

“Social inclusion and social integration of PwD in Austria”

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Austrian Disability Ombudsman**

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Austrian Disability Ombudsman

Erwin Buchinger



- Born 1955, Dr. iuris, Linz (1981)
- Administration officer for public labour market service (AMS), 1981 – 1991
- Managing Director AMS, 1992 - 2003
- Regional Minister for Social Affairs, 2004 - 2006
- Federal Minister for Social Affairs, 2007/2008
- Disability Ombudsman, since 2009, now second period



Austrian Disability Ombudsman

Duties, instruments, workload I

- Support for persons who feel discriminated against on the ground of disability
- Approx. 1.400 client inquiries per year
- Important instruments: Intervention and conciliation proceedings/arbitration
- DO does Researches, Reports and gives Recommendations
- Annual progress report to Minister and Disability Council
- Support through a staff of 6 persons
- The Disability Ombudsman is independent and not subject to any directives in his activities



Austrian Disability Ombudsman

Duties, instruments, workload II

- Support to raise allegations on the ground of disability
the complaints mostly refer to:
 - + the right to work and education
 - + social security
 - + the accessibility of goods, transport and information
- Support to claim compensation
- Support to identify appropriate remedies
- Legal representation in a separate process of arbitration (Right for class action only in a small field - insurances)
- Proposing amendments to the legislation (in occasion and in the yearly report to the minister)
- Public relations in the field of Anti-Discrimination



How many PwD in Austria?

- Worldwide about 1 Billion – 15% of the population (WHO 2011)
- in Austria about 1,7 Million – 20% of the population:
 - 1 Mio with Mobility Restrictions (<50 t need a wheelchair)
 - 0,3 Mio with serious Visual Impairments
 - 0,2 Mio with Neurological/Psychical Impairments
 - 0,2 Mio with Hearing Impairments
 - 0,1 Mio with Intellectual Impairments/learning difficulties



The legal framework in Austria

- Since 1960 – politics for persons with disabilities (PWD) becomes a field of its own right;
- 1992: first governmental strategic program for PwD: new focus: Normalisation, Integration, Mainstreaming
- 1997: Anti-Discrimination and equal treatment of PwD becomes part of the Austrian Constitution
- 2006: Equal treatment law (**for all spheres of living, not only labour market and government**) comes into force;
- 2006: Disability Ombudsman established
- 2008: Ratification of UNCRPD in Austria (here: not self executing)
- 2012: National Action Plan for Inclusion



10 year social inclusion and integration in Austria: Results

- **Accessibility (of public goods, transport, ...)**
sound improvements throughout action plans in the public sector and good (but not sufficient) improvement in private sector
- **education – minor improvements**
legislative improvements, but quote of pupils in special schools and regular schools has not improved
- **Labour market – significant setback**
increasing unemployment of PwD compared with other groups



Accessibility

- **Physical barriers** such as, for instance, barriers of access to public buildings, private homes, schools and health care facilities or obstacles in public spaces often lead to discrimination of persons with disabilities.
- **Social barriers** – whereupon the image of persons with disabilities is still marked by pity and the care (welfare) concept instead of self-determination and full inclusion – call for substantial measures for awareness-raising and sensitization
- **Communication barriers** as well as informational barriers such as a lack of information that is presented in Easy Language, still exclude a great number of persons with disabilities from social life.



Education

- The present educational system in Austria is not inclusive and even though there has been an amendment to the Education Acts, it is oriented towards the integration concept - even in its wording
- At the compulsory school levels, approximately half of all students with disabilities still attend a special school with Special Needs Education (SNE). The theoretical freedom of choice of parents and children in terms of choosing the appropriate method of instruction is rarely granted in practice.
- Generally, there is no right to inclusive education after leaving compulsory education.



Labour market for PwD in Austria 1

2015: figures of Unemployment (yearly average)

- 287.688 Persons **without** Disabilities unemployed
(+28% compared with 2005)
- 66.644 Persons **with** Disabilities unemployed
(+ 134% compared with 2005)
- Employment rate in general: 76%
- Employment rate for PwD: 60%



Living independently

The principle of living independently has not been realized in Austria. Austrian law is still highly marked by the model of guardianship instead of support or assistance. In many aspects of life persons with disabilities can not live independently

A lack of full accessibility and personal assistance in all aspects of life often render any chance of living independently impossible.



Labour market for PwD in Austria 2

Persons with learning Disabilities

Ca. 50-60.00 Persons between 16-65 years old

Only very few in regular employment

23.500 Persons in sheltered workplaces without social security (esp. no pension plan)



Conclusions

Social inclusion is more a vision than a goal

Awareness in Society is weak

Old pictures of PwD are still dominant

Improvements towards social inclusion are a fact but there is still a lot to do (esp. education and labour market)

