation of persons with disabilities** in offices or public functions in Austria. For example, the employment of persons with disabilities in the federal public administration is currently declining. The federal government is on the verge of having to pay fines because it is not fulfilling its legal obligation to employ persons with disabilities. This has not been the case since 2007. Participation at EU level is also difficult for persons with disabilities from Austria. For example, no person with disabilities from Austria is a member of the Disability Intergroup.

Regarding the active political participation of persons with disabilities, the Independent Monitoring Committee has identified particular problems with **access to local politics**. Political participation in the municipalities is difficult. Access to political parties in the municipalities of residence is not guaranteed to be accessible. The youth groups of the individual parties at municipal level are also usually not accessible to all persons. This means that persons with disabilities cannot participate like others. This also makes it more difficult for persons with disabilities to gain a foothold at national or international level when they do not already have a political career behind them.

The lack of active participation of persons with disabilities in public office, in parliaments or politics in general has deep roots.

It begins with the **lack of political education and training** for persons with disabilities.¹⁶ There is still a strong institutionalization and segregation of education for children and young persons with disabilities in Austria. Special schools are typically not designed to impart political knowledge.¹⁷ As a result, pupils lack the knowledge about how they can actively participate in politics. Political education including the topics of accessibility and inclusion would be necessary to ensure participation.

There is also a lack of the necessary resources for persons with disabilities to educate themselves politically. Accessible **information** about the political system and the political landscape is not sufficiently available at national, European or international level.¹⁸ There is a lack of accessible general information as well as specific information on inclusion and accessibility in politics and an election program analysis of how the individual parties represent

¹⁶ According to the interim report on the evaluation of the National Action Plan on Disability 2012-2020, it did not include sufficient measures for the political education of persons with disabilities. See BMSGPK (ed.), Evaluation of the National Action Plan on Disability 2012-2020 (2020) 484 f.

¹⁷ See FPÖ/ÖVP, Strong Styria. A secure future. Working agreement of the FPÖ Styria and the ÖVP Styria 2024 - 2029. 15, available at <https://media.steiermark.at/flexpaper/Regierungsprogramm/index.html> (last viewed 03.02.2025).

¹⁸ For the national situation see the evaluation of the measures in the NAP Disability I BMSGPK (ed.), Evaluation NAP 485 ff; for the European level see EDF, European Human Rights Report. Issue 6 - 2022. Human Rights Report on political participation of persons with disabilities (2022), https://www.edf-feph.org/content/uploads/2022/10/edf_hr_report_issue_6_2022_accessible.pdf (last viewed 05.02.2025) and FRA, Political Participation of People with Disabilities - New Developments (2024) <https://fra.europa.eu/en/publication/2024/political-participation> (last accessed 05.02.2025).

the interests of persons with disabilities.¹⁹ The participation of persons with disabilities increases the more they can inform themselves.

However, it is also essential for participation that persons with disabilities can actually **get involved**. They must be able to rely on their ideas and demands being heard and taken into account. Therefore, the mental barriers that prevent persons with disabilities from participating in politics must also be broken down. However, the Independent Monitoring Committee continues to receive complaints that the "participation" of persons with disabilities is often only a pro forma act and that there is no real interest in actually including or addressing the opinions of persons with disabilities.

III. Participation of persons with disabilities at local level

Politics starts at home. On the one hand, participation at local level is an important opportunity to make a **difference locally** and, on the other, it is often a **prerequisite** for participating in discussions at national and international level.

It was already mentioned in point II. that politics at local level is **often not inclusive**. Especially for persons with disabilities in more rural areas, it is often not possible to join a local party, stand for election and hold a political office in their community of residence. As a result, there is a lack of representation and incentive for a person with a disability to overcome the many hurdles to participate in local politics.

Local participation is made more difficult by **federalism**. Due to the different requirements in the federal states and municipalities, persons with disabilities also have to adapt to a wide variety of circumstances in connection with their right to stand for election and their political participation.

Other forms of participation and involvement include consultations and the involvement of **expertise** from persons with disabilities in local subject areas. Only in the recent past has a negative example once again made it clear that the expertise of persons with disabilities is not given sufficient consideration. In Styria, a government program was published in December 2024, according to which inclusive education is to be dismantled. Persons with disabilities or their organizations were not included in the development discussions for this government program. Only after a media protest, in which the Monitoring Committee of Styria and the Independent Monitoring Committee were involved, were persons with disabilities subsequently invited to talks. However, the government program has not yet been changed.²⁰

Positive examples include isolated **actions** by organizations of and for persons with disabilities in municipalities and at local level. For example, self-advocates have worked with local politicians to develop guidelines for improving awareness and accessibility.²¹ Certain cities and

¹⁹ See the efforts of NGOs: KOBV, Wahl 24: Inklusion in den Programmen der wahlwerbenden Parteien, available at <https://wnb.kobv.at/wahl-24-inklusion-in-den-programmen-der-wahlwerbenden-parteien/> (last viewed 10.02.2025).

²⁰ FPÖ/ÖVP, Strong Styria. Secure future. Working Agreement of the FPÖ Styria and the ÖVP Styria 2024 - 2029. 15, available at <https://media.steiermark.at/flexpaper/Regierungsprogramm/index.html> (last viewed 03.02.2025).

²¹ lebenshilfe, Inklusion in Gemeinden, available at <https://www.lebenshilfe.at/aktionen-in-gemeinden/> (last viewed 03.02.2025).

municipalities are also involved in campaigns and events to improve the visibility of persons with disabilities and showcase their inclusion efforts.²² Although these campaigns are consistently positive, they are not sufficient for actual political participation in the sense of Article 29 UN CRPD.

IV. Participation of persons with disabilities in decision-making related to situations of risks and emergencies

Article 11 UN CRPD guarantees persons with disabilities protection and safety in dangerous situations. However, this can only work if protective measures and decisions are made and developed with the involvement of persons with disabilities.

However, the **pandemic** in 2020 has made it clear that persons with disabilities are not being taken into account in risk and crisis situations. This resulted in different and mostly inaccessible information, a lack of advice and the loss of urgently needed support services such as personal assistance. This led to considerable uncertainty, "confinement" in institutions and different treatment of persons with disabilities and persons without disabilities.²³ This approach of disregarding persons with disabilities can also be found in other disaster and crisis situations. For example, persons with disabilities are insufficiently taken into account in the development of **humanitarian aid** or in preparation for the crisis situations caused by the **climate crisis**. Persons with disabilities are often overlooked, ignored or even discriminated against in crisis situations, even though they are exposed to higher risks to their well-being and survival in acute crises and disasters.²⁴

The disregard for persons with disabilities is based on the lack of participation in crisis management, especially in the lead-up to and during prevention. Persons with disabilities must be involved in every phase of the development of crisis measures from the very beginning, on a permanent basis and as a matter of course. Persons with disabilities must be **included in decision-making processes and crisis teams**. It is not enough to involve interest groups or individuals for information purposes only. Serious participation requires inclusive language, diverse communication formats, accessible meeting places, premises and documents. Training and empowerment measures are also necessary to enable persons with disabilities to effectively participate in the design of policies and processes and in decision-making.²⁵ This participation does not take place in this way in Austria and represents a serious problem.

The global nature of many crises makes participation even more difficult. Decisions are made at a very high-threshold level in an **international context**. Information is usually only available in difficult language and mostly in English. Captioning and sign language interpreters are rarely available at relevant events. Due to a lack of resources and barriers to mobility, persons with disabilities are often unable to travel to event venues, even if they were invited. The decision-making system is not designed for the participation of people with disabilities, especially at the

²² City of Graz, The Week of Inclusion, available at https://www.graz.at/cms/beitrag/10371717/7761923/Die_Woche_der_Inklusion.html (last viewed 03.02.2025).

²³ UMA, Statement on the climate crisis and civil protection (2022), 7.

²⁴ UMA, Statement on the climate crisis and disaster protection, 15. UMA, Statement on Humanitarian Aid (2022), 7 f.

²⁵ UMA, Statement on Humanitarian Aid, 8.

international level. If the decision-making processes themselves are not accessible, it is not possible for people with disabilities to participate.²⁶ Efforts are already being made to include people with disabilities in international climate conferences, as was the case for the first time at the 26th Climate Change Conference in 2021. However, these efforts alone are not enough to speak of genuine participation. At these events, for example, people with disabilities were only included in the side events, but were not invited to the negotiating table.²⁷

V. Participation of women with disabilities in decision-making processes

The UN CRPD has a separate provision aimed at promoting the rights of women with disabilities (Article 6). Their voice and participation must be ensured accordingly.

However, the participation of women in politics and in decision-making processes in Austria is generally marginal. For example, about 88.9% of all mayors are male.²⁸

The participation of women with disabilities is even lower. So far, there is no system in Austria that ensures the active participation of women with disabilities in politics. For example, there are no regulations such as quotas for drawing up electoral lists that would ensure that a representative number of women with disabilities are ranked in eligible positions.

Furthermore, women with disabilities are often assigned the topic of “disability” when they are able to participate in decision-making processes. Their expertise is therefore lacking in other departments, such as finance or justice.

VI. Key Points

The above-mentioned discussions on the problem areas in connection with Article 29 UN CRPD can be broken down into the following simplified points:

On the participation of persons with disabilities in elections (I.):

- Different regulations on the right to vote due to federalism
- Lack of or insufficiently accessible information in the lead-up to an election
- Lack of additional information on exercising the right to vote
- No guarantee of accessibility for modalities in the context of an election
- No nationwide offer of workshops and training courses for persons with disabilities on voting, including information on the voting parties
- Hardly any accessible election programs
- Lack of or only isolated awareness-raising measures, information and training for election organizers, party officials, etc.
- Insufficient coverage of comprehensive accessibility in existing laws, guidelines, etc.
- Hardly any participation in the development of aids and accessibility for persons with disabilities

²⁶ UMA, Statement on the climate crisis and disaster protection, 13 f.

²⁷ See criticism of the lack of inclusion of persons with disabilities at the UN Climate Summit in Baku (COP29) 2024; EDF, Disability still an afterthought at international climate negotiations (2024), <https://www.edf-feph.org/disability-still-an-afterthought-at-international-climate-negotiations/> (last viewed 05.02.2025).

²⁸ Gemeindebund, Mayors' Meeting, available at <https://gemeindebund.at/buergermeisterinnentreffen/> (last viewed 10.02.2025).

- Lack of data on the implementation of the regulations on accompanying persons
- Hardly any data on voter turnout among persons with disabilities, especially those who live in institutions or with their families
- No guaranteed respect for accessibility when exercising the function of election official
- Difficulties with the accessible transmission of election results
- No data on further information in accessible formats and content, for example on coalition negotiations

On the participation of persons with disabilities in parliaments and public offices (II.):

- De facto little to no participation of persons with disabilities
 - at EU level, starting from Austria,
 - at federal level and
 - especially at municipal level
- Barriers to accessing local politics, parties in the municipality of residence and youth groups of political parties
- Too little representation in the federal administration
- Lack of political education and training due to segregated education systems
- Lack of accessible information on the political system for self-study
- Lack of guarantee that participation is not just a pro forma act

On the participation of persons with disabilities at local level (III.):

- Lack of inclusion in local politics
- Different regulations due to federalism
- No secure participation of persons with disabilities

On the participation of persons with disabilities in decision-making related to situations of risks and emergencies (IV.):

- Lack of participation in crisis management
- Hardly any accessible environment, communication formats, documents, etc. for the development and implementation of crisis management measures
- No or hardly any training and empowerment measures for persons with disabilities
- High-threshold level of international decision-making processes
- Lack of inclusion of persons with disabilities in international decision-making processes and events

On the participation of women with disabilities in decision-making processes (V.):

- Marginal representation of women in general
- Lack of quotas for women with disabilities on electoral lists

VII. An example of functioning participation

The Independent Monitoring Committee would like to conclude with an example to illustrate that participation of persons with disabilities can work in Austria: the participation of persons with disabilities in the reform process for the 2nd Protection of Adults Act.

The aim of the amendment was to improve the representative decision-making system for persons with psychosocial disabilities in Austria. The reform process lasted several years (from

2013 to 2017).²⁹ During the preparatory work in particular, several working groups and conferences were organized to work out the problems of the guardianship law at the time. All interested and affected groups of persons were explicitly and actively invited to attend. This included representatives of the legal professions, the social partners, the Ombudsman Board and organizations of and for persons with disabilities, as well as persons affected by guardianship. These self-advocates were expressly invited to contribute their experience to the legislative process.

In order to actually make this possible, the best possible accessibility was created during the working group meetings. The content was translated into plain language. Graphic summaries were provided after discussion rounds. The moderator responded to the participants and attached great importance to everyone being able to contribute.³⁰

This participation process was scientifically supported by the University of Innsbruck. The resulting report shows that the findings of the self-advocates, alongside those of the other bodies and persons involved, were incorporated into the adopted law and thus became the current legal situation. The development process of the 2nd Protection of Adults Act was also seen as very positive in the community and has since served as an example of how participation can actually be taken seriously.

²⁹ ErläutRV 1461 BlgNR 25. GP 1.

³⁰ *Lamplmayr/Nachtschatt*, Observing Legislative Processes, 70 ff.