

MonitoringAusschuss

Unabhängiger Monitoringausschuss zur Umsetzung der UN-Konvention
über die Rechte von Menschen mit Behinderungen



August 2025

Contribution

In response to the call for contributions to Resolution 55/8 of the Office of the High Commissioner (A/HRC/RES/55/8)

Presentation of the Independent Monitoring Committee

The Independent Monitoring Committee is responsible for monitoring compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD). It is in charge of federal legislative and executive matters. In accordance with § 13g para. 2 no. 1 and 2 of the BBG, the Independent Monitoring Committee obtains statements from administrative bodies on the implementation of the CRPD and issue its own recommendations and opinions.

The Independent Monitoring Committee welcomes the Call for contributions. It comments on the individual questions as follows and reserves the right to submit further contributions:

Legal and policy frameworks

Question 1: What national, regional or local policies exist in your country to promote accessible transport and housing for persons with disabilities?

On accessible housing:

The Republic of Austria has divided its various legislative powers between the nine federal states and the federal government. Building law is a state competence, which is why there are **nine different building codes** in Austria. Since 2008, harmonization has been carried out on the basis of technical regulations. The basis for this is the guidelines of the Austrian Institute of Construction Engineering (OIB Guidelines 1-6, <https://www.oib.or.at/kernaufgaben/oib-richtlinien/richtlinien/oib-richtlinien-2023/>). OIB Guideline 4 contains the technical regulations on accessibility (<https://www.oib.or.at/richtlinien/oib-richtlinien-2023/oib-richtlinie-4>). Other standards relating to the accessibility of buildings are ÖNORM B 1600 and EN 17210, but these are no longer referred to in the OIB guidelines.

It should be expressly noted that state laws may also deviate from these requirements (https://www.oesterreich.gv.at/de/themen/bauen_und_wohnen/bauen/Seite.2260200). State laws therefore generally determine the regulations relating to accessibility themselves.

Current developments show **setbacks** in this regard. For example, this spring, the building regulations of the state of Salzburg were significantly loosened with regard to accessibility (https://www.monitoringausschuss.at/wp-content/uploads/2025/05/UMA_Begutachtung_SalzburgerRaumO.pdf). The Independent Monitoring Committee, together with the Salzburg Monitoring Committee, wrote an statement on this, but it didn't lead to the state government changing its mind. See https://www.monitoringausschuss.at/wp-content/uploads/2025/05/UMA_Begutachtung_SalzburgerRaumO.pdf.

There is currently a draft law in the state of Upper Austria that also envisage a deterioration in accessibility (https://www2.land-oberoesterreich.gv.at/internet/tgbeilagen/Beilage%2016102/2025%20-%20Begutachtungsentwurf.pdf?id=21961& n=16102& j=2025#page=)).

It should be expressly noted at this point that public authorities also refer to institutions as an "alternative" to the lack of accessible housing and infrastructure. Persons with disabilities are thus forced into **segregation**.

On accessible transport:

There are measures that affect **private transport**, such as individual subsidies for the conversion of a car, exemption from insurance and motor vehicle taxes, and exemption from parking fees (https://www.oesterreich.gv.at/de/themen/menschen_mit_behinderungen/kindheit_und_behinderung/1/1).

There are several regulations governing **public transport** that must be observed to ensure accessibility in public transportation. These include specific regulations such as the Austrian Tramway Ordinance, the Austrian Motor Vehicle Act, and the guidelines and regulations for road transport (RVS) and rail transport (RVE). The RVS are recommendations from the Austrian Research Association for Road, Rail, and Transport and regulate the requirements for public transport in detail. RVS 02.02.36, for example, regulates barrier-free traffic areas (<https://www.fsv.at/shop/agliste.aspx?ID=3156234c-555a-4b8c-8a24-bb156a19e866>).

Accessibility in public transport is ensured by the **prohibition of discrimination** in the Federal Act on the Equality of Persons with Disabilities (BGStG). According to this, the denigration, disparagement, discrimination, or segregation of persons with disabilities is prohibited both directly and indirectly. Before a case can be brought before the court, conciliation is necessary, in which both sides sit down together to find an out-of-court

solution.

One shortcoming of the prohibition of discrimination under the BGStG is that, although there is a right to compensation in court, there is no obligation to cease and desist. Discrimination can therefore continue.

Barriers in public transport were already the subject of the first **individual complaint** against Austria before the UN Committee on the Rights of Persons with Disabilities concerning a bus station in the city of Linz (judgment:

https://www.klagsverband.at/klav2024/wp-content/uploads/2015/09/UN-Empfehlungen_Mr_F_engl_110915.pdf).

Furthermore, there is room for improvement in **raising awareness** about the shared use of public transport. There are campaigns in public transport to promote better coexistence. These also point out, for example, that seats should be given to persons who tire more easily or have difficulty standing for long periods of time. However, they do not address the different forms of disability; in particular, invisible disabilities are not discussed. This often leads to people with invisible disabilities feeling compelled to justify themselves when they ask for a seat.

General:

In Austria, the National Action Plan on Disability 2022-2030 (NAP Disability) has developed measures for implementing the CRPD in the coming years. These measures and objectives are divided into several chapters and also concern the areas of transport and housing (<https://www.sozialministerium.gv.at/Themen/Soziales/Menschen-mit-Behinderungen/Nationaler-Aktionsplan-Behinderung.html>).

Question 2: How do these frameworks align with obligations under the Convention on the Rights of Persons with Disabilities?

The requirements of Articles 9, 19, and 20 of the UN CRPD are **not** being met. Nor can it be assumed that participation as defined in Article 4 para.3 of the CRPD is actually being practiced (see question 11).

Efforts are being made to advance the implementation of the provisions. However, due to the fact that the CRPD is not directly applicable in Austria, because of the **Erfüllungsvorbehalt**, individuals cannot directly rely on it to assert their rights.

Question 3: How are these integrated in the design and implementation of comprehensive care and support systems-related infrastructure?

Fundamentally, there is **no automatic integration** of care and support systems.

One form of support in connection with the use of public transport is the option of taking **an accompanying person** with you who travels free of charge. However, this

requires a highly bureaucratic entry in the so-called "disability pass," which is subject to many conditions.

Accessible transport

Question 4: What measures have been taken to ensure the accessibility of different modes of transport (urban, rural, long-distance, maritime, air, railway, bus)?

In Austria, there are various measures, some of which are based on legal regulations. In **rail transport**, Austrian Federal Railways (ÖBB) provides mobility services for persons with disabilities and information in easy-to-read language (<https://www.oebb.at/de/reiseplanung-services/barrierefrei-reisen>). Another train line, the Westbahn, is designed with low-floor trains so that wheelchair users can get on and off independently. The Westbahn also has an accessibility statement where it points out existing barriers (<https://westbahn.at/barrierefreiheitserklaerung/>).

Local transport in larger cities such as Vienna, Graz, and Linz also has measures in place to ensure accessibility. Tactile guidance systems, elevators, and pictograms are used in subway systems and on trams (<https://www.wienerlinien.at/barrierefreiheit#:~:text=Alle%20U%2DBahn%2DStationen%20und,wir%20diese%20Schritt%20f%C3%BCr%20Schritt>).

However, the Independent Monitoring Committee has repeatedly received reports of **problems** with the use of public transport, such as buses stopping for too short a time, announcements that are incomprehensible or missing, or passengers with disabilities who are simply not allowed to board.

In addition, the Independent Monitoring Committee was informed that passengers with disabilities can sometimes only use barrier-free public transport if they have registered in advance within a certain time frame. This makes spontaneous travel or quick reactions to short-term timetable changes impossible.

Transport providers are making efforts to provide information about the accessibility of transport services, at least **digitally**. However, these systems are highly prone to errors, often resulting in waits of up to several hours for accessible transport.

It should be noted that it is difficult or impossible for a person with disabilities to avoid public transport, as **driving their own vehicle** is also considerably more difficult for persons with disabilities. In Austria, there are no driving schools that teach driving using a joystick, which makes it impossible for some persons with disabilities to obtain a driver's license. Due to the EU Driver's License Directive, it is also not possible to go to other EU countries that offer such driver's license training.

Question 5: Are point-to-point and demand-responsive transport services (e.g., accessible taxis, paratransit) available? If so, what has been their impact?

Point-to-point transport services do exist in Austria, especially in larger cities. However, the vast majority **do not operate on demand**. These accessible taxi services must be booked at least 24 hours in advance, but in practice this is often longer. Accessible taxi services are significantly more expensive. As the service is very limited, delays or last-minute cancellations are common, even for transport services or "patient transport" that are financially covered by public authorities.

Furthermore, it should be noted that transportation services are not an inclusive means of transport and are therefore not an equivalent alternative to accessible public transport.

Question 6: What training is provided to transport personnel to ensure accessible, dignified service?

In Austria, there is **no general obligation** to carry out or attend awareness-raising or training measures.

Certain companies offer training courses on accessible transport in general and on specific modes of transport (bus drivers: <https://www.aktion-mensch.de/inklusion/mobilitaet/gute-beispiele/schulung-fuer-busfahrer-zu-barrierefreiheit>).

The Independent Monitoring Committee has received reports of abusive and degrading behavior by transport service employees, as well as non-compliance with safety measures for accessible transport. This suggests that **training is inadequate**. The lack of awareness among driving schools to expand their services also suggests that they have not been adequately trained and sensitized.

Question 7: What indicators or monitoring mechanisms are used to assess the accessibility and inclusiveness of transport systems?

The NAP Disabilities (see question 1) generally specifies objectives and indicators. In the area of "transport," there are objectives under point 3.5.2, but there is a **lack of indicators**.

Since access to public transport also falls under the BGStG, **individual complaints** can be lodged with the Austrian Disability Ombudsperson (<https://www.behindertenanwaltschaft.gv.at/>).

Systematic implementation problems with the CRPD are also addressed by the Independent Monitoring Committee of the Federal Government and the individual provinces.

However, there is **no** general monitoring mechanism for the accessibility of transport systems in Austria.

Accessible and inclusive housing

Question 8: What actions have been taken to increase the availability and accessibility of housing for persons with disabilities?

There are measures that are also directly based on state laws and regulations. These include, for example, wide entrance areas or ramps. It is striking that the focus is often on **wheelchair accessibility** of housing rather than comprehensive accessibility or universal design. In addition, the planning of measures is sometimes based on the assumption of a **male person** with disabilities. For example, ramps are designed that can only be used by persons with strong upper body muscles.

Some housing adaptations are carried out at the expense of the property developers, but these are accompanied by contractual **disadvantages** compared to other residents. In some cases, higher rents or longer "minimum rental commitments" are required.

Accessible housing is therefore **very limited** in Austria, which means that rents are often higher than for non-barrier-free apartments. The Independent Monitoring Committee is aware of cases in which applicants without disabilities were given preference over applicants with disabilities when accessible housing was allocated, which can be considered problematic given the shortage of such housing.

In Austria, there are therefore **no effective measures** in place to improve the situation regarding accessible housing. Construction companies also frequently cite the increased costs as a counterargument against accessibility and refuse to engage in dialogue with experts.

Question 9: How are universal design, house adjustments and reasonable accommodation integrated into housing policies and building regulations?

Universal design is integrated in some cases. There is **no further integration** or integration of reasonable accommodation.

Question 10: Are there housing programmes or financial mechanisms (e.g., subsidies, grants) specifically supporting independent living for persons with disabilities?

In Austria, there are **programs and financial support** for accessibility. These vary depending on the region and also on the type of disability. For example, the Municipal Department for Urban Renewal (MA 25) in Vienna provides advice on the accessible conversion of apartments and also provides financial support in certain cases (<https://www.wien.gv.at/wohnen/wohnbau technik/foerdern/index.html>).

If the person is in a social emergency due to their disability, a **grant** for accessibility measures, such as conversion, is also possible through the support fund (https://www.sozialministeriumservice.gv.at/Menschen_mit_Behinderung/Finanzielle_Unterstuetzung/Sonstige_finanzielle_Vorteile/Unterstuetzungsfonds/Unterstuetzungsfonds.de.html).

Participation and governance

Question 11: How are persons with disabilities and their representative organizations involved in the planning, implementation and evaluation of transport and housing policies?

There are **committees** that deal with the development of standards, some of which involve persons with disabilities as experts. One example is the inclusive planning group headed by the Austrian Disability Council (<https://www.behindertenrat.at/ueber-uns/inklusive-planungsgruppe/>).

However, the participation of persons with disabilities is **neither a common practice nor a matter of principle**. In most cases, it must be loudly demanded by individuals or groups. This often leads to understanding and negotiations on an equal footing. However, this access often depends on individual persons and cannot be taken for granted.

A major point of criticism is that persons with disabilities are **not represented in the decision-making bodies** but are only consulted as advisors. This is usually without remuneration for their expertise.

In some cases, the practice of "**sham participation**" also exists in Austria. For example, persons with disabilities were invited as experts to test the accessibility of new trams or new batches of trains during their development. In reality, however, it was already too late to make any changes at that point. As a result, the comments and criticisms made by these experts were dismissed and no changes were made.

Data collection and evaluation

Question 12: What data is collected on accessibility in transport and housing? Are these data disaggregated by disability and other factors?

The Independent Monitoring Committee is **not** aware of **whether and what** data on the accessibility of infrastructure has been collected.

Question 13: How is the impact of policies and practices on participation of persons with disabilities evaluated?

The Independent Monitoring Committee is **not** aware of **any** data provided by public authorities on the impact.

The Independent Monitoring Committee has received an increasing number of reports of cases in which the participation of persons with disabilities is **severely restricted**. It appears that comprehensive accessibility is not currently being implemented as a priority.

Good practices

Question 14: Please share examples of good practices, pilot initiatives or scalable programmes in transport, particularly point-to-point transport and housing accessibility and adjustments.

One example of effective accessibility is the bus service in the city of Klagenfurt in the province of Carinthia. The buses are all low-floor buses with audible announcements of stops. The customer and information center, the website, and the stops are also being redesigned and offered in accordance with accessibility requirements. Although comprehensive accessibility has not yet been achieved in all areas, the **approach of continuous improvement** toward an individualized design is commendable.

The Independent Monitoring Committee is **not** aware of **any examples of best practice** in the area of housing.

Question 15: What were the key factors for their success, and what lessons can be learned for replication or adaptation?

In addition to the basic **fulfillment of comprehensive accessibility**, the following success factors were reported to the Independent Monitoring Committee:

Uncomplicated access to local and long-distance transport, regular maintenance and improvements, accessible information, especially about changes, respectful treatment by staff and other persons, such as fellow passengers or neighbors. The fact that accessibility can be taken for granted also makes spontaneous travel and independent mobility much easier.

Integration with care and support systems

Question 16: How do policies and practices in transport and housing interact with or complement comprehensive care and support systems aimed at enabling independent living and community inclusion?

The Independent Monitoring Committee cannot make a definitive statement on this based on the current data. Nor is there any known political development towards improving transport and housing, as would be necessary for independent living. There is also a **lack of support services** to enable independent living. In Austria, for example, there are some difficulties regarding personal assistance. Here, too, public authorities refer to institutions as an alternative.

For the Independent Monitoring Committee

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