



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Austria
<b>Title:</b>	Committee on the Rights of People with Disabilities publishes views on first Austrian Individual Complaint
<b>Date:</b>	18 November 2015
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<b>Update of flash report nr:</b>	AT-26-first Austrian complaint to CRPD
<b>Country:</b>	Austria
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Accessibility to live information in public transport on an equal basis with others
<b>Ground of discrimination:</b>	Disability
<b>Source:</b>	Committee on the Rights of People with Disabilities Communication Nr. 21/2014, 04.09.2015
<b>Field:</b>	Public transport
<b>Applicable Law:</b>	Art. 2, 5, 9, 19, 20 CRPD, Austrian Federal Disability Equality Act

### Content

A first complaint (under the Optional Protocol to CRPD) was brought before the Committee by Mr F a blind citizen of Linz/ Upper Austria and the Litigation association of NGOs Against Discrimination. The complaint is based on the facts stated in Flash Report AT-26 and argues that Mr F was (and still is) discriminated on the basis of his disability. The complaint was brought after all available domestic remedies had been exhausted. A reviewed version of the complaint was sent to the Committee on 26.05.2014.

In its communication regarding the case the Committee saw that the State party has failed to fulfil its obligations under article 5, paragraph 2, and article 9, paragraph 1 and paragraph 2, (f) and (h) of the Convention. In that sense, it made the following recommendation: "the State party is under an obligation to remedy the lack of accessibility for the complainant to the information visually available in all lines of the tram network. The State party should also provide adequate compensation for the legal costs incurred during domestic proceedings and the costs of the complaint".

Also, the CRPD stated that the State party is under an obligation to take measures to prevent similar violations in the future, including:

- Ensuring that the existing minimum standards for accessibility of public transport guarantee the access of all persons with visual and other types of impairments to the live information visually available to other users of the tram and of all other forms of public transport. In this context, the Committee recommends that the Austria creates a legislative framework containing concrete, enforceable and time-bound benchmarks for monitoring and assessing the gradual modification and the necessary adjustments to enable access by persons with visual impairment to the information that is visually available. The State party should also ensure that all newly procured tram lines and other public transport networks are fully accessible for persons with disabilities.
- Ensuring that appropriate and regular training on the scope of the Convention and its Optional Protocol, including on accessibility for persons with disabilities, is provided to all service providers involved in the design, construction and equipment of public transport networks, to guarantee that future networks are built and equipped in compliance with the principle of universal design.
- Ensuring that disability rights laws concerned with non-discriminatory access in areas such as transport and procurement include access to ICT and the many goods and services central to modern society that are offered through ICT. The Committee recommends that the review and adoption of these laws and regulations are carried out in close consultation with persons with disabilities and their representative organizations (article 4, paragraph 3), as well as all other relevant stakeholders, including members of the academic community and expert associations of architects, urban planners, engineers and designers. Legislation should incorporate and be based on the principle of universal design, and it should provide for the mandatory application of accessibility standards and for sanctions for those who fail to apply them.

**Key points of analysis:**

The Committee supports the complainants claim that he has been discriminated on the basis of his disability but the decision reaches beyond the individual case as Austria is requested to review its legislation and monitoring systems in place in order to further approximate the situation with the standards enshrined in the Convention on the Rights of People with Disabilities. It will be interesting to see the obligatory response by the state party.

**Internet link source:** [http://www.klagsverband.at/dev/wp-content/uploads/2015/09/UN-Empfehlungen\\_Mr\\_F\\_engl\\_110915.pdf](http://www.klagsverband.at/dev/wp-content/uploads/2015/09/UN-Empfehlungen_Mr_F_engl_110915.pdf). Last accessed 02/10/2015.