The right to political participation of persons with disabilities ahead of the 2024 European Parliament elections

Austria

March 2024

Contractor: European Training and Research Centre for Human Rights and Democracy Graz

Author: Isabella Meier

|  |
| --- |
| DisclaimerThis document was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) as background material for the project ‘Participating in the EU Framework required by Article 33 (2) of the UN Convention on the Rights of Persons with Disabilities’. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion. |

Contents

[1. Data on persons with disabilities exercising their right to political participation 3](#_Toc152851195)

[2. Political participation of persons with disabilities in practice 23](#_Toc152851196)

[2.1. Positive and negative key development as regards political participation of persons with disabilities 23](#_Toc152851197)

[2.2. Political participation: Promising practices 24](#_Toc152851198)

1. Data on persons with disabilities exercising their right to political participation

Table 1

| Indicator | Answer(Choose one of the answers provided below) | Source and brief description/assessment  |
| --- | --- | --- |
| Do national disability strategies include political participation? | National disability strategies specifically address political participation /  | The National Action Plan on Disability 2022-2030 includes a specific section on the participation in public and political life. The section briefly outlines the initial situation, it defines objectives and measures, as well as indicators.[[1]](#footnote-2)  |
| Can persons deprived of legal capacity vote?  | Full Participation | Austrian citizens (including those having adult representation), aged 16 and older, are entitled to vote since voting rights are personal and cannot be limited.[[2]](#footnote-3) § 250 of the Austrian Civil Code is the legal basis for representation.[[3]](#footnote-4) |
| Is there a requirement under law to register to vote? | Yes, for non-nationals /  | EU citizens with main residence in Austria have to apply to be registered in the European Voter Register for EU elections in order to elect the Austrian MPs. In local voter registers (to participate in municipal council elections), these EU citizens are ex officio registered. All other voters (Austrian citizens who are resident in Austria) are ex officio registered for all elections.[[4]](#footnote-5) Austrians permanently living abroad have to be registered with an Austrian municipality, usually the last main residence in the country. |
| Are alternative ways of voting available to persons with disabilities? | Yes, available to all voters / Yes, disability-specific alternatives /  | § 38 of the Federal Law on National Council Elections stipulates that eligible voters, who are expected to be unable to cast their vote before the responsible electoral authority on election day are entitled to a voting card. The voting card is a multi-functional tool to be used either before a mobile election commission, for another polling station or for postal voting. Thus, persons who are unable to visit the relevant polling station on election day due to inability to walk, to be transported, confined to bed, or because of their accommodation, are also entitled to have a voting card issued (either for the visit of a mobile commission or for postal voting). Furthermore, people in prisons, penitentiaries, in the prison system or in detention rooms, are entitled to postal voting, unless (i) they have been sentenced to a prison term of more than five years, or more than one year for specified criminal offences; and (ii) the court has excluded them from the right to vote on the basis of an individual case assessment.[[5]](#footnote-6)Thus, the entitlement to a voting card and postal voting applies to different obstacles (not only disability-related obstacles), that prevent the voter from reaching the polling station.  |
| Is there legislation regulating how people living in long-term institutions may vote? | Yes, specific legislative provisions /   | §§ 72-74 of the Federal Law on National Council Elections foresee specific facilities for exercising the right to vote for persons, who are living in institutions and who are impaired in mobility.These people are (just like all other voters) entitled to a voting card (for postal voting or for voting outside the home polling place). If voting by postal vote is not possible, e.g. because a person is unable to sign the affidavit on the voting card/voting card due to illness or disability and if these persons are unable to walk, cannot be transported or are bedridden, or if they are prisoners who are not excluded from the right to vote, they may cast their vote before a “flying election commission”. This is a mobile election commission, who visits these people in the institutions and takes their votes. People other than the applicant (e.g. relatives) can also use the presence of the “flying election commission” and cast their vote if they have a voting card.[[6]](#footnote-7) |
| Is there a legal duty to provide assistance in voting to persons with disabilities? | From 2024: Yes, for all persons with disabilities / Until 2023: Yes, for people with physical and sensory disabilities / No | According to §66 of the Federal Law on National Council Elections, physically or sensory disabled people are *permitted* to be assisted in voting by a person of their choice. These persons are exempt from the obligation to make use of the right to vote in person and alone. In order to have assistance, the person with disability must be able to confirm the assistant (accompanying person) to the returning officer. In case of doubt, the assistant must be approved by a corresponding vote in the local electoral authority. The approval has to be documented by a corresponding note in the commission’s minutes (written evidence).[[7]](#footnote-8)The Federal Law on National Council Elections was amended in 2023 and the amendment entered into force on 1 January 2024. §66 now also includes assistance in voting to persons with mental and cognitive disabilities. Moreover, written information about the procedure of voting will be provided in easy language in all municipalities.[[8]](#footnote-9) |
| Are all persons with disabilities legally able to access complaints mechanisms if they have not been able to exercise the right to political participation? | Yes, all persons with disabilities /  | 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.[[9]](#footnote-10) If persons want to complain, for example, because reasonable accommodations are not made, the Federal Disability Equality Act applies. The district court of the complainant’s main residence is responsible for complaints according to the Federal Disability Equality Act.[[10]](#footnote-11) In Austrian disability equality law, an out-of-court solution is the first step of complaint mechanisms in case of discrimination. Thus, an attempt to reach an out-of-court solution must be made in a conciliation proceeding at the Office of the Ministry of Social Affairs (*Sozialministeriumservice*). The conciliation proceeding is free of charge. Mediation by independent mediators is available for the procedure upon request.[[11]](#footnote-12) If no agreement can be reached, it is possible to take legal action in court. |
| Is information on complaints mechanisms regarding political participation accessible to persons with disabilities? | No data  | According to the Web Accessibility Act (*Bundesgesetz über den barrierefreien Zugang zu Websites und mobilen Anwendungen des Bundes* [*Web-Zugänglichkeits-Gesetz – WZG*]), Federal Law Gazette I No. 59/2019, all official websites must be accessible and must also include an accessibility statement.However, the sub-webpage of the Austrian Federal Government, which provides information on complaint mechanisms in case of discrimination against persons with disabilities, provides no information on whether these accessibility-standards are taken into account.[[12]](#footnote-13) |
| Have national courts considered cases related to the right to political participation of persons with disabilities? | No, no cases identified  | The Legal Information System of the Republic of Austria (*RIS*) does not indicate any cases in the reporting period. |
| Have non-judicial complaints mechanisms considered cases related to the right to political participation of persons with disabilities? | Yes, cases considered  | The Federal Ombudsperson for persons with disabilities (the “Disability Ombudsperson”) publishes one example of an out-of-court solution that relates to the right to political participation.Someone complained to the Disability Ombudsperson that the Austrian Students’ Union (*Österreichische Hochschülerschaft, ÖH*) elections at a certain university were held without voting templates. Voting templates would have ensured barrier-free access to the ballot for blind and visually impaired students. According to some of those affected, they had tried for more than a year before the elections to draw attention to this problem and find a satisfactory solution. Having failed, they finally have turned to the Disability Ombudsperson for support.The Disability Ombudsperson found it discriminatory according to the Federal Disability Equality Act. A conciliation procedure took place and resulted in the provision of voting template for future elections at this university.[[13]](#footnote-14)No other non-judicial complaints regarding political participation of persons with disabilities available in the reporting period. |
| Are persons with disabilities members of the current national parliament? | Yes, according to the Austrian National Liaison Officer (NLO), there are two Members of the current Austrian National Council who are considered as persons with disabilities | The NLO comments, that there are two Members of Parliament with disabilities. These are Ms. Kira Grünberg, (Austrian People’s Party -ÖVP), who is also speaker for the rights of persons with disabilities (<https://www.parlament.gv.at/person/1979>), and Mr. Norbert Hofer (Freedom Party - FPÖ).Some former members of the National Council have identified themselves as people with disabilities and speakers for the rights of persons with disabilities.[[14]](#footnote-15) Official data on the members of the parliament only encompass: name, job/occupation, constituency, address, previous periods of office in the National Council and party affiliation.[[15]](#footnote-16) |
| Is data available on the number of members of municipal/regional governments who have a disability? | No data available | Official data only encompasses municipality, number of inhabitants, major’s name, gender, party affiliation, contact details and website.[[16]](#footnote-17) |
| Is training for election authorities and officials on non-discrimination on the grounds of disability, accessibility and accommodation required by law? | No training required by law  | 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.[[17]](#footnote-18) 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.[[18]](#footnote-19) Also, the amendment to the Federal Law on National Council Elections which entered into force on 1 January 2024 requires no trainings, even if it provides several measures to foster the political participation of persons with disabilities.[[19]](#footnote-20) Regarding the conduct of elections, a measure in number 291 of the National Disability Action Plan 2022 - 2030 stipulates that staff must be available for on-site instruction for disabled people. This can indirectly lead to appropriate information being provided to these personnel.[[20]](#footnote-21) |
| Are there mechanisms in place to ensure consultation and involvement of DPOs in the development of laws and policies which affect them? | Yes, mechanisms established by law | The Federal Disability Act (*Bundesbehindertengesetz*) in § 8 lays down the installation of a Federal Disability Advisory Board (*Bundesbehindertenbeirat*) as a consultative body, which has an advisory function in all disability-related law- and policy-making. The Board has to be consulted by the current Federal Minister of Social Affairs, Health, Care and Consumer Protection on fundamental matters concerning disability policies.Moreover, the Disability Council (*Österreichischer Behindertenrat*), which is an umbrella and representative organisation for persons with disabilities, consults in the development of laws and policies which affect persons with disabilities. The main tasks of the Disability Council in terms of representing its member organisations include reviewing amendments to legislation and initiating legislative changes; active participation in the drafting of legislation,negotiations with government agencies and passing on relevant information to its members.[[21]](#footnote-22) |
| Do national authorities provide guidelines on how to make polling stations accessible? | Yes, detailed guidance available | The Electoral Law Amendment Act (*Wahlrechtsänderungsgesetz*) 2023 foresees improvements for people with disabilities, such as mandatory barrier-free access to all polling stations, including barrier-free accessible polling booths until 2028. In the transition period until the end of 2027, at least one polling station in every building with polling stations must be barrier-free accessible. In addition, the publication of information about the voting process in easy-to-read language is mandatory. The layout of the voting card will be simplified and a voting card template will be introduced for blind voters.[[22]](#footnote-23) |
| Does the website which provides instructions for voting and information on candidates meet accessibility standards? | Yes - Website is EN 301 549 v3.2.1 (2021-03) compliant | The Austrian Web Accessibility Act was enacted to implement the EU Web Accessibility Directive. Section 1 (3) of the E-Government Act (*E-Government-Gesetz, E-GG*),[[23]](#footnote-24) was repealed with Federal Law Gazette I No. 104/2018. It has required the websites of public authorities to be barrier-free in accordance with international standards since 1 March 2004.The Web Accessibility Act (*Web-Zugänglichkeits-Gesetz, WZG*), which entered into force on 23 July 2019,[[24]](#footnote-25) fully implements the directive at the federal level. In addition to the accessibility requirements for federal websites and mobile applications, the WZG also regulates measures such as reporting and documentation and the monitoring of compliance with the standards.The Austrian Research Promotion Agency (*Forschungsförderungsgesellschaft, FFG*)[[25]](#footnote-26) is the body responsible for carrying out the monitoring tasks under the WZG. When it comes to the implementation of the Web Accessibility Directive at the level of the Länder, the NLO refers to the website of the EU: <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32016L2102>  |
| Are some television programmes providing instructions for voting and information on candidates subtitled? | Yes, some key programmes are subtitled  | The Austrian Public Broadcasting Corporation offers subtitles for around 75 percent of its programme, including news, culture, sports and entertainment formats.[[26]](#footnote-27) The subtitling is available on the specific ORF TELETEXT deaf service.[[27]](#footnote-28) There is no information available regarding specific programmes providing instructions for voting and information on candidates. However, it can be assumed, that they are subtitled too – in the framework of the news programmes. |
| Do some television programmes providing instructions for voting and information on candidates have national sign language interpretation? | Yes, some key programmes have sign language interpretation  | The Austrian Public Broadcasting Corporation offers simultaneous interpretation into sign language for special broadcasts due to current events, such as elections. Moreover, for live broadcasting of parliamentary sessions and news, national sign language interpretation is provided.[[28]](#footnote-29) |
| Are some television programmes providing instructions for voting and information on candidates audio described? | No information | Audio description is mainly available for shows, sports events and movies / series. Special and special programs of political or social relevance, such as the celebrations for "70 Years of the Second Republic", various commemorative and memorial events and also papal masses and celebrity weddings are audio described too. No information on the audio description of programmes providing instructions for voting and information on candidates is available on the ORF’s Website.[[29]](#footnote-30) |
| Were some political party manifestos provided in accessible formats during the most recent elections? | No political parties provided accessible manifestos  | The party manifesto of the three strongest parties in the National Council were researched: The political party manifestos of the Austrian People’s Party (*Österreichische Volkspartei, ÖVP*) and Social Democratic Party Austria (*Sozialdemokratische Partei Österreich, SPÖ*) are only available as pdf (for download). The party manifesto of the Freedom Party Austria (*Freiheitliche Partei Österreich, FPÖ*) is available directly at the website.No information available on the political party manifestos during the most recent national council elections in 2019.  |
| Are there legal accessibility standards for public and private providers of internet and web-based public information? | Yes, covering public and private  | According to the Web Accessibility Act (*Web-Zugänglichkeits-Gesetz, WZG*)[[30]](#footnote-31), the Federal Government is obliged to design official websites and mobile applications in such a way that all users have unrestricted access.The Federal Disability Equality Act (*Bundes*-*Behindertengleichstellungsgesetz, BGStG*)[[31]](#footnote-32) applies to both the public and private sectors and aims to enable people with disabilities to participate in society on an equal basis. According to the provisions of the BGStG, disproportionate barriers can constitute discrimination and even result in claims for damages. In principle, this also applies to so-called "information processing systems", e.g. websites, web stores or apps. Whether a barrier must actually be removed to protect against discrimination must be determined as part of a reasonableness test. Criteria for reasonability include the effort required to eliminate the discrimination; the economic capacity of the person responsible for causing the barrier or the impact of the discrimination on the general interests of the disabled person concerned.Moreover, the Austrian Chamber of Commerce (*Wirtschaftskammer Österreich*) has published some guidelines, standards and FAQs regarding the accessibility of websites and online information.[[32]](#footnote-33) |
| Are there legal accessibility standards for public and private providers of media? | Yes, covering public and private  | The Audiovisual Media Services Act (*Audiovisuelle Mediendienste-Gesetz*),[[33]](#footnote-34) which implements the accessibility standards of the United Nations Convention on the Rights of Persons with Disabilities, the Audiovisual Media Services Directive of the European Parliament and the European Council, enshrines standards for public and private providers of media. The implementation of these standards is to be done within a process and under the criterion of proportionality. Thus, media service providers should actively endeavour to make their content accessible to people with disabilities, in particular people with visual or hearing impairments and people with intellectual disabilities. The accessibility of content should be achieved through a gradual and continuous process that should lead to an annual increase of accessibility. Practical and unavoidable restrictions that could prevent full accessibility in the case of live broadcasts can be tolerated. The Audiovisual Media Services Act requests media service providers to develop action plans to ensure accessibility of content. The Communication Authority Austria (*Kommunikationsbehörde Austria*) annually reports on the implementation of these requirements by public and private providers of media.[[34]](#footnote-35) |
| Are there mandatory accessibility standards for national and local authority buildings in the election context? | Yes  | The Federal Disability Equality Act provides for mandatory accessibility of all buildings, which are accessible to the public – including national and local authority buildings in the election context.[[35]](#footnote-36) However, the Austrian Disability Council criticises, that the structural measures for accessibility must be reasonable, the implementation of accessibility is with the provinces and there are no sanctions for non-compliance (except of requests due to individual complaints of discrimination).[[36]](#footnote-37) |
| Are there legal accessibility standards for polling stations in place? | From 2028: Yes, for all polling stations From 2024: Yes, for the majority of all polling stations  | According to the Electoral Law Amendment Act, which entered into force on 1 January 2024, all polling stations in Austria must be accessible for persons with disabilities and have an appropriately designed polling booth from 1 January 2028 onwards. Until then, at least one accessible polling station must be provided at every building with polling stations.[[37]](#footnote-38) |
| Is data available on the proportion of polling stations that are accessible to persons with disabilities? | Some official data available  | According to a breakdown of all polling stations in use during the 2022 Federal Presidential elections, 7,684 polling stations out of a total of 10,091 polling stations were barrier-free accessible. (Source: Federal Ministry of the Interior [*BMI*])Besides, there are reports from provinces, where elections have recently taken place. The province of Lower Austria reports that 1.874 of its 2.623 (71 percent) polling stations were accessible for persons with disabilities for the provincial elections on 29 January 2023.[[38]](#footnote-39)The province of Salzburg reports that 471 of its 519 polling stations (91 percent) were accessible for the provincial elections on 23 April 2023.[[39]](#footnote-40) |
| Is data available on the proportion of public buildings that are accessible for persons with disabilities? | Some official data available  | Desk research on official government websites, relevant NGOs or research has not led to any results.  |

1. Political participation of persons with disabilities in practice
	1. Positive and negative key development as regards political participation of persons with disabilities

Positive key developments:

2020: The amendment to the Audiovisual Media Services Act implements the accessibility standards of the United Nations Convention on the Rights of Persons with Disabilities, the Audiovisual Media Services Directive of the European Parliament and the European Council and enshrines standards for public and private providers of media. The implementation of these standards is to be done within a process and under the criterion of proportionality. Thus, media service providers should actively endeavour to make their content accessible to people with disabilities, in particular people with visual or hearing impairments and people with intellectual disabilities. The accessibility of content should be achieved through a gradual and continuous process that should lead to an annual increase of accessibility. Practical and unavoidable restrictions that could prevent full accessibility in the case of live broadcasts can be tolerated. The Audiovisual Media Services Act requests media service providers to develop action plans to ensure accessibility of content. The Communication Authority Austria (*Kommunikationsbehörde Austria*) annually reports on the implementation of these requirements by public and private providers of media.[[40]](#footnote-41)

2023: The Electoral Law Amendment Act, which entered into force on 1 January 2024, provides for significant improvements for people with disabilities, such as mandatory barrier-free access to all polling stations, including barrier-free accessible polling booths, from 2028. During the transition period until the end of 2027, at least one polling station in every building with polling stations must be barrier-free accessible. In addition, the publication of information about the voting process in easy-to-read language will be enshrined in law. The layout of the voting card will be simplified and a voting card template will be introduced for blind voters. Moreover, the Electoral Law Amendment Act provides for personal assistance to persons with cognitive disabilities.

There are no significant negative developments in the reporting period 2020-2024. However, experts and persons with disabilities’ representative organisations report about persisting challenges regarding the political participation of persons with disabilities. These are related to lacking access to personal assistance for persons with learning difficulties, official documents relating the right to vote are not yet available in easy language, and the staff in public building lacks training and knowledge in dealing with people with learning difficulties. Another challenge is related to the stigmatisation of persons with mental illnesses and psychosocial disabilities. To foster political participation of people with psychosocial disabilities, some changes are requested by representative organisations. These persons claim for structures in which the participation of persons with psychosocial disabilities is a matter of course, is made possible in terms of atmosphere and where decisions are not made without them. Finally, barriers regarding the political participation of deaf persons are persistent. The right to the Austrian Sign Language is not yet fully acknowledged, let alone promoted.[[41]](#footnote-42)

* 1. Political participation: Promising practices

The “Flying Election Commission” is a specific election authority, that visits voters directly at their place. Voters have to apply for this at the district authority, in which the person is entitled to vote (according to the election register). The flying election commission is available to persons, who are not mobile due to illness or disability, who cannot be transported to a polling station or to persons, who are deprived of liberty. The commission consists of a chairperson and three assessors. The visit of the "flying election commission" takes place on election day. People other than the applicant (e.g. relatives) can also use the presence of the “flying election commission” and cast their vote if they have a voting card. The service is available cost free.[[42]](#footnote-43)

1. Austrian Federal Ministry for Social Affairs, Health, Care and Consumer Protection (2022), *National Action Plan on Disability 2022-2030. Austrian Strategy for the Implementation of the UNCRPD adopted by the Austrian Federal Government on 6 July 2022*, Vienna, 6 July 2022, available at: <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=675&attachmentName=Nationaler_Aktionsplan_Behinderung_2022_2030_englisch.pdf> pp. 119ff. [↑](#footnote-ref-2)
2. Austrian Federal Government (2023), ‘Wahlrecht‘, available at: https://www.oesterreich.gv.at/themen/leben\_in\_oesterreich/wahlen/1/Seite.320210.html. [↑](#footnote-ref-3)
3. Austrian Civil Code (*Allgemeines bürgerliches Gesetzbuch, AGBG*), JGS No. 946/1811, last amended by BGBl. I No.59/2017, Section 4 Personal Care (*Personensorge*), §250 Representation in personal law matters (*Vertretung in personenrechtlichen Angelegenheiten*), available at: https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001622&Paragraf=250. [↑](#footnote-ref-4)
4. Austrian Federal Government (2023), ‘Erfassung der Wahlberechtigten (Wählerevidenz, Wählerverzeichnis)‘, available at: https://www.oesterreich.gv.at/themen/leben\_in\_oesterreich/wahlen/2.html. [↑](#footnote-ref-5)
5. Austrian Federal law on the election of the National Council – National Council election regulations 1992 – NRWO (*Bundesgesetz über die Wahl des Nationalrates – Nationalrats-Wahlordnung 1992 – NRWO*) BGBl. No. 471/1992, last amended by BGBl. I No. 100/2023, available at: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001199. [↑](#footnote-ref-6)
6. Austrian Federal Government (2023), ‘Besuch durch die `fliegende Wahlkommission‘, available at: https://www.oesterreich.gv.at/themen/leben\_in\_oesterreich/wahlen/6/Seite.320530.html. [↑](#footnote-ref-7)
7. Austrian Federal law on the election of the National Council – National Council election regulations 1992 – NRWO (*Bundesgesetz über die Wahl des Nationalrates – Nationalrats-Wahlordnung 1992 – NRWO*) BGBl. No. 471/1992, last amended by BGBl. I No. 100/2023, available at: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001199. [↑](#footnote-ref-8)
8. Austrian Federal law with which the National Council electoral regulations 1992, the European electoral regulations, the Federal Presidential Election Act 1971, the Referendum Act 1972, the Referendum Act 1989, the Referendum Act 2018, the Voter Records Act 2018 and the European Voter Registration Act must be changed – Electoral Law Amendment Act 2023 (*Bundesgesetz, mit dem die Nationalrats-Wahlordnung 1992, die Europawahlordnung, das Bundespräsidentenwahlgesetz 1971, das Volksabstimmungsgesetz 1972, das Volksbefragungsgesetz 1989, das Volksbegehrengesetz 2018, das Wählerevidenzgesetz 2018 und das Europa-Wählerevidenzgesetz geändert werden (Wahlrechtsänderungsgesetz 2023 Volksbefragungsgesetz 1989, das Volksbegehrengesetz 2018, das Wählerevidenzgesetz 2018 und das Europa-Wählerevidenzgesetz geändert warden – Wahlrechtsänderungsgesetz 2023*), BGBl. I No. 7/2023, available at: <https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2023_I_7/BGBLA_2023_I_7.pdfsig>. [↑](#footnote-ref-9)
9. Austrian Act on municipal election in the province of Burgenland, LGBl No.54/1992, [§23(1)]; Austrian Act on municipal election in the province of Carinthia, LGBl No. 32/2002, [§25(1)]; Austrian, Act on municipal election in the province of Lower Austria, LGBl No. 112/1994, [§23(1)]; Austrian Act on municipal election in the province of Upper Austria, LGBl No. 81/1996, [§20(1)]; Austrian Act on municipal election in the province of Salzburg, LGBl No. 117/1998, [§27(1)]; Austrian Act on municipal election in the province of Styria, LGBl No. 59/2009, [§31(1)]; Austrian Act on municipal election in the province of the City of Graz, LGBl No. 86/2012, [§25(1)]; Austrian Act on municipal election in the province of Tyrol, LGBl No. 88/1994, [§28(1)]; Austrian Act on municipal election in the province of the City of Vienna, LGBl No. 16/1996, [§30(1)]; Austrian Act on municipal election in the province of Vorarlberg, LGBl No. 30/1999, [§12(3)]. [↑](#footnote-ref-10)
10. Austrian Federal Act on the Equality of People with Disabilities – Federal Disability Equality Act – BGStG (*Bundesgesetz über die Gleichstellung von Menschen mit Behinderungen – Bundes-Behindertengleichstellungsgesetz – BGStG*), BGBl. I No. 82/2005, last amended by BGBl. I No. 32/2018, available at: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004228. [↑](#footnote-ref-11)
11. Austrian Federal Government (2023), ‘Legal enforcement in case of discrimination’ (*Rechtsdurchsetzung im Diskriminierungsfall*), Vienna, last update on 6 March 2023, available at: https://www.oesterreich.gv.at/themen/menschen\_mit\_behinderungen/gleichstellung\_von\_menschen\_mit\_behinderungen/Seite.1874000.html. [↑](#footnote-ref-12)
12. Austrian Federal Government (2023), ‘Legal enforcement in case of discrimination’ (*Rechtsdurchsetzung im Diskriminierungsfall*), Vienna, last update on 6 March 2023, available at: https://www.oesterreich.gv.at/themen/menschen\_mit\_behinderungen/gleichstellung\_von\_menschen\_mit\_behinderungen/Seite.1874000.html. [↑](#footnote-ref-13)
13. Austrian Disability Ombudsperson (*Behindertenanwaltschaft*) (2023), ‚Arbitration: offices and authorities‘ (*Schlichtungen, Ämter und Behörden*), available at: https://www.behindertenanwaltschaft.gv.at/schlichtungen/2aemter-und-behoerden. [↑](#footnote-ref-14)
14. See for example Dr. Franz-Joseph Huainigg, member of the Austrian National Council and spokesperson of the Austrian People’s Party (*Österreichische Volkspartei, ÖVP*) for the concerns of persons with disabilities until November 2017, available at: https://www.parlament.gv.at/person/14759. [↑](#footnote-ref-15)
15. Austrian Parliament, Parliamentary Directorate (2023), ‚Nationalrat und Bundesrat. Amtliches Verzeichnis der Mitglieder, Ausschüsse und Klubs‘, Vienna, state of 23 October 2023, available at: https://www.parlament.gv.at/dokument/swbrett/zusd/AmtlichesVerzges.pdf. [↑](#footnote-ref-16)
16. See e.g. province of Styria (2023), ‘Municipalities and majors’ (*Gemeinden und BürgermeisterInnen*), Graz, last updated on 16 November 2023, available at: https://www.verwaltung.steiermark.at/cms/ziel/74836396/DE/. [↑](#footnote-ref-17)
17. Austrian Federal Act on the Election of the members of the European Parliament (European Election Law) (*Bundesgesetz über die Wahl der Mitglieder des Europäischen Parlaments – Europawahlordnung – EuWO*) BGBl. I No. 117/1996, last amended by BGBl. I No. 12/2012, available at: [www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001436](file:///C%3A/Users/graneal/Downloads/www.ris.bka.gv.at/GeltendeFassung.wxe). Austria, Federal Act on the Election of the National Assembly – National Assembly Election Law 1992 (*Bundesgesetz über die Wahl des Nationalrates – Nationalrats-Wahlordnung 1992 – NRWO*) BGBl. No.471/1992, available at: [www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001199](file:///C%3A/Users/graneal/Downloads/www.ris.bka.gv.at/GeltendeFassung.wxe). Austria, Act on municipal election in the province of Burgenland, LGBl No.54/1992; Austria, Act on municipal election in the province of Carinthia, LGBl No. 32/2002; Austria, Act on municipal election in the province of Lower Austria, LGBl No. 112/1994; Austria, Act on municipal election in the province of Upper Austria, LGBl No. 81/1996; Austria, Act on municipal election in the province of Salzburg, LGBl No. 117/1998; Austria, Act on municipal election in the province of Styria, LGBl No. 59/2009; Austria, Act on municipal election in the province of the City of Graz, LGBl No. 86/2012; Austria, Act on municipal election in the province of Tyrol, LGBl No. 88/1994; Austria, Act on municipal election in the province of the City of Vienna, LGBl No. 16/1996; Austria, Act on municipal election in the province of Vorarlberg, LGBl No. 30/1999. [↑](#footnote-ref-18)
18. Austria, Federal Act on the Election of the members of the European Parliament (European Election Law) (*Bundesgesetz über die Wahl der Mitglieder des Europäischen Parlaments – Europawahlordnung – EuWO*) BGBl. I No. 117/1996, last amended by BGBl I No. 12/2012, available at: [www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001436](file:///C%3A/Users/graneal/Downloads/www.ris.bka.gv.at/GeltendeFassung.wxe). Austria, Federal Act on the Election of the National Assembly – National Assembly Election Law 1992 (*Bundesgesetz über die Wahl des Nationalrates – Nationalrats-Wahlordnung 1992 – NRWO*) BGBl. No. 471/1992, available at: [www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001199](file:///C%3A/Users/graneal/Downloads/www.ris.bka.gv.at/GeltendeFassung.wxe). Austria, Act on municipal election in the province of Burgenland, LGBl No.54/1992; Austria, Act on municipal election in the province of Carinthia, LGBl No. 32/2002; Austria, Act on municipal election in the province of Lower Austria, LGBl No. 112/1994; Austria, Act on municipal election in the province of Upper Austria, LGBl No. 81/1996; Austria, Act on municipal election in the province of Salzburg, LGBl No. 117/1998; Austria, Act on municipal election in the province of Styria, LGBl No. 59/2009; Austria, Act on municipal election in the province of the City of Graz, LGBl No. 86/2012; Austria, Act on municipal election in the province of Tyrol, LGBl No. 88/1994; Austria, Act on municipal election in the province of the City of Vienna, LGBl No. 16/1996; Austria, Act on municipal election in the province of Vorarlberg, LGBl No. 30/1999. [↑](#footnote-ref-19)
19. Austrian Federal law with which the National Council electoral regulations 1992, the European electoral regulations, the Federal Presidential Election Act 1971, the Referendum Act 1972, the Referendum Act 1989, the Referendum Act 2018, the Voter Records Act 2018 and the European Voter Registration Act must be changed – Electoral Law Amendment Act 2023 (*Bundesgesetz, mit dem die Nationalrats-Wahlordnung 1992, die Europawahlordnung, das Bundespräsidentenwahlgesetz 1971, das Volksabstimmungsgesetz 1972, das Volksbefragungsgesetz 1989, das Volksbegehrengesetz 2018, das Wählerevidenzgesetz 2018 und das Europa-Wählerevidenzgesetz geändert werden (Wahlrechtsänderungsgesetz 2023 Volksbefragungsgesetz 1989, das Volksbegehrengesetz 2018, das Wählerevidenzgesetz 2018 und das Europa-Wählerevidenzgesetz geändert warden – Wahlrechtsänderungsgesetz 2023*), BGBl. I No. 7/2023, available at: https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA\_2023\_I\_7/BGBLA\_2023\_I\_7.pdfsig. [↑](#footnote-ref-20)
20. Austrian Federal Ministry for Social Affairs, Health, Care and Consumer Protection (2023). ‘National Action Plan Disability’ ([*Nationaler Aktionsplan Behinderung*](https://www.sozialministerium.at/Themen/Soziales/Menschen-mit-Behinderungen/Nationaler-Aktionsplan-Behinderung.html)). [↑](#footnote-ref-21)
21. The Austrian Disability Council (*Der Österreichische Behindertenrat*), (2023), ‚Tasks‘, available at: https://www.behindertenrat.at/ueber-uns/aufgaben/. [↑](#footnote-ref-22)
22. Federal Act amending the National Council Election Regulations 1992, the European Election Regulations, the Federal Presidential Election Act 1971, the Referendum Act 1972, the Referendum Referendum Act 1989, the Referendum Act 2018, the Voter Registration Act 2018 and the European Voters' Registration Act will be amended (Electoral Law Amendment Act 2023) (*Bundesgesetz, mit dem die Nationalrats-Wahlordnung 1992, die Europawahlordnung, das Bundespräsidentenwahlgesetz 1971, das Volksabstimmungsgesetz 1972, das Volksbefragungsgesetz 1989, das Volksbegehrengesetz 2018, das Wählerevidenzgesetz 2018 und das Europa-Wählerevidenzgesetz geändert werden (Wahlrechtsänderungsgesetz 2023*), BGBl. I No. 7/2023, available at: https://www.ris.bka.gv.at/eli/bgbl/I/2023/7. [↑](#footnote-ref-23)
23. Federal Act enacting an E-Government Act and amending the General Administrative Procedure Act of 1991, the Delivery Act, the Fee Act of 1957, the Registration Act of 1991, and the Association Act of 2002 – E-Government Act (*Bundesgesetz, mit dem ein E-Government-Gesetz erlassen wird sowie das Allgemeine Verwaltungsverfahrensgesetz 1991, das Zustellgesetz, das Gebührengesetz 1957, das Meldegesetz 1991 und das Vereinsgesetz 2002 geändert werden – E-Government-Gesetz*), BGBl. I. No. 10/2004, available at: https://www.ris.bka.gv.at/eli/bgbl/I/2004/10. [↑](#footnote-ref-24)
24. Federal law on barrier-free access to federal websites and mobile applications (Web Accessibility Act - WZG) (*Bundesgesetz über den barrierefreien Zugang zu Websites und mobilen Anwendungen des Bundes – Web-Zugänglichkeits-Gesetz – WZG*), BGBl. I No. 59/2019, available at: https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20010727&Artikel=&Paragraf=0&Anlage=&Uebergangsrecht=. [↑](#footnote-ref-25)
25. Austrian Research Promotion Agency *(Österreichische Forschungsförderungsgesellschaft*) (2023), ‚WCAG criteria and additional criteria‘ (*WCAG Kriterien und zusätzliche Kriterien*), available at: https://www.ffg.at/digitale-barrierefreiheit/digitales-zugaenglich-machen/kriterienkatalog. [↑](#footnote-ref-26)
26. Austrian Public Broadcasting Corporation (*Österreichischer Rundfunk, ORF*) (2023), ‚Accessibility on ORF’ (*Barrierefreiheit im ORF*), available at: https://der.orf.at/kundendienst/service/barrierefrei100.html. [↑](#footnote-ref-27)
27. Austrian Public Broadcasting Corporation (*Österreichischer Rundfunk, ORF*) (2022), ‚The ORF TELETEXT-deaf service – subtitling’ (*Das ORF TELETEXT-Gehörlosenservice – Untertitelung*), 1 September 2022, available at: https://der.orf.at/kundendienst/service/untertitelung100.html. [↑](#footnote-ref-28)
28. Austrian Public Broadcasting Corporation (*Österreichischer Rundfunk, ORF*) (2023), ‚Broadcasts in Austrian Sign Language’ (*Sendungen in Österreichischer Gebärdensprache*), available at: https://tv.orf.at/barrierefrei/oegs102.html. [↑](#footnote-ref-29)
29. Austrian Public Broadcasting Corporation (*Österreichischer Rundfunk, ORF*) (2023), ‚Listening instead of viewing: television for blind and visually impaired people’ (*Hören statt sehen: Fernsehen für Blinde und Sehbehinderte Das Audiodeskriptionsservice im ORF*), available at: https://der.orf.at/kundendienst/service/audiodeskription104.html. [↑](#footnote-ref-30)
30. Federal law on barrier-free access to federal websites and mobile applications (Web Accessibility Act - WZG) (*Bundesgesetz über den barrierefreien Zugang zu Websites und mobilen Anwendungen des Bundes – Web-Zugänglichkeits-Gesetz – WZG*), BGBl. I No. 59/2019, available at: https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20010727&Artikel=&Paragraf=0&Anlage=&Uebergangsrecht=. [↑](#footnote-ref-31)
31. Federal Act on the Equality of People with Disabilities – Federal Disability Equality Act – BGStG (*Bundesgesetz über die Gleichstellung von Menschen mit Behinderungen [Bundes-Behindertengleichstellungsgesetz – BGStG]*), BGBl. I No. 82/2005, last amended by BGBl. I No. 32/2018, available at: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004228. [↑](#footnote-ref-32)
32. Austrian Chamber of Commerce (*Wirtschaftskammer Österreich*), (2023), ‘Accessible websites. Legal obligation to make websites and mobile applications accessible: What do companies have to consider?’ (*Barrierefreie Websites. Gesetzliche Verpflichtung zur barrierefreien Gestaltung von Webseiten und mobilen Anwendungen: Was haben Unternehmen zu beachten?*), Vienna, 27 January 2023, available at: https://www.wko.at/oe/information-consulting/werbung-marktkommunikation/barrierefreie-websites. [↑](#footnote-ref-33)
33. Austrian Federal Act amending the Audiovisual Media Services Act, the KommAustria Act, the ORF Act and the Private Radio Act (*Bundesgesetz, mit dem das Audiovisuelle Mediendienste-Gesetz, das KommAustria-Gesetz, das ORF-Gesetz und das Privatradiogesetz geändert werden – Audiovisuelle Mediendienste-Gesetz – AMD-G)*, BGBl. I No. 150/2020, available at: https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA\_2020\_I\_150/BGBLA\_2020\_I\_150.html. [↑](#footnote-ref-34)
34. Communication Authority Austria (*Kommunikationsbehörde Austria*) (2023), ‘Report on Accessibility 2022‘, (*Bericht zur Barrierefreiheit 2022*), Vienna, available at: https://www.rtr.at/medien/aktuelles/publikationen/Publikationen/Barrierefreiheitsbericht2022.de.html. [↑](#footnote-ref-35)
35. Austrian Federal Act on the Equality of People with Disabilities – Federal Disability Equality Act – BGStG (*Bundesgesetz über die Gleichstellung von Menschen mit Behinderungen (Bundes-Behindertengleichstellungsgesetz – BGStG*), BGBl. I No. 82/2005, last amended by BGBl. I No. 32/2018, available at: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004228. [↑](#footnote-ref-36)
36. Austrian Disability Council (2023), ‘Austrian civil society in the state audit’ (*Die österreichische Zivilgesellschaft bei der Staatenprüfung*), available at: https://www.behindertenrat.at/staatenpruefung-2023/die-oesterreichische-zivilgesellschaft-bei-der-staatenpruefung/. [↑](#footnote-ref-37)
37. Austrian Federal Act amending the National Council Election Regulations 1992, the European Election Regulations, the Federal Presidential Election Act 1971, the Referendum Act 1972, the Referendum Referendum Act 1989, the Referendum Act 2018, the Voter Registration Act 2018 and the European Voters' Registration Act will be amended (Electoral Law Amendment Act 2023) (Bundesgesetz, mit dem die Nationalrats-Wahlordnung 1992, die Europawahlordnung, das Bundespräsidentenwahlgesetz 1971, das Volksabstimmungsgesetz 1972, das Volksbefragungsgesetz 1989, das Volksbegehrengesetz 2018, das Wählerevidenzgesetz 2018 und das Europa-Wählerevidenzgesetz geändert werden (Wahlrechtsänderungsgesetz 2023), BGBl. I No. 7/2023, available at: https://www.ris.bka.gv.at/eli/bgbl/I/2023/7. [↑](#footnote-ref-38)
38. Novak, F. (2023), ‘Wie barrierefrei die Landtagswahl ist‘, *ORF Niederösterreich*, 23 January 2023, available at: https://noe.orf.at/magazin/stories/3191371/. [↑](#footnote-ref-39)
39. Kern, B. (2023), ‚Provincial elections accessible‘, (*Landtagswahl barrierefrei*), 31 March 2023, available at: https://www.salzburg.gv.at/magazin/Seiten/Landtagswahl-barrierefrei.aspx. [↑](#footnote-ref-40)
40. Communication Authority Austria (*Kommunikationsbehörde Austria*), (2023), ‘Report on Accessibility 2022‘, (*Bericht zur Barrierefreiheit 2022*), Vienna, available at: https://www.rtr.at/medien/aktuelles/publikationen/Publikationen/Barrierefreiheitsbericht2022.de.html. [↑](#footnote-ref-41)
41. The Independent Monitoring Committee on the Implementation of the UN Convention on the Rights of Persons with Disabilities (*Der Unabhängige Monitoringausschuss zur Umsetzung der UN-Konvention über die Rechte von Menschen mit Behinderungen*) (2020), ‘How can (political) participation of people with disabilities succeed?’ (*Wie gelingt (politische) Teilhabe von Menschen mit Behinderungen?*), Vienna, 22 October 2020, available at: https://www.monitoringausschuss.at/aktuelles/wie-gelingt-politische-teilhabe-von-menschen-mit-behinderungen/. [↑](#footnote-ref-42)
42. Austrian Federal Government (2023), ‘Besuch durch die `fliegende Wahlkommission‘, Vienna, available at: https://www.oesterreich.gv.at/themen/leben\_in\_oesterreich/wahlen/6/Seite.320530.html. [↑](#footnote-ref-43)