

**Dr. Erwin Buchinger**  
**Attorney for equal treatment**  
**of persons with disabilities**



**“The Paralympics are great –  
but not inclusive”  
(The challenge of Inclusion)**

Lecture given at  
5th Kufstein Winter School for Sports Management 2013

FH Kufstein

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# About the lecturer

- Born 1955, Dr. iuris, JKU Linz (1981)
- Administration officer for public labour market service (AMS), Linz (1981 – 1991)
- Managing Director AMS, Salzburg (1992 - 2003)
- Regional Minister for Social Affairs, Salzburg (2004 - 2006)
- Federal Minister for Social Affairs, Vienna (2007/2008)
- Disability Ombudsman, Vienna (2010 - )
- Member of the board of Special Olympics World Winter Games 2017 (Schladming/Ramsau/Graz)



# Agenda

- Path towards inclusion and the role of the Disability Ombudsman in Austria
- UN Convention on the rights of persons with disabilities (UNCRPD): Inclusion, Participation and Non-Discrimination
- The case of Inclusion in sports: aims and realities
- Lessons learned and What's to do



# Austria: The Path towards inclusion

- Since 1960 – politics for persons with disabilities (PwD) becomes a field of its own rights out of the general social policy; first main focus: protection and supply of PwD
- 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 (Article 7 Abs. 1)
- 2006: Equal treatment law (for all spheres of living) comes into force (Bundesbehindertengleichstellungsgesetz – BGStG 2006)
- 2007: UNCRPD) starts the process to sign in – Ratification in Austria 2008 (127 ratifications until 31.12.2012)



# Attorney for equal treatment of persons with disabilities - Basics

- Established in 2006
- Implemented with a bundle of new rights for PWD in all spheres of life
- Attorney is independent and free of instructions by law – he is appointed by the Minister for Social Affairs
- Reports to the Minister for Social Affairs
- Appointed for a period of four years, no recall
- Supported by five civil servants



# Attorney for equal treatment of persons with disabilities - Competence

To help and support PwD against discrimination  
on the ground of disability

- Within the competencies of federal administration
- In access to and supply of goods and services that are available to the public

*In addition there are ombudspersons at the level of regional administration*



# Attorney for equal treatment of persons with disabilities - Instruments

- Support to raise allegations on the ground of disability
- Help to claim compensations because of discrimination
- Help to identify appropriate remedies
- Legal representation in a separate process of arbitration
- Proposing amendments to the legislation (in occasion and within the yearly report to the minister)
- Public relations in the field of equal treatment and Anti-discrimination



# Attorney for equal treatment of persons with disabilities - Complaints

- 1000 – 1200 complaints per anno
- About 400 of them are handled in a short path (by phone or personal advice)
- 600 – 800 complaints lead to a proceeding before the administrative authorities or enterprises
- The complaints mostly refer to
  - + the accessibility of goods, transport and information
  - + the right to work and education
  - + social security
- Complaints about lack of inclusion in sport activities are rare



# How many persons with disabilities?



- Worldwide about 1 Billion – 15% of the population (WHO 2011)
- in Austria about 1,7 Millionen – 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



# UN Convention on the rights of persons with disabilities (UNCRPD) – Purpose

- Preamble of UNCRPD states:  
“Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders full and effective participation in society on an equal basis with others”
- Article 1 of UNCRPD states:  
The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others



# UNCRPD – Inclusion

## Article 3 – General principles

The principles of the present Convention shall be:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b. **Non-discrimination;**
- c. **Full and effective participation and inclusion in society;**
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. **Equality of opportunity;**
- f. **Accessibility;**
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.



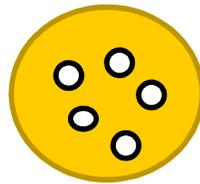
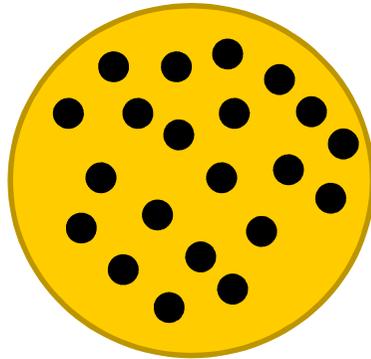
# UNCRPD Art 30 - Participation in cultural life, recreation, leisure and sport

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

- a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
- b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
- c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

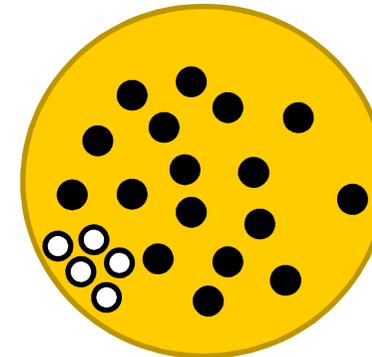
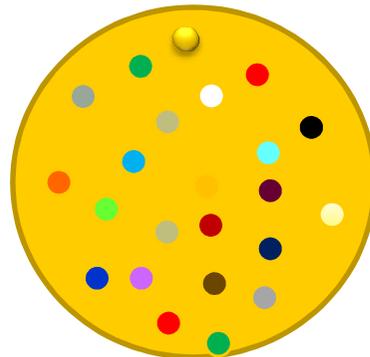


# What means Inclusion?



Segregation

Inklusion



Integration



# Benefits of inclusion in sports



Image: Handicap International

- PwD often remain in their home environment – participation in inclusive sport events promotes empowerment of PwD and their communities
- Social and other barriers against PwD are common - Inclusion in sports increases understanding and sensitivity about one another and can assist with preventing social exclusion
- „To be part of it“ has a positive impact on self-confidence of PwD. This experience can be applied to other realms of life, for example, employment (Adolf Ogl, Special Adviser of the UN SGSDP)



# Reality is still...

- The websites of ASKO, Union, ASVÖ, the three most important Sport organisations in Austria, don't refer to inclusion
- Even, if you look for “Behindertensport” (on these websites) only very meager results are achieved by one site
- This is, because sport for PwD and for not disabled persons are in general strictly departed, only few events for both groups
- This is true for the professional level as well as for amateurs
- This is valid for both, national and the international events
- Many sport locations are not physically accessible – even in the rich countries
- Sport events are very seldom fully accessible for consumers, f.e. there is a lack of audio description and subtitles inTV



# f.e. Paralympics and Special Olympics

- Paralympics are primarily aimed at persons with physical disabilities – (semi-)professional level
- Special Olympics are dedicated to persons with intellectual disabilities (learning difficulties) – amateur level
- Both are great events, have a broad reach (PO: S 4000, W 500; SO: S 7500 / W 3000)
- Both help create role models of sportspeople
- None of both is inclusive – but there is some critic and development



Image: International Paralympic Committee



# Lessons learned

- Mainstream sport includes many forms of sport, including sport for all or elite sport. But what is critical is to know that people with disabilities, when they participate in sport, should participate at all levels and in all forms
- The actual situation reflects the problems with inclusion from both sides of the institutional actors:
  - the mainstream sport organisations (which pay no or few attention to sport for PwD – even when they announce “sport for all”)
  - and the sport organisations for PwD, which fear, that through Disability Mainstreaming there would be less attention (and budget!) for their clients



# So, what's to do?

- Maintain a Twin-track approach for PwD:
  - mainstream sporting activities
  - disability-specific sporting activities
- Ensure physical, technological and informational accessibility of sport locations and events
- Involve PwD in planning, organizing and managing of sport events
- Public funding of sport organisations and events only when Inclusion is on the agenda
- Extend budgets and allocations of resources for disability-related initiatives in sport organisations, especially for inclusive purposes
- Raise awareness via “same time/same stage rule”
- Pay the same benefits
- **Encourage experiments with adapted rules to foster full inclusive events**



Image:Special Olympics International

