AT – Country information

Indicators on political participation

of persons with disabilities

2014

DISCLAIMER: The background country information reports contain background material for the comparative report on *The right to political participation for persons with disabilities: human rights indicators* by the European Union Agency for Fundamental Rights (FRA). The bulk of the information in the background country information reports comes from ad hoc information reports prepared under contract by the FRA’s research network FRANET. The views expressed in the background country information reports do not necessarily reflect the views or the official position of the FRA. These reports are made publicly available for information purposes only and do not constitute legal advice or legal opinion.

FRANET contractor: European Training and Research Centre for Human Rights and Democracy**STRUCTURE INDICATORS**

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| **Structure indicators** | **Source and supporting information** |
| Has Austria ratified the CRPD without a reservation to Article 29? Please give details of any reservation. | Yes, 26 September 2008[[1]](#footnote-2) |
| Has Austria ratified the CRPD without a reservation to Article 12? Please give details of any reservation. | Yes, 26 September 2008[[2]](#footnote-3) |
| Has Austria ratified the CRPD without a reservation to Article 9? Please give details of any reservation. | Yes, 26 September 2008[[3]](#footnote-4) |
| Please indicate the legislation which applies to European Parliament and municipal elections in your country. Please highlight possible amendments in view of the 2014 European Parliament elections.Does the same law apply for national, federal, local and regional elections, and referendums? | In Austria different laws regulate European, federal, regional and local elections. The elections of the members of the European Parliament[[4]](#footnote-5) as well as the members of the National Assembly of the Austrian Parliament[[5]](#footnote-6) are regulated through federal law.Municipal elections are codified in the provincial legislation of the respective province.[[6]](#footnote-7) Referenda are regulated in different federal and provincial laws.On 13 June 2013 the National Assembly approved an amendment of the Election to the Parliament Act (*Nationalratswahlordnung, NRWO,* §79 (2)) as well as to the Election to the European Parliament Act (*Europawahlordnung, EuWO* §63 (2)). This amendment serves the facilitation of giving a preferential vote (*Vorzugsstimme)* for visually strongly impaired or blind persons through the possibility to enter the preferential vote with the number of the candidate on candidates list.[[7]](#footnote-8) |
| Is there a requirement under law to register to vote? If so, please specify the relevant legislation. | In Austria there is no requirement under law to register to vote. An electoral roll is provided by the authorities of the municipalities and evaluated continuously. The electoral roll is based on the population register (*Zentrales Melderegister, ZMR)*. There is a different electoral roll for the European Parliament elections in place. However, non- Austrian EU-citizens who reside in Austria need to register to the electoral roll for the European Parliament elections.[[8]](#footnote-9)  |
| Is there any limitation foreseen by law which could affect the right of persons with disabilities to vote in European Parliament and municipal elections? Please give details of any restrictions on the right to vote of persons with disabilities, including any link between a particular type of impairment (e.g. psychosocial/intellectual disability) or substituted decision making (e.g. loss of legal capacity, placement under guardianship)and the right to vote in elections.Does the same law regarding voting rights apply for national, local/regional elections and referendums? | Article 26, Constitution of AustriaAccording to Article 117 (2) of the Constitutional Law (Bundes-Verfassungsgesetz, B-VG)[[9]](#footnote-10) EU citizens with principal residence in a municipality have an active and passive right to vote in municipal elections. Vienna foresees an exception: according to Article 108 of the Constitutional Law (Bundes-Verfassungsgesetz, B-VG) the Vienna City Council (Gemeinderat) is identical with the Vienna province parliament (Landtag). Therefore EU citizens without Austrian nationality are only eligible to vote in elections to district representative bodies (Bezirksvertretungen) of Vienna.According to §21 (1) of the National Assembly Election Order (Nationalratswahlordnung, NRWO) all men and women from 16 upwards holding the Austrian citizenship are eligible to vote. Exclusions from the right to vote are only foreseen in cases of criminal convictions according to §22 NRWO. |
| Do all persons with disabilities have the right, under law, to stand for and be elected to public office, in municipal elections, on an equal basis with others? And in elections to the European Parliament?Does the same election law apply for other elections (e.g. national, local and regional) and referendums? | Austriais one of the 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 Section 22 of the Elections to the Parliament Act. Austria/BGBl 471/1992 as amended by BGBl II 147/2008 (29.12.2008).[[10]](#footnote-11)  |
| Is there legislation in place regulating how people living in long-term institutions may vote? | The voting conditions for people living in long term institutions are regulated in the respective law that applies either for the election of the European Parliament (EuWO §58/§59), the Austrian National Assembly (NRWO-1992 §72/§73) or the municipalities. It is possible to install a special electoral commission close to or in the respective institution in order to facilitate access of people living in long term institutions. Furthermore a mobile electoral commission may also visit bedridden persons in their personal accommodation (according to § 73 NRWO and § 59 EuWO). Every citizen eligible to vote has the possibility to apply for a voter card (*Wahlkarte,* EuWO §26/NRWO-1992 §38) which enables the person to vote at a favored polling station or to send the voter card by post.Similar regulations are codified in the provincial legislation on the respective municipal elections. Despite different formulation of the correspondent paragraphs all provinces provide a mobile electoral commission for people living in long term institutions as well as the possibility to vote via voter card.[[11]](#footnote-12) |
| Is there a duty under law to provide reasonable accommodation for persons with disabilities in voting procedures? For example, is there a duty to provide assistance at the polling station (e.g. braille or large print ballot papers, independent support person to assist with voting chosen by the person with a disability) or to allow for alternative means of voting (e.g. postal ballots, voting in advance, home-based voting, voting at institutions, mobile voting)? | On 13 June 2013 the National Assembly decided on an amendment of the Election to the Parliament Act (*Nationalratswahlordnung, NRWO,* §79 (2)) as well as the Election to the European Parliament Act (*Europawahlordnung,* EuWO,§63 (2)). This amendment serves the facilitation of giving a preferential vote *(Vorzugsstimme)* for visually strongly impaired or blind persons through the possibility to enter the preferential vote with the number of the candidate on candidates list instead of the candidate’s full name.[[12]](#footnote-13)Absentee ballots and visiting electoral commissions (“fliegende Wahlkommissionen”) facilitate voting especially for persons with physical impairment (§38 (2) National Assembly Election Order (*Nationalratswahlordnung, NRWO*). For persons with visual impairment special templates and guiding systems have to be provided. |
| Is there a duty under law for public and private providers of internet and web-based information to ensure that public information is subject to accessibility requirements (e.g. equivalent to Web Content Accessibility Guidelines (WCAG) 2.0 AA standard) | §1 (3) of the Federal E-Government Act (*E-Government-Gesetz)* stipulates that “measures shall be taken to ensure that official Internet sites which provide information or electronic support for procedures are structured in such a way as to comply with international standards for access to the worldwide web, including unhindered access for disabled persons.” The Act does not refer to any particular standards, it just reads: § 1(3) when implementing the goals of this federal act precautions have to be taken, that official internet sites, which offer information or support procedures electronically are set up in such a way, that international standards for access to the worldwide web regarding the barrier free access of persons with disabilities are met. *((3) Bei der Umsetzung der Ziele dieses Bundesgesetzes ist Vorsorge dafür zu treffen, dass behördliche Internetauftritte, die Informationen anbieten oder Verfahren elektronisch unterstützen, so gestaltet sind, dass internationale Standards über die Web-Zugänglichkeit auch hinsichtlich des barrierefreien Zugangs für behinderte Menschen eingehalten werden.)*The Federal Disability Equality Act (*Bundes-Behindertengleichstellungsgesetz, BGStG)* prohibits discrimination of persons with disabilities. Next to public services, the Act applies to all legal relationships, their initiation and creation (§2 (2)). Therefore private web offerings which entail a legal relationship have to be accessible for persons with disability. The definition of accessibility is given in §6(5) of this Act[[13]](#footnote-14): “Constructional or other facilities, means of transport, technical equipment, information processing systems, and other aspects of life can only be considered barrier-free when they can be used normally by disabled persons without difficulty and without the need for help from others.” The act does not refer to any particular international standards; the text provided here is a direct quote from the act. The provision of understandable and accessible information relating to political participation is part of the National Action Plan on Disability 2012-2020 (*Nationaler Aktionsplan Behinderung)*[[14]](#footnote-15). According to the action plan “the offering of information about participation in elections in accessible and (as far as possible) understandable form, in printed and electronic versions” must be realised by the Federal Ministry of Interior (Measure 190). §29 (7) Service of Documents Act*Zustellgesetz)* [[15]](#footnote-16) states that with regard to current technology, information provided must be accessible barrier-free for persons with disabilities. It does not refer to particular international standards. The Service of Documents Act covers documents that are to be delivered by courts and administrative authorities, as well as documents by foreign authorities that are to be delivered through Austrian courts or Austrian administrative authorities (see §1 of the Service of Documents Act). § 28 et seqq. Service of Documents Act regulates the electronic delivery of such documents. Note that the more specific rules of § 89a et seq. of the Court Organisation Act (*Gerichtsorganisationsgesetz, GOG*) apply for the delivery of documents (structured data transfer to authorized addressees, e.g. attorneys) by courts.[[16]](#footnote-17) |
| Is there a duty under law for public and private providers of media (including newspapers, TV, radio and internet) to ensure that their information and communications are subject to accessibility requirements? | §5 (2) of the Act on the Austrian broadcasting company ORF (*ORF-Gesetz)*[[17]](#footnote-18) states that “information broadcasts should get organised (if technically possible and economically acceptable) in a way that makes it easier for deaf persons to understand them. Furthermore the proportion of broadcasts which are accessible for blind and deaf persons must increase continuously compared to the status of 31 December 2009[…]”. The law furthermore obliges the public broadcaster ORF to create a yearly action plan on the continuing extension of the accessibility to the television broadcasts as well as to web services. In general the ORF must have the goal to subtitle all its television broadcasts. Via desk research no such action plans or deadlines for implementation of subtitles could be found. The Austrian Deaf Association (*Österreichischer Gehörlosenbund)* criticised the provision as being far too vague when the act was still in the drafting period.[[18]](#footnote-19)The action plan (*Etappenplan*) is presented to the members of the ORF foundation council (ORF Stiftungsrat) as well as to the public annually. It gives a review on facts and figures concerning access services provided by ORF both for deaf and hard of hearing as well as blind and visually impaired people. In addition ORF annually has to provide detailed information about accessibility to all four programmes and the video-on-demand-service to the Federal Chancellor and the regulatory agency[[19]](#footnote-20). The Annual Report of the ORF[[20]](#footnote-21) gives further details on the current status. The National Action Plan on Disability 2012–2020 foresees in measure 102 a step-by-step increase of accessible programs on the ORF and other audio-visual media services till 2020. Measure 103 foresees that the ORF.at website is being made accessible in the course of its gradual technical modernisation, and corresponds to the internationally recognised standards for the creation of accessible web contents (WCAG 2.0).[[21]](#footnote-22)§30 (3) of the Act on Audio-visual Media (*Audiovisuelle Mediendienste-Gesetz)*[[22]](#footnote-23) stipulates that all media services should become accessible for persons with disabilities step by step. There is no deadline envisaged by the Act. |
| Are there mandatory accessibility standards for the construction and significant alternation of national and local authority buildings? | Accessibility of the built environment is covered by the Federal Disability Equality Act as far as federal buildings and private businesses are concerned. The Act says that access is given if buildings or services offered to the public can be used by people with disabilities without any particular difficulty and in principle without any outside help. According to the Federal Disability Act, a step-by-step plan was established to make all federal buildings accessible by the end of 2015. In 2010, the federal government postponed this deadline until 2019 in the framework of consolidating the budget. The Federal Disability Equality Act[[23]](#footnote-24) provides grounds for a claim to compensation for facing barriers but it does not provide any obligation or claim to remove barriers. Due to the long period of transition for the implementation of the Act by 2015, steps to eliminate physical barriers are taken at the discretion of businesses in line with their economic priorities. Apart from Federal buildings, building laws are the responsibility of the nine provinces and nine further laws cover the issue of accessibility differently. Additionally, each province has individual technical regulations for planning and buildings. The provincial laws as well as the technical regulations deal with accessibility quite differently with regard to standards and quality. No comprehensive overview is available on the overall situation in Austria. In 2005, the Austrian Parliament passed a resolution that requested the Minister for Social Affairs to negotiate with the provinces for a unified contract for accessibility provisions in the planning and building laws. This led to standard guidelines[[24]](#footnote-25) on accessibility for planning and building which were developed by the Austrian Institute for Structural Engineering (*Österreichisches Institut für Bautechnik*) in 2007 and which were also agreed upon with all provinces. By November 2012, Burgenland, Steiermark, Tyrol, Vorarlberg and Vienna had adopted the standard guidelines on user security and accessibility as mandatory regulations. No comprehensive overview is available, if these five provinces adopted the guidelines fully or partly. It is unclear when the four remaining provinces will make the guidelines mandatory.  |
| Is there legislation requiring that polling stations and voting processes be accessible to persons with disabilities (e.g. a certain percentage of polling stations must be accessible, one polling station per electoral district must be accessible etc)?Please indicate whether the legislation requires that polling stations and voting processes are accessible for all persons with disabilities or for particular impairment groups (e.g. persons with visual, hearing, physical impairments etc). | In every municipality at least one barrier-free polling station must be set up according to §52 (5) National Assembly Election Order (*Nationalratswahlordnung*, NRWO) and §66 (1) NRWO. |
| Does the law foresee training for election authorities and election officials on non-discrimination on the grounds of disability, accessibility and reasonable accommodation? | None of the election laws (for European Parliament, National Assembly and Municipal elections) foresee training for election authorities on non-discrimination on the grounds of disability.[[25]](#footnote-26) No evidence could be found in intensive desk research of availability of guidance on training.The Elections to the Parliament Act §52(5)), the European Parliament Act §39(6) and seven Municipal Election Acts foresee that every municipality should provide at least one polling station which is accessible for persons with disabilities.[[26]](#footnote-27) However, because of the phrase “wherever technically possible” this regulation is not binding.[[27]](#footnote-28) § 52 (5) NRWO states, that where technically possible, one polling stations has to be accessible for physically impaired persons, and – if technically possible – guidance system for visually impaired persons should be installed. § 39 (6) EuWO is identical in its wording. The same Acts state that for blind and strong visually impaired persons a guidance system should be installed if technically possible.  |
| Does the national strategy/action plan on disability cover the right to political participation of persons with disabilities? | Measure 190 of the National Action Plan on Disability 2012-2020 (*Nationaler Aktionsplan Behinderung*)[[28]](#footnote-29) states: “Providing information about participation in electionsin accessible and (as far as possible) understandable form, in printed and electronic versions”. |
| Are all persons with disabilities, including those who have been deprived of their legal capacity, able to access redress and complaint mechanisms in cases where they have not been able to exercise the right to vote? | In Austria persons who have been deprived of their legal capacity nevertheless have the right to vote (Art. 26 of the Austrian Constitutional Law, B-VG [[29]](#footnote-30)). It is not explicitly mentioned in the constitution, the constitution states that every person above the age of 16 and holding Austrian citizenship is entitled to vote. Exclusion from the right to vote can only be based on a final criminal conviction according to Art. 26 (5) of the Constitution.According to § 28(1) of the Elections to the Parliament Act and §16(1) Election to the European Parliament Act every (EU-) citizen has the right to complain against the electoral register. The same applies to all the Municipal Election Acts[[30]](#footnote-31). There is no scope for complaint foreseen in the provisions if for example, reasonable accommodations are not made. |

1. **PROCESS INDICATORS**

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| **Process indicators** | **Source and supporting information** |
| Are there measures by election authorities in place to facilitate persons with disabilities who live in institutions, whether short- or long-term, and those who are home-bound, to register to vote and to vote? (e.g. voting at institutions, voting in advance, voting by mail, mobile voting) | Voters who cannot walk or be driven in vehicles and thus cannot reach a polling station, have the possibility to be visited by a “flying election commission” to cast their vote. In larger medical institutions and nursing homes, separate polling stations are established. Since 2007 there has also been the option of requesting a voting card. The Electoral Rights Amendment Act 2010 created the opportunity for people with disabilities to have a voting card sent to them automatically before every election.[[31]](#footnote-32) |
| Are there mechanisms in place to ensure that disabled people’s organisations (DPOs) are consulted and involved in the development of laws and policies in electoral matters? Please give details of the mechanisms through which DPOs are involved. | The Federal Disability Act (*BundesbehindertenG*) in § 8 lays down the installation of a *Federal Disability Advisory Board* as a consultative body, which has an advisory function in all disability-related law- and policy-making. 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, SocialAffairs and Consumer Protection on fundamental matters concerning disability.An amendment of the Federal Disability Act which would enlarge the body by one representative was proposed by the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK) in April 2014[[32]](#footnote-33). The admission of self-advocates with a learning disability in the Federal Disability Board was foreseen as a measure in the National Action Plan on Disability[[33]](#footnote-34).§13 of the Federal Disability Act[[34]](#footnote-35) regulates the installation of a monitoring committee (*Monitoringausschuss)*. According to § 13(2) the Committee might make comments to the Federal Disability Advisory Board (*Bundesbehindertenbeirat)* regarding topics dealing with implementation of the CRPD. Direct consultation of the Committee when drafting new laws is not foreseen. The Committee is in charge of monitoring the implementation of the CRPD in the Austrian legislation. The committee gets selected by the Federal Minister of Labour, Social Affairs and Consumer Protection with regard of recommendations by the Austrian National Council of Disabled Persons (ÖAR) which is an umbrella organisation of DPOs. According to §13(1) of the Federal Disability Act [[35]](#footnote-36) the monitoring committee must include four representatives of DPOs, one representative of an approved non-profit NGO active in the human rights area, one representative of an approved non-profit NGO active in the area development cooperation and one scientific expert. An important element in drawing up the action plan was the involvement of the organizations of persons with disabilities and civil society. The supervision of the NAP is carried out by a supervisory group which involves the Disability Ombudsman and the Monitoring Committee on the implementation of the CRPD in Austria as well as the representatives of people with disabilities and civil society.[[36]](#footnote-37) On 31 July 2013 the Monitoring Committee issued a statement on barrier free elections.[[37]](#footnote-38) |
| Have national judicial redress mechanisms considered any cases related to the right to political participation of persons with disabilities?Please give details of relevant case law and any available data on the number of such cases. | There are no judicial decisions to be found in the Austrian Legal Information System (*Rechtsinformationssystem, RIS)* dealing with the right to political participation of persons with disabilities. The Disability Ombudsman does not know about any key judicial decisions dealing with the right to political participation of persons with disabilities[[38]](#footnote-39).According to §10(2) of the Federal Disability Equality Act (BGStG), which applies to federal authorities and to the access to goods and services available to the public under federal competence, a conciliation procedure is mandatory before bringing in legal action. Conciliation procedures (*Schlichtungen*) to reach an amicable arrangement are conducted by the regional office of the Federal Social Office (*Bundessozialamt*) (§14 BGStG). |
| Have national non-judicial redress mechanisms (e.g. National Human Rights Institutions, Equality Bodies, Ombuds institutions) considered any cases related to the right to political participation of persons with disabilities?Please give details of relevant case law and any available data on the number of such cases. | In the course of the Election of the National Assembly 2008 and the Election of the Austrian President 2010 redress procedures were claimed by persons with disabilities because of barriers entering polling stations. The involved parties came to an agreement. These agreements were reached in the course of conciliations. Persons with disabilities who claim to have been discriminated against may request conciliations at the regional offices of the Federal Social Office *(Bundessozialamt)*. However, the barriers at these polling stations were not removed subsequently.[[39]](#footnote-40) Moreover, the Disability Ombudsman reported3 complaints by persons with disabilities because of problems with the right of political participation which could get settled through intervention by the Ombudsman[[40]](#footnote-41). No detailed information on these cases was provided.According to § 28(1) of the Elections to the Parliament Act and §16(1) Election to the European Parliament Act every (EU-) citizen has the right to complain against the electoral register. The same applies to all the Municipal Election Acts[[41]](#footnote-42). The scope of these provisions does not do not foresee complaints on a failure to provide reasonable accommodation. |
| Is information about how and where to complain in the case of problems with exercising the right to political participation accessible to all persons with disabilities?  | Information requests were sent to the responsible provincial election authorities. According to the given information the information on how and where to complain in cases of problems with political participation are accessible to all persons with disabilities[[42]](#footnote-43). Vienna reported that all information is available on the website, and that there is also a hotline. Furthermore, there is an online complaint form available.[[43]](#footnote-44) |

1. **OUTCOME INDICATORS**

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| **Outcome indicators** | **Source and supporting information** |
| What was the voter turnout rate for persons with disabilities in the most recent municipal elections and in the 2009 European Parliament elections? How does this compare with the voter turnout rate among the general population?What was the voter turnout rate for persons with disabilities in the most recent national elections? How does this compare with the voter turnout rate among the general population? | There is no data available on the voter turnout rate for persons with disabilities of the most recent municipal elections, the 2009 European Parliament elections and recent national elections.[[44]](#footnote-45) Information requests were sent to the provincial election authorities, the Federal Ministry for Interior and the Statistics Austria.According to the Federal Ministry of Interior there is no legal basis for the development of a statistics on the voter turnout rate of persons with disabilities.[[45]](#footnote-46) |
| How many members of the current national parliament identify as having a disability? | There are two members of the current national parliament who identify themselves with having a disability.[[46]](#footnote-47) |
| How many members of current municipal governments identify as having a disability? | There are no members of current municipal governments who identify as having a disability.[[47]](#footnote-48)An information request was sent to the Austrian Association of Municipalities. In a response they explained that they have no data on the requested information.[[48]](#footnote-49) |
| What proportion of polling stations is accessible for persons with disabilities? Please indicate whether polling stations are accessible for all persons with disabilities or for particular impairment groups e.g. persons with visual, hearing, physical impairments etc) | For an Austria-wide referendum that took place in January 2013 in the province of **Vorarlberg** there were 81,6% (279 out of 342) polling stations accessible for persons with disabilities. Seven out of these 279 accessible polling stations were installed in long-term institutions. However, the election authorities of Vorarlberg did not provide information whether these buildings are accessible for all impairment groups. Mobile electoral commissions were installed in every municipality of Vorarlberg.[[49]](#footnote-50) In the province of **Styria**, there is one polling station barrier free accessible in every municipality (there are 539 municipalities). The election authority did not provide information whether the accessibility meets the needs of all impairment groups.[[50]](#footnote-51)In the province of **Tyrol** there were 76% (431 out of 567) polling stations accessible for persons with disabilities during the last municipality elections 2010[[51]](#footnote-52). No information about whether these polling stations are accessible for all impairment groups. In the province of **Salzburg** there were 433 polling stations accessible for persons with disabilities during the state elections 2013. 26 of these polling stations were located in a home for pensioners. In 10 municipalities there were mobile electoral commissions installed.[[52]](#footnote-53) There are 119 municipalities in Salzburg.[[53]](#footnote-54)In Vienna there are 550 polling stations accessible for persons with disabilities. Vienna did not provide the total number of polling stations. The City of **Vienna** together with the Austrian National Council of Disabled Persons (ÖAR) elaborated a catalogue of criteria which have to be fulfilled to call a polling station ”barrier-free”. This document is not publicly available. These criteria meet the accessibility requirements of different groups of impairment. During the European Parliament elections 2009 there were 37 and during the municipal elections 2009 there were 35 mobile election commissions installed in Vienna. Special polling stations in long term institutions were 51 during the EU-Parliament elections 2009 and 46 during the municipal elections 2010.[[54]](#footnote-55)There was no information provided by the provincial Government of **Burgenland** on an information request.An evaluation of the participation in elections of persons with disabilities by A. Wegscheider revealed the following: Sometimes polling stations are declared to be barrier-free if the entry is accessible with a wheelchair. Nevertheless it is occasionally not considered that there are more polling stations within a building which are only accessible by stairways.Furthermore some polling stations do not have a guidance system for blind and strong visually impaired persons.Regularly it is forgotten to provide voting devices with appropriate additional texts in braille.[[55]](#footnote-56) |
| Does the website to provide instructions for voting and information on candidates run by the ministry responsible for organising elections meet accessibility standards (e.g. equivalent to Web Content Accessibility Guidelines (WCAG) 2.0 AA standard)? | With the implementation of the Federal E-Government Act the Austrian government developed a website which guides users through all questions concerning public administration, administrative procedures and administration forms. The website help.gv.at meets all the WCAG 2.0 standards.[[56]](#footnote-57) It is assumed that this is based on self-assessment of the website.[[57]](#footnote-58)According to the Federal Ministry of Interior the web-information on elections provided by the Federal Ministry of Interior meet the WCAG 2.0 standards.However, the official information on elections as well as the information on postal election which are delivered via postal services are not available in an easy to read version or in Braille letters.[[58]](#footnote-59)The provincial governments provided different information on the accessibility of their election information: The websites on elections by the provinces of Vorarlberg, do not meet WCAG 2.0 accessibility standards.[[59]](#footnote-60) The websites of the provinces Styria, Tyrol, Vienna, Salzburg do.[[60]](#footnote-61)The National Action Plan on Disability 2012 – 2020 foresees “accessible adult education on political and public life and information in easy to read versions” for all Federal Ministries and provinces in Measure 189.[[61]](#footnote-62)Furthermore “the offering of information about the participation in elections in accessible and (as far as possible) understandable form, in printed and electronic version” should be realised by the Federal Ministry of Interior (NAP on Disability, Measure 190). |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has national language subtitles? | The Austrian public broadcasting company ORF provides 63,01% of its political information broadcasts with national language subtitles. Political information broadcasts which are subtitled are daily newscasts and weekly broadcasted political information programs.[[62]](#footnote-63)The Austrian private television broadcasting company ATV provides no national language subtitles at all. In the private broadcaster’s view, these measures are not affordable and can be seen as duty of the public broadcasting company ORF[[63]](#footnote-64). |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has audio description? | 0% of the political information broadcasts of the Austrian broadcasting company ORF have audio description. The Department Humanitarian Broadcasting explains that political information broadcasts base on a high density of words. Therefore it would not be possible to include audio description in between. Since the communication of information is based on the spoken word it might be understandable for blind and visually impaired persons.[[64]](#footnote-65)The Austrian private television broadcasting company ATV provides no audio description at all. According to the information given by a staff member these measures are not affordable and can be seen as duty of the public broadcasting company ORF.[[65]](#footnote-66) |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has sign language interpretation? | 8,38% of the political information broadcasts by the Austrian broadcasting company ORF have national sign language interpretation. The main newscast at 19:30 on ORF 2 can be received via satellite on ORF2-Europe with sign language interpretation as well as the broadcasted meetings of the National Assembly of the Austrian Parliament.[[66]](#footnote-67)The Austrian private television broadcasting company ATV provides no sign language interpretation at all. [[67]](#footnote-68)  |
| How many political parties, out of the total who participated in the most recent European Parliament and municipal elections, made their manifesto/campaign material accessible to persons with disabilities (e.g. large print, braille, easy-to-read, audio versions etc)? | The web campaign material of the Austrian green Party of the European Parliament Elections 2009 met the WACG 2.0 standards. The printed election campaign material was not accessible for persons with disabilities.[[68]](#footnote-69)The SPÖ replied that its website fulfils the Standards of the World Wide Web Consortium for barrier-free web content, and that for the European Parliament Elections, the election programme and further information were provided on the website. They could not provide information regarding municipal elections, as the municipal representatives of the party have a high degree of autonomy and there is no possibility to provide general information[[69]](#footnote-70). |
| What proportion of public authority national and municipal buildings is accessible to persons with disabilities? | The Federal Disability Equality Act regulates that public services must be accessible for persons with disabilities. However, the Federal Act does not provide standards on how to implement an accessible environment[[70]](#footnote-71).The ÖNORM B 1600 on barrier free building is the main guide line. Based on it a new ÖNORM B 1610on accessibility criteria for existent buildings is being drawn up. Further ÖNORM provisions on accessibility are e.g. ÖNORM A 3011 on graphic symbols for information of the public (*Grafische Symbole für die Öffentlichkeitsinformation*) or ÖNORM A 3012 on visual guidance systems for information of the public (*Visuelle Leitsysteme für die Öffentlichkeitsinformation*).[[71]](#footnote-72) There is a staged plan for buildings of the federal government which foresees accessibility of public buildings by the end of 2015, at the latest by the end of 2019 (§ 8 (2) BGStG). Staged plans that concern the accessibility of buildings of the Laender governments were also adopted in Tyrol and Vienna, where the transition period ends in 2042.Measure 110 of the National Action Plan on Disability 2012 – 2020 foresees that accessibility will be taken into account in the Board for Building Culture and in the Austrian Standards Institute. Measure 113 foresees that representatives of disabled persons’ organisations will be consulted in all major building projects subsidised by the Federation.[[72]](#footnote-73)There was no data provided by the Austrian Association of Municipalities on the proportion of public authority and municipal buildings which are accessible to persons with disabilities.[[73]](#footnote-74) |
| How many complaints related to infringements of the right to political participation of persons with disabilities were recorded in 2012? What proportion of these complaints were successful?[[74]](#footnote-75) | As already mentioned in section 2.4 there were two conciliation procedures taking place because of constructional barriers when entering the polling station.[[75]](#footnote-76) According to the Disability Ombudsman 2012 there were 3 complaints by persons with disabilities because of problems with the right of political participation which could get settled through intervention by the Ombudsman[[76]](#footnote-77). There was no further information regarding these complaints provided by the Ombudsman. |

**ANNEX: Table 1: Full Quotation of Municipal Election Acts**

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39. Austria, Wegscheider, A. (2013), ‘Political Participation of Persons with Disabilities’, SWS-Rundschau Vol. 53, No 2, pp. 216-234. No further case references available. [↑](#footnote-ref-40)
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41. Austria, Act on municipal election in the province of Burgenland, LGBl No.54/1992, [§23(1)]; Austria, Act on municipal election in the province of Carinthia, LGBl No. 32/2002, [§25(1)]; Austria, Act on municipal election in the province of Lower Austria, LGBl No. 112/1994, [§23(1)]; Austria, Act on municipal election in the province of Upper Austria, LGBl No. 81/1996, [§20(1)]; Austria, Act on municipal election in the province of Salzburg, LGBl No. 117/1998, [§27(1)]; Austria, Act on municipal election in the province of Styria, LGBl No. 59/2009, [§31(1)]; Austria, Act on municipal election in the province of the City of Graz, LGBl No. 86/2012, [§25(1)]; Austria, Act on municipal election in the province of Tyrol, LGBl No. 88/1994, [§28(1)]; Austria, Act on municipal election in the province of the City of Vienna, LGBl No. 16/1996, [§30(1)]; Austria, Act on municipal election in the province of Vorarlberg, LGBl No. 30/1999, [§12(3)]. [↑](#footnote-ref-42)
42. Information provided by the Provincial Government of Vorarlberg *(Amt der Voralberger Landesregierung)* on 3 July 2013 in a response to an information request. Information provided by the Provincial Government of Styria *(Amt der Steiermärkischen Landesregierung)* on 5 July 2013 in a response to an information request. Information provided by the Provincial Government of Salzburg *(Amt der Salzburger Landesregierung)* on 10 July 2013 in a response to an information request. Information provided by the Provincial Government of Tyrol *(Amt der Tiroler Landesregierung)* on 10 July 2013 in a response to an information request. Information provided by the City of Vienna *(Magistrat der Stadt Wien)* on 10 July 2013 in a response to an information request. [↑](#footnote-ref-43)
43. Information provided by the City of Vienna *(Magistrat der Stadt Wien)* on 10 July 2013 in a response to an information request. [↑](#footnote-ref-44)
44. Austria, Wegscheider, A. (2013), ‘Political Participation of Persons with Disabilities’ *SWS-Rundschau* Vol. 53, No 2, pp. 216-234 [p. 221]. [↑](#footnote-ref-45)
45. Information provided by the Federal Ministry of Interior *(Bundesministerium für Inneres)* on 5 July 2013 in a response to an information request. [↑](#footnote-ref-46)
46. Information provided by the Austrian Parliament *(Österreichisches Parlament)* on 3 July 2013 in a response to an information request. [↑](#footnote-ref-47)
47. Austria, Wegscheider, A. (2013), ‘Political Participation of Persons with Disabilities’ *SWS-Rundschau* Vol. 53, No 2, pp. 216-234. [↑](#footnote-ref-48)
48. Information provided by the Austrian Association of Municipalities *(Österreichischer Gemeindebund)* on 2 July 2013 in a response to an information request. [↑](#footnote-ref-49)
49. Information provided by the Provincial Government of Vorarlberg *(Amt der Voralberger Landesregierung)* on 3 July 2013 in a response to an information request. [↑](#footnote-ref-50)
50. Information provided by the Provincial Government of Styria *(Amt der Steiermärkischen Landesregierung)* on 4 July 2013 in a response to an information request. [↑](#footnote-ref-51)
51. Information provided by the Provincial Government of Tyrol *(Amt der Tiroler Landesregierung)* on 10 July 2013 in a response to an information request. [↑](#footnote-ref-52)
52. Information provided by the Provincial Government of Salzburg *(Amt der Salzburger Landesregierung)* on 10 July 2013 in a response to an information request. [↑](#footnote-ref-53)
53. Austria, Salzburg, Municipalities (*Gemeinden),* available at: [www.salzburg.gv.at/buerger-service/ls-az/ls-fg/ls-gemeinden.htm](file:///C%3A%5CUsers%5Cgraneal%5CDownloads%5Cwww.salzburg.gv.at%5Cbuerger-service%5Cls-az%5Cls-fg%5Cls-gemeinden.htm). [↑](#footnote-ref-54)
54. Information provided by the City of Vienna *(Magistrat der Stadt Wien)* on 10 July 2013 in a response to an information request. [↑](#footnote-ref-55)
55. Austria, Wegscheider, A. (2013), ‘Political Participation of Persons with Disabilities’ (*Politische Partizipation von Menschen mit Behinderungen)* *SWS-Rundschau* Vol. 53, No 2, pp. 216-234 [p. 223]. [↑](#footnote-ref-56)
56. Digitales Österreich (2007-2013): Verwaltung. Web-Accessability. Aktivitäten, available at: [www.digitales.oesterreich.gv.at/site/5884/default.aspx](file:///C%3A%5CUsers%5Cgraneal%5CDownloads%5Cwww.digitales.oesterreich.gv.at%5Csite%5C5884%5Cdefault.aspx). [↑](#footnote-ref-57)
57. Austria, Help.gv.at, available at: www.help.gv.at/Portal.Node/hlpd/public/content/impressum/Seite.739000.html. [↑](#footnote-ref-58)
58. Austria, Wegscheider, A. (2013), ‘Political Participation of Persons with Disabilities’ (*Politische Partizipation von Menschen mit Behinderungen)* *SWS-Rundschau* Vol. 53, No 2, pp. 216-234 [p. 223]. [↑](#footnote-ref-59)
59. Information provided by the Provincial Government of Vorarlberg *(Amt der Voralberger Landesregierung)* on 3 July 2013 in a response to an information request. [↑](#footnote-ref-60)
60. Information provided by the Provincial Government of Styria *(Amt der Steiermärkischen Landesregierung)* on 4 July 2013 in a response to an information request. Information requests to Upper Austria, Lower Austria, Carinthia and Burgenland remained unanswered. [↑](#footnote-ref-61)
61. Austria, BMASK (2012), National Action Plan on Disability 2012-2020. Strategy of the Austrian Federal Government for the Implementation of the UN Disability Rights Convention [*Nationaler Aktionsplan Behinderung 2012-2020.Strategie der Österreichischen Bundesregierung zur Umsetzung der UN-Behindertenrechtskonvention*], [Vienna, BMASK, [85], available at: [www.bmask.gv.at/cms/site/attachments/7/4/9/CH2092/CMS1359980335644/nap\_behinderung-web\_2013-01-30\_eng.pdf](file:///C%3A%5CUsers%5Cgraneal%5CDownloads%5Cwww.bmask.gv.at%5Ccms%5Csite%5Cattachments%5C7%5C4%5C9%5CCH2092%5CCMS1359980335644%5Cnap_behinderung-web_2013-01-30_eng.pdf). [↑](#footnote-ref-62)
62. Information provided by the Austrian Broadcasting Company ORF – Department Humanitarian Broadcasting *(Österreichischer Rundfunk ORF-Abteilung Humanitarian Broadcasting)* on 8 July 2013 in a response to an information request. [↑](#footnote-ref-63)
63. Information provided by a staff member of the private television company ATV on 4 July 2013 via telephone as response to an information request. Information request on this topic remained unanswered by the private broadcaster Puls 4. [↑](#footnote-ref-64)
64. Information provided by the Austrian Broadcasting Company ORF – Department Humanitarian Broadcasting *(Österreichischer Rundfunk ORF-Abteilung Humanitarian Broadcasting)* on 8 July 2013 in a response to an information request. [↑](#footnote-ref-65)
65. Information provided by a staff member of the private television company ATV on 4 July 2013 via telephone as response to an information request. [↑](#footnote-ref-66)
66. Information provided by the Austrian Broadcasting Company ORF – Department Humanitarian Broadcasting *(Österreichischer Rundfunk ORF-Abteilung Humanitarian Broadcasting)* on 8 July 2013 in a response to an information request. [↑](#footnote-ref-67)
67. Information provided by a staff member of the private television company ATV on 4 July 2013 via telephone as response to an information request. [↑](#footnote-ref-68)
68. Information provided by the Austrian Green Party *(Österreichische Grüne Partei)* on 28 June 2013 in a response to an information request.
Also the other parties (ÖVP, FPÖ, BZÖ) were asked in information requests, but those requests remained unanswered. [↑](#footnote-ref-69)
69. Information provided by the SPÖ on 19 July 2013 in response to an information request. [↑](#footnote-ref-70)
70. Austria, Federal Disability Equality Act (*Bundesgesetz über die Gleichstellung von Menschen mit Behinderung – Bundes - Behindertengleichstellungsgesetz – BGStG*), BGBl. No. 82/2005, available at: [www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004228](file:///C%3A%5CUsers%5Cgraneal%5CDownloads%5Cwww.ris.bka.gv.at%5CGeltendeFassung.wxe%3FAbfrage%3DBundesnormen%26Gesetzesnummer%3D20004228). [↑](#footnote-ref-71)
71. Austria, help.gv.at, available at: [www.help.gv.at/Portal.Node/hlpd/public/content/127/Seite.1270100.html#B1610](file:///C%3A%5CUsers%5Cgraneal%5CDownloads%5Cwww.help.gv.at%5CPortal.Node%5Chlpd%5Cpublic%5Ccontent%5C127%5CSeite.1270100.html%23B1610). [↑](#footnote-ref-72)
72. Austria, BMASK (2012), National Action Plan on Disability 2012-2020. Strategy of the Austrian Federal Government for the Implementation of the UN Disability Rights Convention (*Nationaler Aktionsplan Behinderung 2012-2020. Strategie der Österreichischen Bundesregierung zur Umsetzung der UN-Behindertenrechtskonvention*), [Vienna, BMASK, [ 57 - 58], available at: [www.bmask.gv.at/cms/site/attachments/7/4/9/CH2092/CMS1359980335644/nap\_behinderung-web\_2013-01-30\_eng.pdf](file:///C%3A%5CUsers%5Cgraneal%5CDownloads%5Cwww.bmask.gv.at%5Ccms%5Csite%5Cattachments%5C7%5C4%5C9%5CCH2092%5CCMS1359980335644%5Cnap_behinderung-web_2013-01-30_eng.pdf), p. 59. [↑](#footnote-ref-73)
73. Information provided by the Austrian Association of Municipalities *(Österreichischer Gemeindebund)* on 2 July 2013 in a response to an information request. [↑](#footnote-ref-74)
74. Please include data from disabled persons organisations regarding such complaints. [↑](#footnote-ref-75)
75. Austria, Wegscheider, A. (2013), ‘Political Participation of Persons with Disabilities’ (*Politische Partizipation von Menschen mit Behinderungen)* *SWS-Rundschau* Vol. 53, No 2, pp. 216-234. [↑](#footnote-ref-76)
76. Information provided by the Austrian Disability Ombudsman *(Österreichische Behindertenanwaltschaft)* on 11 July 2013 in a response to an information request. [↑](#footnote-ref-77)