



**Shadow Report of the
Austrian Disability Council**

**analysis on the implementation of the
Convention on the Elimination of
All Forms of Discrimination against Women
(CEDAW) in Austria**

Vienna, 03.01.2025

The submission at hand is mostly based on documents from the Austrian Disability Council, the umbrella organization of over 85 Member Associations representing approximately 1.4 million persons with disabilities in Austria.

This shadow report is the result of a civil society coalition led by the Austrian Disability Council with contributions from Change for the Youth, LEFÖ IBF (the intervention center for trafficked women) and NINLIL (Empowerment and counselling for women with disabilities).

Austria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1982. The Convention on the Rights of Persons with Disabilities (CRPD) and its optional protocol were ratified in 2008. Both human rights treaties are of vital importance for the human rights of women and girls with disabilities and they intersect and reinforce each other. This submission will cover articles 1, 2, 3, 5, 6, 7, 10, 11, 12 and 15 of the CEDAW.

The Austrian government's limited implementation of the CEDAW Committee's latest concluding observations is concerning. The upcoming State Review will likely echo the 2019 findings. However, many issues affecting women and girls with disabilities remain unaddressed in Austria, as they were excluded from the last review. This report should serve as a call to emphasize their intersectionality more strongly in the upcoming State Review.

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Inapplicability

Austria replied to the former list of issues of 2019, stating that it “ratified the CEDAW under reservation” (Erfüllungsvorbehalt).¹ Austria's failure to fully incorporate the Convention into domestic law, along with the absence of national, constitutional, or EU laws that align with its guarantees, undermines the Convention's applicability.

In Austria, the CEDAW is rarely used to interpret national law. In general, international treaties are only considered in specific cases and upon request. As a result, the Convention has little to no practical effect. The respective Committee recommended that Austria should “further strengthen legal training and capacity building programs for judges, prosecutors, lawyers and law enforcement officers on the Convention (...) to enable them to apply, invoke and/or refer to the provisions of the Convention and to interpret national legislation in line with the Convention”.² To this day, Austria has not implemented these recommendations.

Federalism

The Committee expressed concerns that “in areas under the exclusive responsibility of the Länder, the Convention is not applied consistently”.³ The Committee on the CRPD⁴ and the Committee on the International Covenant on Civil and Political Rights (CCPR)⁵ raised similar concerns. As this remains unchanged, most rights guaranteed by the Convention cannot be invoked on Länder-level.

National human rights institutions

The Austrian Ombudsman Board (AOB) protects and promotes human rights and monitors places of deprivation of liberty, including programs for persons with disabilities. However, there is no dedicated focus specifically addressing the concerns of women with disabilities.

¹ Replies of Austria to the list of issues and questions (CEDAW/C/AUT/Q/9/Add.1) 8 (31).

² Committee on the Elimination of Discrimination against Women, Convention on the Elimination of All Forms of Discrimination against Women, Concluding observations on the ninth periodic report of Austria (CEDAW/C/AUT/CO/9), 3 (11).

³ (CEDAW/C/AUT/CO/9), 3 (10).

⁴ Committee on the Rights of Persons with Disabilities, Convention on the Rights of Persons with Disabilities, Concluding observations on the combined second and third periodic report of Austria 2023 (CRPD/C/AUT/CO/2-3), 2 (11,12).

⁵ Human Rights Committee, International Covenant on Civil and Political Rights, Concluding observations on the fifth periodic report of Austria 2015 (CCPR/C/AUT/CO/5) 2 (5, 6).

Although the AOB now holds A-Status by the Global Alliance of National Human Rights Institutions⁶, several challenges persist.⁷ The Federal Constitutional Law states that the three decision-making members of the AOB are nominated by the three political parties with the most seats in the National Council and are then elected by the National Council based on this joint recommendation.⁸ However, this process is not sufficiently broad and transparent. Specifically, the process lacks requirements for the advertisement of vacancies, broad consultations, and a merit-based, participatory approach. To enhance the effectiveness of the AOB, the GANHRI Sub-Committee on Accreditation recently recommended formalizing a transparent and inclusive selection process, ensuring broad public engagement, objective criteria, and a pluralistic approach to candidate selection.⁹

Art. 2 CEDAW: Policy Measures / Art. 5 CRPD

The Committee recommended that “the State party should also consider amending the Equal Treatment Act and the Federal Equal Treatment Act and other acts addressing discrimination on the basis of ethnicity, disability, religion or belief, age and sexual orientation and relevant provincial laws, with a view to ensuring substantive and procedural protection of discrimination”.¹⁰ Unfortunately, there has been no change in this regard.¹¹

In Austria, the intersection between gender and disability is rarely considered in today's policies. It is often overlooked in the discourse on equality and social justice. This lack of recognition leads to violations of human rights, especially for women with disabilities. The compounded discrimination faced by women with disabilities, due to both their gender and disability, is evident yet challenging to monitor, as these discriminations are often left unreported. The Committee recommended to “ensure that women and girls with disabilities are included in all policies and programs for gender equality, in all aspects of their lives and on an equal basis with other women and men”.¹²

However, there is still no transparent, comprehensive gender perspective in disability legislation and its enforcement, nor a disability perspective in women's legislation and its enforcement.

⁶ GANHRI, Global Alliance of National Human Rights Institutions, Accreditation status as of 20 November 2024, 9.

⁷ The same aspect was highlighted by the CCPR Committee (CCPR/C/AUT/CO/5), 3 (9).

⁸ GANHRI Sub-Committee on Accreditation Report – March 2022, 12.

⁹ GANHRI Sub-Committee on Accreditation Report – March 2022, 13.

¹⁰ CEDAW/C/AUT/CO/9, 3 (11); This aspect was also highlighted by the CRPD Committee (CRPD/C/AUT/CO/2-3, 3 (18) and the CCPR Committee (CCPR/C/AUT/CO/5, 3 (12).

¹¹ Alternative Report of the Austrian Disability Council and the Civil Society (2018), 5: <https://www.behindertenrat.at/wp-content/uploads/2018/07/2018-07-17-Alternative-Report-Austria - English.pdf> (last accessed on: 18.11.2024).

¹² CEDAW/C/AUT/CO/9, 13 (41b).

The Austrian Disability Council is not aware of any additional programs or concrete steps to prevent multiple and/or intersectional discrimination against women and girls with disabilities since the last State Review.

Moreover, multiple discriminations against persons with disabilities play only a marginal role in Austrian disability policy. While the first National Action Plan on Disability 2012-2020 (NAP 2012-2020) did not contain a single measure on the issue of multiple discrimination, the new National Action Plan on Disability 2022-2030 (NAP 2022-2030) contains three measures (out of a total of 375).¹³

Lack of data

The absence of reliable data across all areas concerning women with disabilities remains a significant issue in Austria.¹⁴ Apart from employment, there is a notable absence of national statistics on women with disabilities. A cross-survey evaluation of data from 2024 communicated that 25,5% of women in Austria live with disabilities.¹⁵ Data from Eurostat indicate that this figure is even higher, and lies at 31,7%.¹⁶ These figures highlight the pressing need for reliable, comprehensive, disaggregated data across all areas.

Art. 3 CEDAW: Guarantee of Basic Human Rights and Fundamental Freedoms / Art. 16 CRPD

Violence against women with disabilities

In 2024, the Austrian government released a “Violence Protection Strategy for Coordination and Networking with a Focus on Counselling for Women Affected by Violence”.¹⁷ However, despite its extensive coverage of 99 pages, women and girls with disabilities are mentioned only once, without any focused, detailed measures specifically addressing their needs.¹⁸ This highlights a gap in the strategy, as it does not provide a dedicated focus on this particularly vulnerable group.

Compared to women without disabilities, women with disabilities are significantly more frequently affected by violence. The Committee expressed its concerns that women with disabilities are “insufficiently protected from gender-based violence”.¹⁹

¹³ Nationaler Aktionsplan Behinderung 2022-2030, Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz; This issue was also highlighted by the CRPD Committee (CRPD/C/AUT/CO/2-3, 3 (20a)).

¹⁴ The CRPD Committee also highlighted the lack of disaggregated data at both the federal and Länder levels (CRPD/C/AUT/CO/2-3, 3 (19c)).

¹⁵ Bundesministerium Soziales, Gesundheit, Pflege und Konsumentenschutz, Menschen mit Behinderungen in Österreich I (2024), 35.

¹⁶ Eurostat, [Statistics | Eurostat](#) (last accessed: 16.12.2024).

¹⁷ Bundeskanzleramt, Gewaltschutzstrategie zur Koordinierung und Vernetzung (2024).

¹⁸ Bundeskanzleramt, Gewaltschutzstrategie zur Koordinierung und Vernetzung (2024), 56.

¹⁹ CEDAW/C/AUT/CO/9, 13 (40).

As a 2019 study from Austria shows, this situation has not changed to this day.²⁰ The study provides crucial insights into this issue, but effective measures and comprehensive research remain limited.²¹ Key findings indicate that persons with disabilities living in institutional settings experience various forms of violence throughout their lives, with women being particularly vulnerable.²² In general, women with disabilities are more frequently subjected to specific forms of violence, such as sexual violence. The study shows that women and girls with disabilities, and particularly those with psychosocial and/or intellectual disabilities are twice as much affected from sexual assaults than women without disabilities.²³

The dependency of women with disabilities on institutions is largely the consequence of a lack of investment and efforts to provide community-based living services, which would ensure that they can receive support outside of institutional settings. As a result, many women with disabilities remain dependent on institutions for certain assistance (e.g. for their personal hygiene) or for overall personal assistance that provides the support they need in their everyday life. This dependency creates a power imbalance making it easier for various forms of violence to occur, especially sexual violence. The mentioned recent study shows that women with psychosocial and/or intellectual disabilities emerge as the most heavily impacted group. Men with disabilities experience sexual violence significantly less frequently than women with disabilities. Moreover, their encounters with violence typically occur in public spaces rather than within the confines of the family.²⁴

It becomes clear that women with disabilities experience violence in an intersectional manner, facing discrimination across multiple dimensions. This also explains why women with disabilities are much more likely than women without disabilities to experience sexual or domestic violence, including intimate partner violence. Dependency relationships, especially in partnerships, pose a particular risk, as they make it much harder to leave an abusive relationship. For instance, if the abusive partner plays a central role in providing essential support for daily tasks such as personal care or household chores, or if there is such a lack of accessible housing that leaving the partner would also mean losing the only accessible living situation, leaving the relationship becomes difficult or even impossible. To provide women with disabilities the opportunity to escape violent relationships, the fundamental structures and conditions that shape the daily lives of persons with disabilities in Austria must be restructured in accordance with the principles of the CRPD. It must

²⁰ Mayrhofer, Schachner, Mandl, Seidler: Erfahrungen und Prävention von Gewalt Menschen mit Behinderungen, BMASGK (2019).

²¹ The CRPD Committee expressed deep concern over the persistently high rates of violence against persons with disabilities, particularly women and girls with disabilities who remain in institutional settings (CRPD/C/AUT/CO/2-3, 6 (41).

²² Mayrhofer, Schachner, Mandl, Seidler: Erfahrungen und Prävention von Gewalt Menschen mit Behinderungen, BMASGK (2019), 453 ff.

²³ Erfahrungen und Prävention von Gewalt Menschen mit Behinderungen, BMASGK (2019), 37.

²⁴ Erfahrungen und Prävention von Gewalt Menschen mit Behinderungen, BMASGK (2019), 38.

become the norm that women with disabilities can live an independent life in all areas of daily life, with assistance tailored to their needs.

As mentioned earlier, sexualized violence is another area in which women with disabilities are particularly affected. This issue is further exacerbated by the persistent lack of education on sexual health and self-determination.²⁵ The tabooing of the sexuality of women with disabilities results in many women finding it difficult to recognize, name and report the violence they experience, which consequently prevents the prosecution of the perpetrators.

The respective Committee mentioned that the financial support for civil society organizations providing support to women who are victims of gender-based violence is insufficient. It recommended to strengthen the capacity of shelters and ensuring that they meet the needs of victims, cover the entire territory of Austria and to strengthen the financial support and cooperation with non-governmental organizations providing shelter and rehabilitation to victims.²⁶ However, there has been little progress since then. There is an insufficiency in measures to establish effective gender-based violence protection²⁷ and there are still very few specialized victim protection and support facilities which are accessible to women with disabilities. One exception is the civil society organisation NINLIL (placed in Vienna)²⁸, which is fighting sexual violence against women with psychosocial and/or intellectual disabilities or multiple disabilities by providing peer counselling, counselling services, empowerment and networking.

Rural parts of Austria lack of suitable and differentiated offers for specific target groups, compared to the capital, Vienna. However, there are rare but important exceptions, such as in Innsbruck²⁹, which consider accessibility beyond just physical accessibility. Coming from a history in which victim protection and support facilities were not accessible at all, women with disabilities must be actively approached, to inform them about the existence of these facilities, which calls for further resources.

Mobility – and thus the ability to even reach a counselling center – is closely linked to the available assistance in daily life. A system in which independent mobility is either not possible or only very limited also prevents access to services outside of the usual daily routine. This particularly affects women with psychosocial and/or intellectual disabilities who live in institutions, but also women with physical disabilities, especially in areas where accessible public transport is poorly developed, as they rely on additional support for any journey.

An important issue highlighted in the first thematic evaluation report by GREVIO, the Group of Experts on Action against Violence against Women and Domestic Violence,

²⁵ CEDAW/C/AUT/CO/9, 12 (35d).

²⁶ CEDAW/C/AUT/CO/9, 6 (22d, 23d).

²⁷ CRPD/C/AUT/CO/2-3, 3 (19, 20).

²⁸ NINLIL, Ninlil: <http://www.ninlil.at/> (last accessed: 18.11.2024).

²⁹ WIBS, <https://www.wibs-tirol.at/> and women's shelter, <https://frauenhaus-tirol.at/>. (both last accessed: 30.12.2024).

published in September 2024, are the significant challenges women with disabilities face in accessing women's shelters. Women's shelters, which represent an important emergency resource for women with disabilities affected by violence throughout Austria, are usually not tailored to the specific needs of women with disabilities. Physical accessibility is on the rise, but this is not sufficient. Some resources are available in the psychosocial field, but they lack specialised services such as peer counselling or everyday assistance to cover existential needs such as personal hygiene etc.³⁰ These shortcomings are creating substantial barriers to ensure the necessary safety and support.³¹

Art. 5 CEDAW: Allocation of Roles, Art. 16 CEDAW: Equality in Marriage and Family / Art. 8 CRPD, Art. 23 CRPD

Stereotypes of women with disabilities and their right to family life and marriage

The Committee reiterated its previous recommendations and stated that Austria needs to "continue its efforts to eliminate stereotypical images" and "to adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society".³² Women with disabilities are particularly affected by discriminatory stereotypes regarding their roles in the family and society.

Unfortunately, no improvements have been made in this regard either. Despite the urgent callings, there is still no information available on adopted measures, such as campaigns and there is still no notable change in the level of public awareness. Neither the first Disability National Action Plan for 2012-2020 nor the subsequent one for 2022-2030 contain any actions in this regard.³³ However, those aspects are particularly relevant for women with disabilities, as they often face compounded stereotypes not only related to traditional gender roles but also based on their disability.

The Committee further recommended to monitor and address the portrayal of women in the media and on the internet.³⁴ However, a recent study shows that persons with disabilities are significantly underrepresented in Austrian mass media, and only about one-third of those portrayed are women with disabilities.³⁵ The same study conducted seven years ago showed the same result: persons with disabilities,

³⁰ This aspect was also highlighted by the CRPD Committee (CRPD/C/AUT/CO/2-3, 3 (20b).

³¹ GREVIO, "Building trust by delivering support, protection and justice. Austria. First thematic evaluation report" (2024) [1680b18c17](#), para 106.

³² CEDAW/C/AUT/CO/9, 5 (20, 21).

³³ Nationaler Aktionsplan Behinderung I 2012-2020/2021, Nationaler Aktionsplan Behinderung II 2022-2030.

³⁴ CEDAW/C/AUT/CO/9, 5 (21).

³⁵ Media Affairs, Menschen mit Behinderungen & Inklusion in österreichischen Massenmedien (2021/2022) 55.

including women with disabilities, remain just as underrepresented in the media. It can therefore be concluded that nothing has changed over the past seven years.

Another study shows that when persons with disabilities are depicted in print media, they are often portrayed either as victims in need of charity or as heroes overcoming daily challenges, which is highly problematic from the perspective of the CRPD.³⁶

Hate speech against women with disabilities

The Committee expressed deep concern about the growing prevalence of hate speech directed at women and girls in online forums and social media platforms.³⁷

Unfortunately, this issue has only worsened and intensified, especially for women with disabilities, who encounter even higher levels of online hate speech and discrimination across internet forums and social media platforms. The civil society organization ZARA (Zivilcourage & Anti-Rassismus-Arbeit, Civil courage & anti-racism work) invites individuals to report incidents of online hate speech and discrimination. ZARA offers support by providing legal advice, counseling, and assistance for victims, including persons with disabilities. ZARA has recently shared updated statistics with the Austrian Disability Council, highlighting the rise on online hate speech.

Although the total number of reports on online hate against people with disabilities remains low, it has more than doubled within one year. In 2024 (up to November 15th), 31 cases of online hate were reported, with 17 targeting women and girls with disabilities. In comparison, there were only 4 cases in 2023 and 2 in 2022. These numbers highlight that women with disabilities are disproportionately affected by online hate. Additionally, it is important to note that ZARA operates on a reporting-based system and lists only cases that have been submitted to them. This, however, does not reflect the actual scale of online hate directed towards persons with disabilities, particularly women with disabilities, as the actual prevalence is likely much higher, with a significant number of cases going unreported.

Art 5 CEDAW: Family and Sexuality / Art. 23 CRPD

Women and girls with disabilities are still often seen as “asexual” and “passive beings”.³⁸ The topics of sexuality of women with disabilities, as well as the desire to have children, the experience of pregnancy and motherhood, especially among women with psychosocial and/or intellectual disabilities remain taboo subjects in Austria. Most women with psychosocial and/or intellectual disabilities hardly ever have access to counseling services regarding their sexuality or their desire to have children. In Austria, there is a huge lack of adequate and specific assistance services

³⁶ RTR, Menschen mit Behinderungen in Österreichischen Massenmedien (2015/2016) 36, 37.

³⁷ CEDAW/C/AUT/CO/9, 5 (20).

³⁸ Alternative Report of the Austrian Disability Council and the Civil Society (2013)95-98: https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf (last accessed: 15.11.2024).

for mothers with disabilities, and especially for mothers with psychosocial and/or intellectual disabilities.³⁹

Despite the urgent recommendations of the respective Committee⁴⁰, women and girls with disabilities often receive no education on sexual and reproductive health.⁴¹ This results in difficulties to make autonomous decisions about sexuality and family planning and to vocalize them.

Additionally, many women with disabilities living in institutions do not even engage in sexual relationships, which can be linked to the numerous barriers present in institutions.⁴² An AOB's study of 2024 found that residents of institutions have limited opportunities to express their sexuality. In 51% of the reviewed facilities, overnight visits by external individuals are not permitted.⁴³ Moreover, sexual assistance is only provided in 57% of the facilities.⁴⁴

There is currently no legislation that safeguards women with disabilities from discrimination in exercising their right to marry and establish a family.⁴⁵ Women with disabilities who are under adult or court-appointed representation are unable to exercise their right to marry without the consent of their legal representative.⁴⁶

Art. 6 CEDAW: Trafficking and Exploitation of Prostitution / Art. 16 CRPD

The devastating impact of multidimensional discrimination is particularly evident at the intersection of gender, disability and ethnicity. LEFÖ IBF's experience shows that women, girls, and trans persons with disabilities who have a migration background are at heightened risk of trafficking and exploitation, though trafficking in women is not always linked to migration.

The identification of trafficked women is crucial for accessing their rights, requiring comprehensive testimonies in criminal proceedings. This poses significant barriers for trafficked women with psychosocial and/or intellectual disabilities in obtaining

³⁹ Alternative Report of the Austrian Disability Council and the Civil Society (2013) 95-98.

⁴⁰ CEDAW/C/AUT/CO/9, 12 (35d).

⁴¹ This aspect was also highlighted by the CRPD Committee (CRPD/C/AUT/CO/2-3, 11 (59b)).

⁴² The Committee of the CRPD also expressed concerns about the lack of sex education programs in facilities (CRPD/C/AUT/CO/2-3, 11 (59b)).

⁴³ Volksanwaltschaft, Prüfungsschwerpunkt Sexuelle Selbstbestimmung für Menschen mit Behinderungen (2024) 9, [PG - Prüfungsschwerpunkt Sexuelle Selbstbestimmung für Menschen mit Behinderungen 22.02.2024](#) (last accessed: 16.12.2024).

⁴⁴ Volksanwaltschaft, Prüfungsschwerpunkt Sexuelle Selbstbestimmung für Menschen mit Behinderungen (2024) 10.

⁴⁵ As outlined in Art 23 CRPD.

⁴⁶ This issue was also highlighted by the CRPD committee where it recalled the urge to recognize the right to marry of all persons with disabilities based on their personal consent (CRPD/C/AUT/CO/2-3, 10 (56)).

protection and legal support. Additionally, they face challenges in accessing psychotherapy due to limited options in their first language or long waiting times.

LEFÖ IBF's experience shows that trafficked women with psychosocial and/or intellectual disabilities often cannot undergo diagnostic procedures due to limited German skills. Without a diagnosis, they are denied residence permits tied to language competence, blocking access to adequate medical care and support.

Art. 7 CEDAW: Political and Public Life / Art. 29 CRPD

There is a significant underrepresentation of women in political decision-making roles, particularly at the Länder and municipal levels, despite efforts to promote gender equality. Women are also notably underrepresented in high-level and managerial positions, as well as on the boards of private enterprises.⁴⁷ This issue is even more pronounced for women with disabilities, who face additional barriers to participation.

Women and girls with disabilities, along with their representative organizations, are often excluded from the development and implementation of measures. Their involvement is particularly limited in areas such as higher education, employment, and public affairs, further deepening their marginalization in both political and public life.⁴⁸

Art. 10 CEDAW: Education / Art. 24 CRPD

The education system in Austria remains exclusive rather than inclusive⁴⁹, particularly for women and girls with disabilities. The Committee also mentioned "the need to revise educational materials to ensure that all textbooks use gender-sensitive language and images"⁵⁰, promoting a more inclusive and equitable learning environment for all students. Regrettably, this remains an unresolved issue and gender roles and stereotypes continue to be perpetuated in educational materials, including textbooks.

The Committee mentioned its concerns about "the concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in the areas of science, technology, engineering, and mathematics."⁵¹ As stated by the Committee, this disparity is already a significant barrier for women without disabilities, who often face societal stereotypes and structural challenges in accessing and thriving in STEM fields. These barriers are compounded by additional layers of

⁴⁷ CCPR/C/AUT/CO/5, 3 (13).

⁴⁸ CRPD/C/AUT/CO/2-3, 3 (19a).

⁴⁹ CRPD/C/AUT/CO/2-3, 10 (57a); A current example, following a recent election in one of the 9 Länder, the Styrian government presented its program for the next legislative period, which includes a commitment to segregated schools.

⁵⁰ CEDAW/C/AUT/CO/9, 9 (30c).

⁵¹ CEDAW/C/AUT/CO/9, 9 (30).

discrimination and inaccessibility for women with disabilities, making their inclusion in STEM areas even more challenging and urgent to address. Unfortunately, this situation remains unchanged. There are no targeted further education programs designed to encourage women with disabilities to pursue careers in STEM fields. Additionally, there is a lack of part-time training opportunities tailored to the needs of women with disabilities, who are often disproportionately engaged in caregiving responsibilities.

In general, training opportunities at all levels of education are not inclusive and do not address the intersectional challenges faced by women with disabilities. For the few who reach higher education, there are no specific scholarships, leading to high dropout rates and/or a tension between persistent overwhelm and exhaustion.

Art. 11 CEDAW: Employment / Art. 27 CRPD

In Austria the labour market participation of women with disabilities is lower than that of other women and lower than that of men with disabilities.

The respective Committee stated that women and girls with disabilities are frequently referred to special employment centers and recommended to ensure that they should be able to acquire access to the open labour market⁵² and was highly concerned “at the persistence of discriminatory stereotypes concerning the responsibility of women for childcare, which ultimately reduces their career prospects in the labor market”.⁵³

Unfortunately, the situation has not improved in this regard either. Women with disabilities still often take on caregiving roles. However, there is a lack of personal assistance in caregiving, which can further limit the employment opportunities for women with disabilities. As a result, women with disabilities are forced into part-time jobs and are predominantly employed in low-paid, specifically female professional fields and at lower hierarchy levels which increases their risks of poverty and social exclusion. According to the Gender Equality Index 2024, women with disabilities face higher levels of poverty compared to women without disabilities and men with disabilities. Specifically, 18% of women with disabilities are at risk of poverty, compared to 13% of women without disabilities.⁵⁴

The respective Committee specifically mentioned to take the needs of women with disabilities into account and to develop programs that facilitate the transition towards an inclusive and open labour market. Looking at the current situation, neither are there any targeted initiatives addressing the specific challenges faced by women with disabilities in the employment sector nor does the National Action Plan on “Equality

⁵² CEDAW/C/AUT/CO/9, 13 (40, 41a).

⁵³ CEDAW/C/AUT/CO/9, 5 (21).

⁵⁴ European Institute for Gender Equality, Austria, Gender Equality Index 2024, 5, [AT 2024 factsheet.pdf](#) (last accessed: 16.12.2024).

between women and men on the labour market” which entered into force in 2010, even mention women with disabilities.⁵⁵

Art. 12 CEDAW: Health / Art. 25 CRPD

Forced sterilization and forced contraception

In Austria, forced sterilization is prohibited and punishable under the Austrian Criminal Code. If, in the opinion of a doctor, a patient has the capacity to make a decision in a specific case (the doctor determines this capacity) and has reached the age of 25, only the patient herself can consent to sterilization after having been informed accordingly.⁵⁶ If the patient is deemed incapable of making a decision, sterilization requires the consent of an adult representative (or a health care proxy) whose scope includes this matter.⁵⁷

However, consent to sterilization (or castration) by a representative may be given only if there is otherwise a threat to life or a risk of serious harm to health or severe pain because of permanent physical suffering. In addition to the consent of a representative, authorization by a court is required. The procedure must be in the person’s own health interest and the least invasive way to prevent a pregnancy in the specific case.

Since July 2018, it is also mandatory to appoint the local competent adult protection association and two separate and independent experts if consent is about to be given by an adult representative. To this date there are only very few cases in which such adult protection associations have been entrusted with this role. This suggests that the intended consulting mechanisms were not always followed in cases of planned sterilization.

The Austrian Disability Council has been repeatedly informed by member organizations that sterilizations of women with disabilities are still taking place in isolated cases without informed and voluntary consent.⁵⁸ Exact numbers are unknown, but nevertheless this is a criminal offense in Austria, the issue frequently arises in various advisory contexts involving women with disabilities.⁵⁹ A 2019 study by the Ministry of Social Affairs on experiences of violence in institutions for persons with disabilities provides important insights: Sterilizations were reported by 17% of women with disabilities interviewed, compared to 6% of men with disabilities. Of the 28 persons with disabilities affected, only five had consented to the procedure. The procedure was often “recommended” and two individuals reported cases of being

⁵⁵ Bundeskanzleramt, Gender Equality in the Labour Market (2010), <https://www.frauen-familien-jugend.bka.gv.at/frauen/gleichstellung-arbeitsmarkt/nationaler-aktionsplan.html> (last accessed: 16.12.2024).

⁵⁶ Austrian Civil Code, section 252 para. 1.

⁵⁷ cf. *ibid.*, section 253 para. 1.

⁵⁸ This issue was also highlighted by the CRPD Committee (CRPD/C/AUT/CO/2-3, 6 (43)).

⁵⁹ E. Rottensteiner, Alles wegmachen, <https://www.zeitschrift.frauensolidaritaet.org/artikel/alles-wegmachen/> (last accessed: 16.12.2024).

pressured.⁶⁰ This corresponds to the experiences documented by support organizations. Most affected are women with psychosocial and/or intellectual disabilities who still live in institutions.

This issue was also highlighted by the Committee of the CRPD. They stated that “sterilization of women and girls with disabilities without their consent, apparently outside the confines of sections 253-255 of the Austrian Civil Code, have taken place in the State party”.⁶¹

Additionally, based on confidential conversations that have reached the Austrian Disability Council, women with disabilities are often administered contraceptives without their knowledge or consent, especially in institutions. This forced contraception is a massive violation of independence and bodily integrity. The Committee recommended guaranteeing free and informed consent should be obtained for any medical treatment.⁶² Unfortunately, nothing has changed since then, as a 2024 study indicates. The findings of the study by the AOB revealed that in approximately 20% of the institutions in Austria, contraception is not always provided on a self-determined basis. Persons with disabilities reported that parents often try to influence decisions, believing they are acting in a protective manner.⁶³ However, this contradicts the principle of self-determination, as emphasized in the Adult Protection Act.

Health system

In Austria, there is a significant lack of accessible gynecological practices who treat non-privately insured patients (Kassenärzte), which poses substantial challenges for women with disabilities. Due to the lack of accessibility in healthcare facilities and the long waiting times for an appointment with one of the few doctors whose practices are accessible, women with disabilities are often forced to pay privately. However, the reimbursement for services provided by private doctors through public insurance is far from covering the actual costs, making this a significant financial burden. Those who do not have the necessary financial means often remain without care for extended periods, which likely leads to a worsening of their condition or impairment.

Un- and misdiagnosed neurodivergence in female adolescents

Female adolescents often receive an inadequate assessment or diagnosis for ADHD, autism and developmental conditions. In general, neurodivergent characteristics are more frequently identified in boys and men, leading to a systematic underdiagnosis or misdiagnosis in girls and women.

⁶⁰ Bundesministerium Arbeit, Soziales, Gesundheit und Konsumentenschutz (2019) 284, 285, [Erfahrungen und Prävention von Gewalt an Menschen mit Behinderungen](#) (last accessed: 16.12.2024).

⁶¹ CRPD/C/AUT/CO/2-3, 6 (43).

⁶² CEDAW/C/AUT/CO/9, 7 (25e).

⁶³ Volksanwaltschaft, Prüfungsschwerpunkt Sexuelle Selbstbestimmung für Menschen mit Behinderungen (2024) 6.

One reason lies in the differences in behavior typically associated with neurodiversity. Women and girls often tend to be more social and adaptable, which can make their symptoms less noticeable. They may also hold back in social situations and mask their challenges more effectively, which often leads to their difficulties and struggles being overlooked or not being taken seriously.

Undiagnosed or misdiagnosed neurodiversity can have serious consequences for affected women and girls. A lack of support in school can lead to declining performance, social isolation, and low self-esteem. These adolescents often develop coping mechanisms that can lead to anxiety or depression in the long run.

Art. 15 CEDAW: Access to Justice / Art. 13 CRPD

In Austria, discrimination against persons with disabilities is prohibited by the following laws: The “Disability Employment Act” for all matters related to work (Behinderteneinstellungsgesetz BEinstG) and the “Federal Disability Equality Act” (Bundes-Behindertengleichstellungsgesetz BGStG).

The Disability Equality Act’s objective is to eliminate or prevent discrimination and covers multiple discrimination. However, apart from the possibility of class actions against large companies, the Disability Equality Act still lacks provisions for injunctive relief or claims for the removal of barriers or discriminatory behavior.⁶⁴

While the Federal Disability Equality Act requires that multiple discrimination is considered when determining the amount of compensation for violation of the prohibition of discrimination, there are no systematic measures to prevent multiple discrimination.

The Ombud for Equal Treatment, which is a national authority and part of the Federal Chancellery with the task of enforcing the right to equality and equal treatment, is the competent authority on all grounds of discrimination except for disability.

The Committee expressed concerns that “women with disabilities who raise complaints of discrimination are often referred to mediation by the Social Ministry Service (SMS).”⁶⁵ Unfortunately, since then, there has been no change.⁶⁶ In cases of multiple discrimination, the concerned women with disabilities must first approach SMS – not the equal treatment commission – and request a mediation. This prior mediation proceeding is mandatory and must be conducted at the SMS before any

⁶⁴ Alternative Report of the Austrian Disability Council and the Civil Society (2018) 5: [https://www.behindertenrat.at/wp-content/uploads/2018/07/2018-07-17-Alternative-Report-Austria - English.pdf](https://www.behindertenrat.at/wp-content/uploads/2018/07/2018-07-17-Alternative-Report-Austria-English.pdf) (last accessed: 18.11.2024).

⁶⁵ CEDAW/C/AUT/CO/9, 13 (40).

⁶⁶ This aspect was also highlighted by the CRPD Committee (CRPD/C/AUT/CO/2-3, 3 (19e).

lawsuit can be filed in civil court. However, the SMS does not have any specific expertise on women with disabilities, nor is it trained in a gender-sensitive approach.

The First Thematic Evaluation Report by GREVIO of 2024, emphasizes the significant challenges faced by women with disabilities, who are victims of violence in accessing justice and effective support during judicial proceedings. The report highlights barriers for women with disabilities in Austria, such as the lack of accessible access to court buildings for women with disabilities and the need for accessible communication, including easy-to-understand language and breaks during hearings for women with psychosocial and/or intellectual disabilities. Additionally, it highlights the importance of qualified interpreters, preferably of the same gender, for women who do not speak the local language. These issues are not just theoretical concerns but are frequently encountered in practice, as many women with disabilities continue to face these barriers in real-life judicial proceedings.⁶⁷ GREVIO urges Austrian authorities to ensure that all victim protection measures are fully implemented, with particular attention to women with disabilities. The report emphasizes the need for technical and human resources and regular data collection to assess the effectiveness of these measures.⁶⁸ However, despite these recommendations, there has been little progress in addressing the specific challenges faced by women with disabilities in the judicial system.

⁶⁷ GREVIO, Austria, First thematic report (2024) 45 (175).

⁶⁸ GREVIO, Austria, First thematic report (2024) 45 (176).