

Ad Hoc Committee on the Rights of Persons with Disabilities (Committee of Experts at the European Council)

5th Meeting, 5-7 October 2016, Strassbourg

Austrian Report

1. The Austrian government has a National Action Plan on Disability 2012 – 2020. Now it is time to make a break and to see what has been done till now and to describe the results in an interim report. From the 250 measures which were listed up 4 years before, about 58% have been already implemented. Two main objectives of this plan should be emphasized – also according to two priorities of the future strategy of the Council of Europe (“Human rights: a reality for all”).
2. Awareness raising: Following measure Nr. 101 of the Austrian National Action Plan on Disability 2012-2020 the Austrian chancellery established a task force group for the aim to draw up recommendations for the portrayal of people with disabilities in the media – a kind of guidelines for media coverage. In this task force representatives of NGOs also participated. Now after about 3 years the results will be presented almost this year. The guidelines will also include information about accessible media and be also available by Internet.
3. Equal recognition before the law: Two years before Austria mentioned a pilot project entitled “Support for Self-determination” which was implemented by our Ministry of Justice. This project was also listed up as good practice in the “Abridged Evaluation Report” under Action Line No. 12, which was presented during the conference in Dublin last spring. This project was finished and evaluated. The evaluation results were contribute to a draft of a new law, the so called “Act of protection of adults” (“Erwachsenenschutzgesetz”). The procedure of consultation was finished last month and the consultations in the Austrian parliament will start soon. People with disabilities were involved in all steps of this process. So it is not surprising when our monitoring committee does fully agree with this draft.

The main objective of this draft is to substitute guardianship, which means in Austria substituted decision making, by principles and procedures of supported decision making.

This draft, probably including some amendments, will be voted through a new bill by the Austrian Parliament. It will come into force in the middle of 2018. The reason for this certain time is the longer lead time which is needed to establish the supporting structures and for training of all people who will deal with the execution of this act. Above all it will be necessary to enable good practice for the clearing process which will be done to find out if a step to "legal representation" (substitutes the old fashioned "legal guardianship") would be worthy of consideration at all.

It is to add that all laws concerning the personal rights of people with disabilities will be revised in this act (for example: marriage, divorce, custody, secrecy of correspondence and so on). So Austria is on a good way to fulfill the objectives of article 12 of the URCPD.