

24 September 2010

**Independent Monitoring Committee' for the Implementation of the  
UN Convention on the Rights of Persons with Disabilities**

*(Section 13 Austrian Federal Disability Act)*

**Contribution**

**In response to a request by the Office of the High Commissioner, 5 August 2010, based on Human Rights Council Resolution 13/11 – “Human Rights of Persons with Disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities”**

1. The Austrian Monitoring Committee, entrusted with monitoring the protection and promotion of the Convention on the Rights of Persons with Disabilities (CRPD) in Austria, is grateful for the opportunity to contribute to this study.

2. The Monitoring Committee acknowledges the fact that due regard was given to the importance of international cooperation in its composition: the Act establishing the Monitoring Committee foresees the nomination of one independent committee member by a development organization.

**Legislation, Policies and Guidelines for international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention**

3. The 2003 amendment of the Federal Development Cooperation Act (2002) included the recognition of persons with disabilities in international cooperation. Article 1 (4) states that in all measures the needs of children and persons with disabilities have to be recognised in a meaningful way (4.)<sup>ii</sup>

4. In the Three-Year Programme of the Austrian Development Policy for the period 2009-2011 a specific reference to the CRPD and its implementation in international cooperation is missing. The reintegration of persons with disabilities is mentioned as

one of the priorities for the cooperation with Serbia.<sup>iii</sup>

5. The Austrian Development Agency (ADA) has released a focus paper on disability and development in 2005, which was updated in 2008.<sup>iv</sup> The ADA developed internal guidelines to recognise the rights of persons with disabilities in its programming and appointed a staff member who – amongst other portfolios – is in charge of disability and development.

6. The country programs which set out Austria's international cooperation in partner countries hardly include persons with disabilities as actors and target groups in both analysis and action plans.

### **International cooperation practice to promote the rights of persons with disabilities in international cooperation**

7. The Monitoring Committee recognises that the ADA supports a number of projects specifically targeting persons with disabilities and/or their inclusion in relief, rehabilitation and development efforts, especially in cooperation agreements with Austrian NGOs.<sup>v</sup>

8. The Ministry of European and International Affairs of Austria plays an active role in promoting the rights of persons with disabilities in international cooperation in processes at the European and International level, such as the Millennium Development Goals partnership in the framework of the AU/EU Africa Strategy and the UN General Assembly, UN Security Council and the UN Commission for Social Development.

### **Observations and Recommendations**

9. The current provision in the Federal Development Cooperation Act on persons with disabilities is not in line with the obligations of the CRPD. To comply with the CRPD the principles and provisions of the CRPD would have to be explicitly incorporated in the Federal Development Cooperation Act. The same can be said for development cooperation provided at the provincial level (*Länder*).

10. According to the latest OECD DAC Peer Review Report (2009)<sup>vi</sup> the Ministry of Foreign Affairs has little power to co-ordinate a coherent aid policy in practice (while having the clear mandate to do so). While the share of the bilateral development assistance managed by the ADA is less than 10 % of the overall ODA, there is a need to develop an overall disability and development policy in line with the principles and provisions of the CRPD, as a binding framework for all Austrian Federal Ministries and Provincial structures.

11. In the development of such a disability and development policy, as well as a "white paper", recommended by the OECD DAC Peer Review to serve as a medium-term development policy, and all other policies the full and equal participation of persons with disabilities in Austria and the partner countries of the Austrian Development cooperation needs to be ensured in line with the principles as well as the obligation set out in Art. 4 (3) of the CRPD.

12. The Monitoring Committee recommends to systematically collect disaggregated data on persons with disabilities, accessibility and inclusion measures within the planning, monitoring and evaluation mechanisms of the Austrian Development Cooperation.

13. Awareness raising activities among staff members working at the ADA, the Ministry for European and International Affairs as well as other Ministries implementing ODA-relevant programmes and stakeholders collaborating with the Austrian Development Cooperation are considered important in Austria and in partner countries. Respective co-ordination with other bilateral donors is encouraged.

14. Measures shall be taken to ensure that all initiatives of the Austrian Development Cooperation are inclusive of and accessible to persons with disabilities in line with Art. 32 (1)(a) to avoid maintaining and/or creating new barriers.

15. It is further recommended, that in the frame of programmes to support development research and the promotion of academic partnerships between 'South and North' such as the APPEAR programme<sup>vii</sup> consideration is given on how to best promote Art. 32 (1) (c) of the CRPD, which calls for facilitating cooperation in research and access to scientific and technical knowledge;

16. It is suggested to include the rights of persons with disabilities and the implementation of the CRPD in the political and programmatic dialogue with priority countries of the Austrian Development Co-operation which have ratified the CRPD, at this stage these are Bosnia and Herzegovina, Burkina Faso, Ethiopia, Nicaragua, Serbia, and Uganda.

## **Conclusion**

17. While Austria has made steps to promote the inclusion of persons with disabilities in its international cooperation even before the ratification of the CRPD in 2008, a comprehensive and holistic application of the principles and provisions laid down in the CRPD is not yet realized. The principles of non-discrimination, participation, accessibility, inclusion and equality need to be applied fully to Austria's International Cooperation. A disability and development policy, as a binding framework for all Austrian actors implementing ODA, developed in a participatory way, is strongly encouraged.

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<sup>i</sup> The Austrian government ratified the Convention on the Rights of Persons with Disabilities (CRPD) in October 2008. The main legislative measure taken to implement the Convention was the establishment of a Monitoring Committee pursuant to Article 33 of the Convention. Amending the pertinent sections of the Federal Disability Act (*Bundesbehindertengesetz*), an independent mechanism has been put in place to make recommendations to the Federal Disability Council, which in turn advises the Minister for Social Affairs:  
[www.monitoringausschuss.at](http://www.monitoringausschuss.at).

<sup>ii</sup> The Federal Development Cooperation Act  
[http://www.bmeia.gv.at/fileadmin/user\\_upload/bmeia/media/2-Aussenpolitik\\_Zentrale/EZA/286\\_eza\\_g\\_nouvelle.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/EZA/286_eza_g_nouvelle.pdf).

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<sup>iii</sup> Triennial Programme 2009-2011: [http://www.entwicklung.at/uploads/media/3-Jahresprogramm\\_2009-2011\\_final\\_Web\\_03.pdf](http://www.entwicklung.at/uploads/media/3-Jahresprogramm_2009-2011_final_Web_03.pdf).

<sup>iv</sup> Focus: Persons with Disabilities and Development:  
[http://www.entwicklung.at/uploads/media/Fokus\\_Behinderung\\_Nov08\\_02.pdf](http://www.entwicklung.at/uploads/media/Fokus_Behinderung_Nov08_02.pdf).

<sup>v</sup> See examples mentioned in the focus paper (iv).

<sup>vi</sup> Austria (2009) DAC Peer Review:  
[http://www.oecd.org/document/32/0,3343,en\\_2649\\_34603\\_42797984\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/32/0,3343,en_2649_34603_42797984_1_1_1_1,00.html).

<sup>vii</sup> Compare: <http://www.appear.at/>.