

Annex:

Information concerning the participation of persons with disabilities in political and public life in Austria:

1. Are there any restrictions on the right of persons with disabilities to vote and be elected? If so, what are those restrictions?

There are no restrictions on the right of persons with disabilities to vote and be elected in Austria.

The Commissioner for Human Rights of the Council of Europe, Mr.

Hammarberg, issued a [Human Rights Comment](#)

([https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=PR242\(2011\)&Language=lanEnglish&Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=PR242(2011)&Language=lanEnglish&Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)) in March 2011 stating that “persons with disabilities must not be denied the right to vote.”

In his statement he mentioned a survey by the European Union’s [Fundamental Rights Agency](#) „The right to political participation of persons with mental health problems and persons with intellectual disabilities, October 2010“, in which Austria is described as a positive example in that regard (see page 18 of the study): „A minority of countries has lifted all restrictions on political participation; in doing so, these countries have opted to give persons with mental health problems and persons with intellectual disabilities full participation in the electoral process. In several countries, the right to full participation is entrenched in national constitutions. This is the case specifically in Austria, Finland, the Netherlands, Spain and Sweden.“

Austria ranges among those states in which persons with mental health problems and persons with intellectual disabilities are allowed to vote and to be elected like all other citizens.

According to Article 26(5) of the Austrian Constitution, a person can only be deprived of his or her right to vote and to be elected in case of a criminal conviction, which is further specified in Art. 22 of the National Assembly Election Act. According to the Electoral Law Amendment Act of June 2011 which will enter into force on 1 October 2011 an exclusion from the right to vote for prisoners will not take effect automatically but will be linked to certain crimes and be based on an individual decision by a judge.

2. What are the steps taken by your Government to ensure that persons with disabilities participate in political and public life?

Steps taken by the Austrian Government to ensure that persons with disabilities participate in political and public life are described in the First State Report of Austria (2010) to the UN-Disability Rights Convention, which is published on the website of the Federal Ministry of Labour, Social Affairs and Consumer Protection:

<http://www.bmask.gv.at/cms/siteEN/dokument.html?channel=CH1041&doc=CMS1297075112840> (see page 45ff, Article 29 – Participation in political and public life).

3. What steps has your Government taken and what mechanisms exist

- a. to ensure close and active consultation with persons with disabilities and their representative organizations in decision-making processes, including those related to the development of legislation and policy?

- b. to promote participation in non-governmental organizations and associations concerned with public and political life?
- c. to promote organizations of persons with disabilities at international, national, regional and local levels?

A close and active consultation process with persons with disabilities and their representative organisations in decision-making processes, including those related to the development of legislation and policies is ensured by the inclusive approach of the Austrian Government.

According to an order of the Federal Chancellery issued in 1999 the umbrella organisation of all Austrian Disability Organisations, the Austrian National Council of Disabled Persons (ÖAR), has to be consulted in all legislative evaluation procedures, so as to ensure that the rights of persons with disabilities are backed in a compulsory and comprehensive way from the early stage of the decision-making process.

According to the Federal Disability Act the Federal Disability Advisory Board, which has an advisory function to the Federal Minister of Labour, Social Affairs and Consumer Protection on all fundamental matters of disability, is the legal instrument of coordinating the Austrian disability policy and rehabilitation measures. The Board comprises seven representatives of non-governmental organisations representing persons with disabilities and the Disability Ombudsman and has to be consulted by the Federal Minister of Labour, Social Affairs and Consumer Protection on all important decisions concerning the issues of people with disabilities.

Beyond that, representatives of stakeholder organizations are involved in many authoritative boards of the Federal Government, e.g. concerning the protection against dismissal of people with disabilities.

4. How are persons with disabilities and their representative organizations involved in monitoring the Convention?

Section 8 of the Federal Disability Act (FDA) states that monitoring of the UN Disability Rights Convention shall be guaranteed through an independent monitoring body which is free from instructions and monitors all matters concerning legislation and administration within the competence of the Federal State. Section 13 FDA explains the detailed norms.

Persons with disabilities and their organisations are represented in the independent monitoring body. Only NGOs in the field of disabilities, human rights and development have - in terms of the independence in the Monitoring Body - voting rights. Other members of the monitoring body do only have an advisory function. The NGO representatives are appointed by the Federal Minister of Labour, Social Affairs and Consumer Protection upon recommendation of the Austrian Association for Rehabilitation, the umbrella organization of associations for persons with disabilities in Austria.

5. Are statistics collected in relation to the participation of persons with disabilities in political and public life? Please provide relevant statistics and data if possible.

Due to the different definitions of disability on the national basis we do not have statistics in relation to the participation of persons with disabilities in political and public life. In that context we do like to mention a working group of the Council of Europe (CAHPAH-PPL, Committee of Experts on participation of people with disabilities in political and public life) which is finalizing its work in 2011. In that

regard are of special interest „life stories“ of persons with disabilities in political life, which vividly show the challenges of politicians with disabilities in daily life (as an example see annex).

6. Is your government involved in international cooperation programmes related to promoting political rights of persons with disabilities? Please describe the ways programmes are inclusive and accessible to persons with disabilities?

Austrian Development Cooperation (ADC) via the Austrian Development Agency (ADA) supports a couple of projects and programmes that at least indirectly aim at promoting political rights / participation in political affairs of persons with disabilities. ADC / ADA thereby applies both a human rights based approach and a *twin-track-approach* and thus supports on the one hand **specific projects** that aim at fostering the rights and needs of persons with disabilities and increasingly aims at **including the rights and needs of persons with disabilities in all our projects and programmes** (persons with disabilities as a cross-cutting issue or mainstreaming).

a. Primary legal and policy guidance documents for our engagement are:

The **Federal Act on Development Cooperation 2003**, which requires in Section 1 (4) 4 that all measures have to take into account in a suitable manner the needs of persons with disabilities (http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/EZA_englisch/269_joint_act.pdf)

The **Three-Year-Programme 2010-2012** that outlines *inter alia* in which countries, regions ADC / ADA engages in which sectors (http://www.entwicklung.at/uploads/media/Three-YearProgramme10-12_01.pdf)

The **policy documents on Good Governance and on human rights** that outline the promotion of the rights of persons with disabilities as one specific area in the promotion of human rights (http://www.entwicklung.at/themes/governance_and_human_rights/en/)

The **Human Rights Manual** that gives guidance to staff and project partner in implementing the human rights based approach to development including in implementing the rights of persons with disabilities as a sector and crosscutting issue (http://www.entwicklung.at/uploads/media/HUMAN_RIGHTS_Manual_July_2010.pdf)

The **focus paper on persons with disabilities** within ADC – elaborating ADC's / ADA's approach to persons with disabilities (http://www.entwicklung.at/themes/governance_and_human_rights/en/)

The **quality criteria on persons with disabilities** that give a general guidance to project partner on designing and implementing inclusive projects (only in German http://www.entwicklung.at/uploads/media/06b_Behinderung.pdf).

b. Specific projects that aim at the promotion of political rights of persons with disabilities:

While the primary focus of our support is on economic and social improvement of persons with disabilities, ADC/ADA also supports a couple of projects and programmes that primarily aim at promoting political rights of persons with disabilities or where the promotion of political rights is one specific component. This includes:

- **Ethiopia, Burkina Faso, and Mozambique:** inclusive development at the community level is the primary goal of this programme. Instead of just being given medical treatment and welfare aid, persons with disabilities are integrated as active actors at all social levels. The prime aim is to **enable people with special needs to take equal and self-determined part in development processes; strengthening political and economic, social and cultural rights** is an explicit goal of the programme. Apart from medical care and rehabilitation, educational work and raising awareness on how to avoid disability, the programme supports disability networks, raises awareness and influences legal and policy frameworks in order to empower persons with disabilities to campaign for and claim their rights particularly in the context of the UN Convention on the Rights of Persons with Disabilities (*NGO framework programme, Light for the World 2009-2011, Light for the World - Christoffel Development Cooperation, Jan. 2009 - Dec. 2011*).
- **Democratic Republic of Congo:** Primary goal of this project is to **strengthen societal and political participation** of around 1.300 persons with disabilities in selected regions in Congo so that their rights and needs are better acknowledged and considered in political processes; for that to happen the project specifically promotes the foundation of associations that advocate for the rights and needs of persons with disabilities, aims at educating persons with disabilities and contributes through various activities to strengthening their financial means (*Integration of persons with disabilities; 1.3.2007 – 30.06.2012; Caritas*).
- **Former Yugoslav Republic of Macedonia:** This project primarily aims at permanently integrating the human rights based approach into local and national development planning processes. It aims at including the rights and needs of the poor and the most vulnerable parts of the population in national development processes. While the project not only focuses on persons with disabilities but also on other vulnerable groups in society like minority groups or children, persons with disabilities are one important target group. Non-discrimination, equality, **participation in political and societal processes** and empowerment are important elements of the project. The project supports – for example – detailed assessments of the causes and consequences of poverty and discrimination; conducts capacity building and advocacy activities ensuring that the rights and needs of vulnerable groups are included in municipal development plans; it strengthens the capacities of civil society organisations that are active in this area; or elaborates relevant monitoring indicators for civil society (*A new human rights dimension to social inclusion and poverty; 16.11.2009 – 15.12.2012 und 01.06.2006 – 31.10.2008; Ludwig Boltzmann Institut for Human Rights*).
- **Bosnia and Herzegovina:** This project is located in landmine/Explosive Remnants of War (ERW) affected communities and IDP camps in various districts of northern, northeastern and western Uganda. It supports the return/resettlement of internally displaced and other landmine survivors in certain districts of Uganda. The project aims at the development of structures

to assist landmine victims in Ugandan IDP camps and in their hosting communities in the context of migration, return and resettlement. Emphasis is put on mental health aspects, peer-to-peer support and data gathering in order to monitor landmine survivor's rights in landmine/ERW affected districts. A specific outcome of the project is also the establishment of a national mechanism based on the initiative '**Raising the Voices**' to support and **organize landmine** survivor groups in six districts and at the camp or village level so that they are capable of expressing their needs and claiming their rights. It also identifies and trains landmine survivors in six districts and collects information on individual needs for return (*Support to the National Mine Action Programme in Uganda to build a Sustainable Response Capacity for Landmine Survivors; 01.04.2007 - 31.12.2010*).

- **Pakistan:** This projects primarily deals with strengthening economic, social and cultural rights of persons with disabilities – in particular strengthening the right to work. While the project is not framed as a human rights project and while strengthening political participation is not an explicit component of the project, through **participatory approaches** (e.g. assessments of talents) the project at least indirectly also contributes to the strengthening of participatory elements of persons with disabilities (*Training for youth with disabilities; 01.06.2009 – 31.05.2011; HOPE'87*)
- **South Caucasus (Georgia, Armenia, Azerbaijan):** to socially integrate mine victims into society through social care, professional education as well as through financially supporting (e.g. via micro credits) mine victims is the primary goal of this project. While, here too, social and economic aspects are the principal goals of this initiative, the engagement with relevant national institutions and the government to raise awareness and to assist mine victims in a systematic manner as well as the **creation of networks** are also important elements in order to reintegrate mine victims into society. **Participatory elements and empowerment** are important aspects in this context (*South Caucasus Socio-Economic Reintegration Programme for Mine Victims (ITF); 01.10.2007 - 01.10.2009; 01.12.2009 - 31.05.201-; International Trust Fund for Demining and Mine Victims Assistance*).
- **Ethiopia:** The project "Responding to Poverty and Disability through Higher Education and Research" (RESPOND-HER), which is based on academic cooperation between the Department of Special Needs Education of Addis Ababa University (AAU) and the Department of Education of the University of Vienna (UV), focuses on the educational and employment situation of persons with disabilities. As one of the most marginalized and disadvantaged groups within Ethiopian society, persons with disabilities face considerably higher risk of poverty. In particular their **rights to education** and employment are not sufficiently realized due to institutional barriers. The RESPOND-HER project targets two different, but complementary main objectives: First, by establishing high quality research on disability and by fostering the teaching skills of academic staff from AAU, the project aims to develop sustainable professional capacities at university level. In the long run, this process will also facilitate the establishment of training for professionals at non-university institutions. Second, the project will facilitate students with disabilities' access to higher education and to the labour market by targeting institutional barriers in cooperation with stakeholders from all regions of the country. The latter will be complemented by enhancing services and technical equipment for disabled

students at AAU in combination with establishing a nation-wide development plan (*Responding to Poverty and Disability through Higher Education and Research, RESPOND-HER, July 2011 to July 2014*).

c. Mainstreaming the rights and needs of persons with disabilities

According to Section 1 (4) 4 of the **Federal Act on Development Cooperation 2003** all ADC / ADA measures have to take into account in a suitable manner the needs of persons with disabilities. Based on the UN Convention on the Rights of Persons with Disabilities particularly the human rights manual as well as the quality criteria on persons with disabilities outline aspects that have to be taken into account for a thorough inclusion. Participatory elements, both in the set up as well as during implementation of programmes and projects, are key elements in this context.

According to this legal obligation and policy guidance, persons with disabilities have to have the possibility to – at least in theory, in practice there are still a couple of challenges – participate in designing, implementing as well as monitoring and evaluating projects and programmes. For this to happen the following steps have been taken / are currently being debated:

- There is currently a review of the ADC/ADA project document which contains instructions every potential project partner has to follow. In section 2.4., e.g., project partners have to indicate the target group (which might be persons with disabilities) of the project. If the target group is different from persons with disabilities, the current version does not explicitly require potential project partners to examine and elaborate to what extent the project touches upon the needs and rights of persons with disabilities and what kind of activities the project undertakes in order to fully include persons with disabilities into the design and implementation. This additional aspect is, however, going to be included into the project document (the project document can be found here: http://www.entwicklung.at/uploads/media/EN_PROJECT_DOCUMENT_FINAL_Jan2010_Website.doc).
- Currently, the general quality criteria of ADC/ADA that every project partner has to consider, require project partner during the planning period to assess to what extent persons with disabilities might be affected by the initiative as well as to what extent their needs and rights have been considered (the quality criteria can be found here: http://www.entwicklung.at/uploads/media/05_Fragebogen_Qualitaetssicherung.pdf; in German only).
- Within ADA there is also a desk officer / advisor on governance and human rights issues who is also responsible for issues related to persons with disabilities. This person – to the extent the capacities allow to do so – aims at ensuring that the rights and needs of persons with disabilities, including their right to participation, are fully integrated into all projects and programmes.
- Currently, however, there is no guidance on how to include persons with disabilities into evaluations.
- In order to strengthen our engagement on persons with disabilities, ADC/ADA has established a task force on persons with disabilities in the context of development cooperation. This group, consisting of ADA staff, staff from the well known Austrian NGO Light for the World, University staff dealing with this

issue and others, investigates into practical solutions on how to integrate, include persons with disabilities fully into all ADC / ADA activities.

- The same is true for ADC / ADA participation in international networks like the Global Partnership on Disability and Development (GPDD, http://www.gpdd-online.org/index.php?option=com_content&view=frontpage&Itemid=1).

Annex ad para 5:

Report from MP Franz-Joseph HUAINIGG, Austria, 2011



Foto: Bettina Mayr-Siegl

Franz-Joseph, keep on chasing us!

It was the first meeting of the parliamentary group of the Austrian People's Party (ÖVP) and I was quite nervous when I had to take the microphone and introduce myself as a new Member of Parliament. As I did not grab the microphone myself and looked around somewhat helplessly, there was a longer pause. The auditorium went completely silent, all 79 Members of Parliament stiffened in their chairs and stared expectantly at me. But nothing happened until the MP sitting next to me took the microphone and held it close to my mouth. "I am Franz-Joseph, 37 years old, media educator, author of children's books and a cabaret performer – now also in Parliament", I stated briefly with a low voice. The MPs were laughing, the tense atmosphere disappeared. "And he has a lovely one-year-old daughter!", added Elisabeth Gehrler with a broad smile.

Certainly, it was quite clear to everyone who saw me with my thin legs and curved spine rolling around in Parliament on four wheels that I was not an ordinary politician. Peeking at me, they discovered amazedly: I do not shake hands with anybody, when votes are taken in Parliament I do not get up, I do not applaud when the Minister or even the Chancellor speaks, I drink only with straws and sometimes I talk in such a low voice that nobody understands me.

In the beginning my colleagues became very insecure. My fellow politicians were especially confused by the fact that I could not shake hands with anybody due to my paralysed arms. For them handshakes are a ritual *per se*. When we first met, they reached out their hand in a friendly gesture. But since I could not take it, their hand remained helplessly suspended in the air. This was embarrassing for me too. I tried to gloss over this awkward moment with raised eyebrows and a particularly friendly smile. The message was understood, and soon the greeting rituals changed: a pat on the back as colleagues do or a fond tipping with two fingers on the back of my hand. It were precisely these little gestures that made me feel welcomed in the party's parliamentary group. All of a sudden, there were drinking straws on my place. When I mentioned this to an assistant of the parliamentary group, she said: "Of course, I saw that you need this".

Surprising many, I started to deliver my maiden speech in the plenary session not with many words but with a long pause. Slowly I rolled over the steep ramp towards the microphone. Suddenly there was curious silence where people otherwise talk, discuss and rustle a newspaper. The microphone was lowered. I looked around me, enjoyed the full attention of Austrian parliamentarianism, then I took a deep breath and asked: "Do you hear me?". The MPs of all the four parties represented in the Austrian Parliament were nodding vehemently and shouting loudly: Yes! Then I joked tentatively: "I have a low voice. But thanks God today it is amplified by a sign language interpreter". A short pause. Nobody laughed. What a pity,

they still have to learn to laugh about disability. After a longer statement on the Federal Disability Equality Act, they got another chance to laugh. Again, I referred to the sign language interpreter, whom I had asked to stand next to me and translate. “Today I start a brief sign language course for MPs“, I announced and started with vocabulary like “I love you“, “Budget Accompanying Act“ or “exploratory talks“. “General amusement“ was noted down in the parliamentary minutes. Then names such as Fischer, Khol, Prinzhorn and finally Pilz were represented by vivid movements of the hands of the interpreter. Again, general amusement, which I commented: “Regarding the sign for Pilz (the name of the MP literally means “mushroom”), of course one does not know whether it is a chanterelle or a toxic mushroom“. The Greens shouted: “We often do not know it ourselves“. I left my new – political – stage with the words: “My name is Franz-Joseph – and it was a great pleasure“ (alluding to Emperor Francis Joseph who used this stereotype phrase). While I rolled up the ramp accompanied by laughter and general applause, I thought with satisfaction: the first step towards the legal recognition of sign language has been made.

At the beginning there was anger. After Federal President Klestil was sworn in, he hosted a reception at the presidential residence in Hofburg. Congratulations and good wishes to all the Members of Parliament. Finally the Federal President strode toward me, bent down deeply, caringly grabbed my right hand with his two hands and stated: “I wish you a merry Christmas – if this is at all possible“. Why shouldn’t it be possible, I thought, just because I am wheelchair user? Before I could answer, the Federal President had disappeared. What was left was the anger about the presidential pity I could well do without. Christmas started with an unexpected, severe health problem. From one day to the other, my whole body was paralysed. I could no longer move my arms, which shortly ago I had used to write, drink or eat, to type on the computer or to drive my car. Also my voice failed me, I could not breathe properly and I found it difficult to swallow. Finally, I ended up in the neurological department of Vienna’s General Hospital. In the bed next to me an old man was dying. As I was told, his death struggle had lasted already several weeks, his relatives had bidden farewell several times but over and over medicine found new ways to delay death. I was diagnosed with a bone marrow inflammation in the cervical spine. While cortisone was dripping into my veins from the infusion bottle, I changed my opinion of Klestil. After all, he seemed to have expressed great presidential wisdom. In the night before I was discharged from hospital, the old man died and I decided to commit myself to terminal care issues.

Very often my colleagues ask me: “How is it going?“. I find it increasingly difficult to answer. Before, I simply said in an open and honest way: “Thanks, I’m rolling fine“, demonstrating that life in a wheelchair can be good. But my new colleagues only get the answer: “Thanks, unfortunately not so great“ or “Oh, so-so“. The reactions are accordingly: “I think you are admirable“, “...nice that you exist, you are our guardian angel“ or “...that you undergo all the troubles“. Clarification on my part is urgently required. But it is a complex and unsolved problem to explain that you suffer from a disease but not from a disability.

My recent experiences in Parliament raise new questions for me. In the Economic Committee I had asked for the floor but then my voice failed dismally. In the Constitutional Committee I submitted a motion and had to sign it immediately and on the spot. Desperately I looked for my parliamentary assistant, who somehow placed a ball pen between my fingers so that I could make a few lines on the paper. I find it more and more difficult to make phone calls, hold long speeches or argue heatedly. Can I still be a politician under these circumstances?

But on the other hand, who would deny that the world-famous scientist Steven Hawking is capable of doing research and teaching at university? Hawking is unable to speak, his body is paralysed and he can move only one finger. He uses this finger to control his computer, with which he writes. The computer reads out the speeches written by Hawking. This could well be a future scenario for the Austrian Parliament. People will get used also to this. Just half a year ago, it seemed unthinkable that an assistant raised the hand of the MP during a vote.

Political work still makes sense to me. I am taken seriously and I succeeded in turning the spotlight on important issues when it came to adopting the Vocational Training Act or to enshrining the Disability Equality Act in the coalition agreement. And this fact was praised in the ÖVP's parliamentary group by none other than Wolfgang Schüssel (Austrian Chancellor, 2000-2007), who encouraged me: "Franz-Joseph, keep on chasing us!". Sure! Because a lot still remains to be done.

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