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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Pre-sessional working group  
29 November-3 December 2004

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the  
third periodic report of Austria concerning the rights referred to in  
articles 1-15 of the International Covenant on Economic, Social and  
Cultural Rights (E/1994/104/Add.28)**

**I. GENERAL FRAMEWORK WITHIN WHICH  
THE COVENANT IS IMPLEMENTED**

1. What will be the place of economic, social and cultural rights in the current deliberations on a revision of the Federal Constitution?
2. Please clarify the statement in the periodic report regarding the direct applicability of the articles of the Covenant that do not correspond to the opinions of the Committee as stipulated in its General Comment No. 9 and in paragraph 10 of its previous concluding observations on the second periodic report of Austria.
3. Please provide more information on the case law of the Constitutional Court pertaining to social rights as referred to in paragraph 8 of the report. Please cite, if possible, cases in which the Austrian courts have referred to articles of the Covenant.
4. Please indicate whether the State party intends to adopt and implement a national plan of action on human rights in accordance with the Vienna Declaration and Programme of Action of 1993.

5. Please indicate whether the State party intends to establish a national human rights institution in conformity with the Paris Principles (General Assembly resolution 48/134, annex), in order to promote and protect human rights, in particular, economic, social and cultural rights.

6. Please indicate whether the State party takes account of its obligations under the Covenant when engaging in negotiations with international financial institutions.

7. Please provide information on the enjoyment by migrant workers in the State party of the rights enshrined in the Covenant, and indicate whether the State party intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **Article 2.1: International assistance and cooperation**

8. Please indicate whether the State party intends to increase its official development assistance with a view to meeting the United Nations target of 0.7 per cent of GDP.

### **Article 2.2: Non-discrimination**

9. Please provide information on the measures taken by the State party to combat the phenomenon of xenophobia and racial discrimination.

10. Please provide more detailed information on the situation of the Roma people and, in particular, the foreign Roma living in Austria, with regard to their enjoyment of economic, social and cultural rights.

### **Article 3: Equality between men and women**

11. Please provide more information on recent case law, especially of the Constitutional Court, regarding the principle of gender equality. Please also provide further details of measures adopted by the State party to guarantee de facto gender equality in the area of economic, social and cultural rights. What steps has the State party taken to integrate gender issues into public policies, educational curricula and domestic legislation?

## **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

### **Article 6: The right to work**

12. Please provide further information on the National Action Plan for Employment (paragraph 16 of the report) and indicate whether it has produced the expected results.

13. Please indicate unemployment rates recorded over the past five years.

14. Please provide up-to-date information on vocational training programmes for unemployed persons and on the results of their implementation.

**Article 7: The right to just and favourable conditions of work**

15. Please indicate whether the minimum wage is sufficient to ensure a decent standard of living for workers and their families. Please provide additional information regarding the criteria and procedures used in determining and adjusting the minimum wage.
16. Please indicate the extent of gender wage differentials for work of equal value.

**Article 8: Trade union rights**

17. The report contains apparently contradictory information regarding the right to strike. The statement in paragraph 4 to the effect that the State party has not enacted any law regarding the right to strike appears to be contradicted by paragraphs 86 and 89. Please describe in detail the legislation governing the right to strike.

**Article 9: The right to social security**

18. Please describe more fully than in the report (para. 94) the specific features of Austrian social legislation that have prevented the State party from ratifying International Labour Organization Conventions Nos. 121 and 130, and the remaining parts of Conventions Nos. 102 and 128.
19. It is not clear from the report (paras. 96, 156 and 162) whether all persons residing in the State party are covered by health insurance. Are some groups of persons excluded? Please provide precise information.
20. It is not clear from the report (para. 113) what exactly is covered by invalidity insurance and how it relates to old-age pension insurance. Are those two separate insurance schemes? Please clarify.
21. It would appear from the report (paras. 164 and 165) that people, especially women, who have not been gainfully active during their lifetime receive a very small old-age pension. What steps does the Government intend to take in order to address that problem?

**Article 10: Protection of family, mothers and children**

22. Please provide information on measures taken by the State party to address the problem of domestic violence, especially against women.
23. Please provide up-to-date information on measures taken to combat sexual exploitation of children, including child pornography and prostitution.
24. Please provide up-to-date information on measures taken to combat trafficking in persons, especially of women and children.

**Article 11: The right to an adequate standard of living**

25. Please indicate which population groups are worst affected by poverty. Please describe measures taken to alleviate poverty and give updated figures for the period after 1997.

26. Please indicate what measures have been taken by the State party to address the problem of the large number (2,000 in 1998) of homeless people (paragraph 348 of the report), and provide more recent figures on such persons.

27. Please provide more specific and detailed information on the number of forced evictions (paragraph 349 of the report) and on measures taken to provide alternative housing to persons affected by such measures.

#### **Article 12: The right to physical and mental health**

28. Please provide detailed information, including statistics, on persons infected by HIV/AIDS and on the measures taken by the State party to combat HIV/AIDS.

29. Please provide information on the problems of alcoholism and the consumption of tobacco and illicit drugs, among young people in particular. What steps have been taken to combat those problems?

30. Please provide information on steps taken by the State party to improve public awareness on matters pertaining to sexual and reproductive health.

#### **Articles 13 and 14: The right to education**

31. How does the State party reconcile the introduction, with effect from the 2001/02 academic year, of university tuition fees (paragraph 439 of the report) with the requirement, under article 13 (2) (c) of the Covenant, to ensure the progressive introduction of free higher education?

32. The current proportion of women in assistant lecturer posts at universities is 23 per cent (paragraph 505 of the report), whereas the proportion of women studying at university (58 per cent among new entrants and 34 per cent at doctoral studies level) is relatively high. Please indicate what specific measures have been taken by the State party to ensure gender equality in teaching posts in higher education.

#### **Article 15: Cultural rights**

33. Please give details of journals published in minority languages and of radio and television broadcasts in those languages.

34. Please provide information on the measures adopted to preserve the languages and cultures of ethnic minority groups living in Austria.

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