



Convention on the Rights of Persons with Disabilities

Distr.: General
21 September 2015

Original: English
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

Report of the Committee on the Rights of Persons with Disabilities on its fourteenth session (17 August-4 September 2015)

I. States parties to the Convention and the Optional Protocol thereto

1. As at 4 September 2015, the closing date of the fourteenth session, there were 157 States parties to the Convention on the Rights of Persons with Disabilities and 87 States parties to the Optional Protocol thereto. The lists of States parties to these instruments are available on the website of the Office of Legal Affairs of the Secretariat.

II. Opening of the fourteenth session of the Committee

2. The fourteenth session opened in a public meeting with welcoming remarks by the Chair of the Committee. The opening statement of the Office of the United Nations High Commissioner for Human Rights (OHCHR) was delivered by the Chief of the Groups in Focus Section of the Human Rights Treaties Division and is available on the Committee's website.

3. The Committee reviewed and adopted the provisional agenda and tentative programme of work for the fourteenth session (CRPD/C/14/1).

III. Membership of the Committee

4. The list of members of the Committee as at 17 August 2015, indicating the duration of their terms of office, is available on the Committee's website.

IV. Working methods

5. The Committee discussed various issues related to its working methods and adopted the decisions contained in annex I to the present report.

V. Activities related to general comments

6. The working group on women and girls with disabilities reported to the Plenary the progress made in the drafting of general comment No. 3 on women with disabilities.



7. The working group for the preparation of a draft general comment on article 24 considered in private the first version of a draft general comment No. 4 on education.

VI. Activities related to the Optional Protocol

8. The Committee adopted Views on communication No. 21/2014, *F. v. Austria* (CRPD/C/14/D/21/2014). A summary of these Views are available in annex II to the present report.

9. The Committee adopted the note by the Secretary-General on the 19 submissions received between the thirteenth and fourteenth sessions. As at the start date of the session, the Committee had registered 31 communications, of which 11 had been examined.

10. The Committee adopted its interim follow-up report with regard to the Views adopted in *Nyusti and Takács v. Hungary* (CRPD/C/9/D/1/2010), *Bujdosó et al. v. Hungary* (CRPD/C/10/D/4/2011), *Gröninger v. Germany* (CRPD/C/11/D/2/2010), and *X. v. Argentina* (CRPD/C/11/D/8/2012). It considered that the measures adopted concerning communication No. 8/2012 were satisfactory and decided to discontinue the corresponding follow-up activities. The Committee decided to maintain the ongoing follow-up dialogue in relation to the latter three above-mentioned communications.

11. The Committee considered matters related to inquiry proceedings pursuant to articles 6 and 7 of the Optional Protocol.

VII. Other decisions

12. The Committee adopted the present report on its fourteenth session.

13. The full list of the decisions adopted by the Committee is available in annex I to the present report.

VIII. Future sessions

14. The fifteenth session of the Committee is scheduled to be held from 29 March to 21 April 2016 and will be preceded by the fifth meeting of the pre-sessional working group, from 21 to 24 March 2016.

IX. Accessibility of the Committee's meetings

15. Captioning was provided by the United Nations in all public meetings and was facilitated, in some private meetings, by disabled persons' organizations. International Sign interpretation was provided during public meetings. National sign language interpretation was not provided during the session.

X. Cooperation with relevant bodies

A. Cooperation with United Nations organs and specialized agencies

16. At the opening meeting of the session, representatives of the following United Nations agencies, departments and programmes made statements: the Department of Social and Economic Affairs, OHCHR, the United Nations Children's Fund and the World Intellectual Property Organization.

17. The Committee met with the Special Rapporteur on the rights of persons with disabilities to discuss matters relating to the coordination of the mandate of the Special Rapporteur with that of the Committee.

18. The Committee held a meeting with the Head of the Division of Conference Management of the United Nations Office at Geneva, staff of the Conference Management Section and the Interpretation Section of the United Nations Office at Geneva, and representatives of the World Federation of the Deaf and the World Association of Sign Language Interpreters on the provision of international signing and sign language interpretation for the meetings of the Committee.

B. Cooperation with non-governmental organizations and other bodies

19. The Committee was addressed by representatives of the International Disability Alliance, the International Disability and Development Consortium, Disability Council International, the European Network for Independent Living, the European Disability Forum, the European Association of Service Providers for Persons with Disabilities, Inclusion International, Disability Rights Promotion International, the World Network of Users and Survivors of Psychiatry, the European Network of Users and Survivors of Psychiatry World Federation of the Deaf, Autistic Minority International, Handicap International, Human Rights Watch, the Fundamental Rights Agency and disabled persons' organizations of the countries considered by the Committee during the session.

20. The International Coordinating Committee of National Human Rights Institutions made a statement at the opening. The Committee interacted with the following national human rights institutions, which made opening or concluding remarks during the dialogue between the Committee and States parties: the Kenya National Commission on Human Rights, the Ukraine Parliament Commission for Human Rights and the Qatar National Human Rights Committee. The European Union Framework, a monitoring mechanism appointed by the European Union under article 33 (2) of the Convention, also participated in the dialogue between the Committee and the European Union.

XI. Consideration of reports submitted in accordance with article 35 of the Convention

21. The Committee considered the initial reports of Brazil (CRPD/C/BRA/1), the European Union (CRPD/C/EU/1), Gabon (CRPD/C/GAB/1), Kenya (CRPD/C/KEN/1), Mauritius (CRPD/C/MUS/1), Qatar (CRPD/C/QAT/1) and Ukraine (CRPD/C/UKR/1). The Committee adopted concluding observations on those reports, which are available from the Committee's website. The Committee adopted list of issues in relation to the initial report of Portugal (CRPD/C/PRT/1).

XII. Conference of States parties to the Convention

22. The Committee decided that it will be represented at the ninth conference of States parties by its Chair and one Vice-Chair.

Annexes

Annex I

Decisions adopted by the Committee during its fourteenth session

1. The Committee adopted concluding observations in relation to the initial reports of the following countries: Brazil (CRPD/C/BRA/1), the European Union (CRPD/C/EU/1), Gabon (CRPD/C/GAB/1), Kenya (CRPD/C/KEN/1), Mauritius (CRPD/C/MUS/1), Qatar (CRPD/C/QAT/1) and Ukraine (CRPD/C/UKR/1).
2. The Committee adopted Views on communication No. 21/2014, *F. v. Austria* (CRPD/C/14/D/21/2014). It also adopted the note by the Secretary-General on submissions received between the thirteenth and fourteenth sessions, and its interim follow-up report with regard to Views under the Optional Protocol.
3. The Committee considered matters related to its inquiry procedure pursuant to articles 6 and 7 of the Optional Protocol.
4. On the treaty body strengthening process, the Committee: (a) endorsed the Guidelines against Intimidation or Reprisals (“San José Guidelines”) contained in document HRI/MC/2015/6; and (b) endorsed the common consultation process in the adoption of general comments. The Committee decided to incorporate these documents in its methods of work.
5. The Committee decided that its fifteenth session would be held from 29 March to 21 April 2016 and will be preceded by the fifth meeting of the pre-sessional working group, from 21 to 24 March 2016.
6. With regard to countries to be considered at its fifteenth session and country rapporteurs, the Committee decided to consider Chile (Silvia Quan), Lithuania (Stig Langvad), Portugal (Ana Pelaez Narvaez), Serbia (Laszlo Lovaszy), Slovakia (Diane Kingston), Thailand (Hyung-Shik Kim) and Uganda (Danlami Basharu). It also decided to adopt lists of issues in relation to Bolivia (Plurinational State of), Colombia, Ethiopia, Guatemala, Italy, the Republic of Moldova, the United Arab Emirates and Uruguay.
7. The Committee adopted a statement on the World Humanitarian Summit, which is posted on the Committee’s webpage.
8. The Committee adopted guidelines on article 14 of the Convention, on the right of persons with disabilities to liberty and security of person.
9. The Committee adopted the present report on its fourteenth session.

Annex II

Summary of decisions adopted by the Committee in relation to communications submitted under the Optional Protocol

F. v. Austria, Communication No. 21/2014

1.1. The Committee adopted Views in communication No. 21/2014, *F. v. Austria*. The author of the communication, Mr. F., an Austrian national, is blind and depends on public transportation for his daily activities, for private and business purposes. He particularly uses tram line 3 of the city of Linz, which is managed by Linz Linien GmbH, a company owned by the city that runs the entire public transport of the area. In March 2004, Linz Linien GmbH started to equip the tram stops of the city with digital audio systems, which reproduces the written text of the digital information displays by pressing a button of a hand-held transmitter. The digital audio information therefore provides real-time information on the direction of the trams, their arrival and departure time and disruptions of services. More than 40 digital audio systems were installed before June 2009 to enable persons with visual impairments to use the trams independently and on an equal basis with others.

1.2 In August 2011, Linz Linien GmbH extended the railway network of tram line 3. However, none of the stops along the extended railway network has been equipped with the digital audio system. The information for passengers is only available visually. The author submits that, to adequately equip the seven stops along tram line 3, the necessary money would have been available within the estimated budget, without causing any additional costs.

1.3 In June 2012, the author initiated conciliation proceedings against the Linz Linien GmbH in compliance with the Federal Act on Equality for Persons with Disability. No agreement was found. The author then submitted a complaint to the District Court of Linz arguing that he was suffering indirect discrimination in violation of the Act. In May 2013, the District Court held that the absence of digital audio system did not constitute a barrier for the use of the transportation service by visually impaired persons. The Court considered that the information available visually is also available on the Internet and is accessible for persons with visual disabilities who have a speech recognition software device, and that the author could use the tram without the information that is provided on the screens. The author appealed the decision of the District Court before the Regional Court of Linz. In July 2013, the Regional Court confirmed the District Court's decision, considering that the information available visually on the stops of tram line 3 is of "minor importance" and that the author would rarely depend on them.

1.4 The author argues that, although the information concerning the tram schedule is available on the Internet, he does not have immediate access to the real-time information he needs while travelling. He considers that this barrier of communication amounts to a discrimination, in breach of articles 5 and 9 of the Convention. The author also considers that the refusal by the State party to remove those barriers constitutes a breach of articles 19 and 20 of the Convention, as the lack of an audio system on line 3 prevents him from living an independent life and violates his right to personal mobility.

1.5 The author further contends that the Act does not provide adequate protection from discrimination because it does not introduce any obligation to remove barriers and that, under the Act, a barrier will only be considered unlawful if it results of a mistake or is intentional, in violation of article 2 of the Convention. The author also contends that the Act

does not provide remedies in cases of the non-enforcement of an obligation to remove a barrier to the accessing of services that are available to persons without disabilities.

1.6 The Committee noted that the author only raised before the Committee that the line message system is not adapted to his needs, but that he had not done so before domestic courts. The Committee concluded that this allegation is inadmissible under article 2 (d) of the Optional Protocol. The Committee also considered that the author's complaint that the Act does not provide adequate remedies in violation of articles 2 and 5 (2) of the Convention was inadmissible for lack of exhaustion of domestic remedies.

1.7 With regard to the remaining claims, the Committee noted the position of both parties and recalled that "accessibility is related to groups, whereas reasonable accommodation is related to individuals. This means that the duty to provide accessibility is an *ex ante* duty, and that States parties have the duty to provide accessibility before receiving an individual request to enter or use a place or service". The Committee also recalled that "the obligation to implement accessibility is unconditional, namely, that the entity obliged to provide accessibility may not excuse the omission to do so by referring to the burden of providing access for persons with disabilities",^a and that, in accordance with the article 9 (1) of the Convention, "States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others ... to transportation, information and communications, including information and communications technologies and systems".

1.8 The Committee noted that the information available visually at the stops of line 3 is a complementary service aiming at facilitating the use of the tram line and that, as such, this information is an integral part of the transportation service provided. It considered that the question to be addressed is to assess whether the State party had taken sufficient measures to ensure that the information regarding the transportation services provided to persons without disabilities is also provided, on an equal basis, to persons with visual impairments. The Committee also noted that, when Linz Linien GmbH extended the railway network of tram line 3, none of the new stops had been equipped with the digital audio system, which was already known by the service providers, and could have been installed at a limited cost at the time of the construction of the new line. The Committee further noted that the audio system would have provided the author and other persons with visual impairment with immediate access to the real-time information available visually on an equal basis with others, while the existing alternatives do not. The Committee concluded that the non-installation of the audio system by the State party when extending the tram network resulted into a denial of the access to information and communication technologies and facilities and services open to the public on an equal basis with others and therefore amounted to a violation of articles 5 (2); and 9 (1) and (2) (f) and (h) of the Convention.

1.10 As regards the author's allegation under articles 19 and 20, the Committee noted that the author had not provided sufficient elements to enable it to assess the extent to which the lack of an audio system had affected his right to personal mobility and to live independently.

^a See CRPD/C/GC/2, para. 25.