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UN Special Rapporteur on adequate housing
Office of the High Commissioner for Human
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CH - 1211 Geneva
SWITZERLAND

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Ladies and Gentlemen!

Please note our following responses and contributions to your questionnaire concerning
adequate housing:

National Action Plan

In Austria disability affairs are a cross-cutting issue with a strong federalist component. Due to the Federal Constitution, all areas of disability policy which are not explicitly the responsibility of the Federation are issues of the Länder, the nine Austrian regions. "Adequate Housing" is one of them. With regard to these measures, **the National Action Plan on Disability 2012–2020** does not go beyond the responsibility of the federation. However, as the competences of the Federation and the Länder are closely connected, many objectives of the NAP also have an effect on the Länder policies. For examples chapter 2.5 "Protection against violence and abuse" or chapter 6 "Living independently".

Lack of data

Austria does not have systematic and reliable data – neither about the number of persons with disabilities living in institutions nor about persons with disabilities who suffered violence or abuse or both. The main reason for this data gap is the splitted competence between the Federation and the regional governments (Länder). But this is not only a problem in Austria. At a conference in Nicosia last March, organized by the Council of Europe, the common opinion of all experts was, that the lack of data is not only a problem of one mem-

ber state. We can only estimate, that in Europe at least one million people with disabilities live in institutional living arrangements (said by Dr. Agnes Kozma, Tizard Centre, University of Kent, UK (<http://www.coe.int/en/web/disability/presentations>)).

The Austrian Ministry of Labour, Social Affairs and Consumer Protection ordered a research study about violence against people with disabilities in institutions. First results are expected in 2019.

Legal support

Since 2006 victims have been entitled to **legal support** in criminal proceedings, and since 2009 they have also been entitled to psychosocial support in civil proceedings. This support in legal proceedings is provided by various organisations, and the costs are reimbursed by the Ministry of Justice (BMJ) by granting subsidies. Legal and psychosocial support during court proceedings have until now helped numerous people - the majority of them women and children - to cope better with the strain related to the cases.

A very effective instrument is the **Ombudsman Board** with its – at least six – interdisciplinary and multi-ethnic commissions. It is the independent authority according to Article 16 para 3 of the CRPD. The commissions carry out monitoring visits (unannounced!) throughout Austria. The Ombudsman Board and its commissions have to be granted unrestricted access to all facilities and programmes for people with disabilities and they are provided with all relevant information.

Good practice about de-institutionalization is an ongoing mission

Based on a resolution by the Austrian Parliament from 10 November 2016 on de-institutionalization the Federation asked the Länder to carry out a mutual comparison of best practice examples of contemporary housing forms and alternative housing concepts in the disability sector and, if necessary, to include these forms and concepts in their offer.

Yours sincerely

On behalf of the Federal Minister:

i.V. Mag. Andreas Reinalter

*Elektronisch gefertigt.
(signed electronically)*

