

## AUSTRIA

### **CEDAW A/40/45 (1985)**

180. The Committee considered the initial report of Austria (CEDAW/C/5/Add.17) at its 51<sup>st</sup>, 55<sup>th</sup> and 56<sup>th</sup> meetings, on 24 and 28 January 1985 (CEDAW/C/SR.51, 55, 56 and 62).

181. The representative of the State party began his introduction with some remarks on the reporting system under the Convention, which placed a heavy burden, in terms of budget and work, on Member States. Such a burden weighed all the heavier in the case of countries that had only limited technical and administrative resources or whose official language was not one of the official working languages of the United Nations.

182. He presented additional information on the most recent events, which could not have been incorporated in the report.

183. He mentioned the seminar on the economic role of women in the Economic Commission for Europe region, which was held in Austria in October 1984 at the invitation of the Austrian Government by saying that many of its recommendations provided for action to compliment the provisions of the Convention. He highlighted the main constitutional provisions that guaranteed equality between the sexes in Austria and spoke about the extensive case law that was consequently developed by the Constitutional Court, which was guided by the principle that unequal treatment of women and men was only justified where objectively justifiable reasons existed. Those constitutional provisions were binding on lawmakers, the administration and the judiciary, and upon ratification of the Convention, article 4 was given the rank of constitutional law.

184. He then reported on a number of concrete measures and initiatives taken by his Government on behalf of women in recent months. One of them was a campaign to change traditional and stereotyped attitudes towards jobs and raise the awareness of young women to take up unconventional work. Another was a programme for the promotion of women in the civil service adopted by the Government, which proved successful. He underlined the clearing house function of the Office of the State Secretary for General Questions relating to Women in the Federal Chancellery. He also emphasized that the Government and its agencies were by far the largest employers in Austria and their measures had an immediate impact on the overall situation of women in the country. Other measures referred to helping abused women, women released from prison and women seeking divorce, sexual violence against women and related legislative measures. Besides the various government actions, he referred to private initiatives that merited full government support.

185. The representative of the State party presented some statistical data on women in public political life. He said that 1 out of 15 ministers and 2 out of 6 state secretaries were women; 20 out of 183 Members of Parliament and 10 out of 63 members of the second chamber, the "Bundesrat", were women. The percentage of women in the diets, the "Landtage", ranged from 2.8 per cent to 18 per cent. The members of all those bodies were elected by equal suffrage; their composition

reflected the conventional attitudes of the population, which the Government was attempting to change. In addition to the various measures undertaken domestically, Austria was also actively involved in promoting equal opportunities for women at international forums.

186. The majority of members of the Committee congratulated the representative of Austria on his excellent introductory statement, which complemented the information supplied in the written report. They were impressed with the quality and quantity of programmes, which demonstrated the seriousness attached by the country to the Convention and the desire to change the stereotyped roles of women in society. Some commended the particular attention paid by the country to women in the work-force and the various equality provisions in the Austrian codes. On the whole, the impression was that Austria had started very conscious work towards de facto equality between women and men. At the same time, most experts expressed concern about the lack of sufficient statistical information and deplored the fact that two documents, handed out during the meeting (“The economic role of women in Austria” and “Women and mass media in Austria”), which contained very valuable statistical data, had not been available earlier. A few experts shared the concerns expressed by the representative of the State party with regard to translation problems in connection with the submission of national reports.

187. One expert sought clarification on what she felt were two contradictory statements in the report, namely, that the provisions of the Convention could not be applied directly within the framework of the domestic legal order, but that the Convention supplemented Austrian law, and its articles 1 to 4 additions to the Constitution.

188. Some experts asked for more information on the procedure to be followed when making an appeal to the Constitutional Court. They wanted to know whether citizens could appeal directly or indirectly in cases of violations of any rights or only of constitutional rights and whether the costs of appeal were borne by the State. More clarification was sought on the Equal Treatment Act, the functions of the Equal Treatment Commission and on what was meant by the elimination of “open discrimination” under the Act in collective agreements. Several experts asked which mechanism was applied by the Equal Treatment Commission to control the implementation of the Convention and other legislative measures, what procedure had to be followed to bring a case before that Commission and who was entitled to appeal to the Commission. Some experts asked whether the Commission operated under the instructions of a government body, and several experts expressed astonishment at the small number of cases submitted to the Commission. They also asked whether any other cases concerning discrimination against women had been dealt with and whether any discriminatory measures had been subsequently declared null and void.

189. As regards the special administrative bodies in Austria dealing with women’s matters, questions were asked about the specific functions of the Office of the State Secretary for General Questions relating to Women in the Federal Chancellery and the tasks of the special unit for women’s problems within the Federal Ministry of Social Affairs which was created in 1983. Questions were also asked about the relationship of those two bodies to each other and to non-governmental organizations and their powers to impose sanctions. An expert asked whether the unit created in 1983 continued the programmes started by the former Office of the State Secretary for Matters relating to Working Women in the Federal Ministry of Social Affairs.

190. Several experts wanted to know whether any assessment of the activities to enhance the status of women had been made, whether as a result of media campaigns and major changes in school textbooks and television programmes people's attitudes had changed and whether research on assessing those changes had been undertaken. One expert asked whether and to what extent men were involved in attempts to change traditional attitudes and what was being done to encourage men to change their attitudes. More information was requested on the responsible authorities in the fields of information and education. One expert wanted to know whether the new ways of presenting women and men in textbooks applied also to pre-school educational materials. Another expert asked whether the choice of television programmes depended upon the good will of the media or whether an authority was responsible for imposing certain sanctions.

191. More information was sought on the situation with regard to role stereotyping and discrimination in advertising. It was asked whether employers advertising vacancies were allowed to specify that they were open only to applicants of a particular sex.

192. More statistical information was sought on the participation of women in political organizations and political parties at all levels, the number of women who exercised their right to vote and the percentage of women in elected bodies at lower and higher levels.

193. Several experts were somewhat surprised that Austria had made a reservation with regard to article 7 (b) of the Convention and asked for clarification. They wondered whether the reservation referred to the participation of women in the armed forces or to their access to public functions at certain levels. It was also asked whether military service was compulsory in Austria. Further questions referred to the percentage of women in the judiciary, in senior public service, in the diplomatic service and in international bodies. One expert inquired about the fields in which women ministers were appointed and whether the 20 women Members of Parliament had been the only female candidates.

194. As regards education, more statistical information was sought on education at all levels and especially on female student enrolment, the proportion of women who had completed secondary or post-secondary education as compared with men and the proportion of educated women compared with all women. One expert wanted to know in what types of careers female university graduates were engaged. Questions were asked about the types of trades women were entering under the special apprenticeship programme, about the role played by the Roman Catholic Church and about the situation of immigrant women. One expert asked for a copy of the book published in November 1981 as a result of a story competition that had been organized under the motto "Girls may whistle - boys may weep". Other experts asked whether education was compulsory in Austria and up to what level and which types of education were free. It was asked whether courses in handicrafts and domestic economy were taught to girls and boys or whether they had been abolished.

195. One expert asked whether the new educational programmes constituted an obligation for teachers or whether they had the character of suggestions only.

196. More statistical information was requested on the proportion of women and men in different occupational groups, at different levels, in the public and private sector and on the total number of gainfully employed persons. It was asked whether female unemployment existed and whether steps

had been taken to reduce or even eliminate piece work. One expert asked whether a woman who had been dismissed on discriminatory grounds or had been refused employment on the ground of sex could take recourse action and to which relevant authority. She also inquired whether men as well as women with dependants had the right to contest a dismissal as being socially unjustified. Other experts asked about the part-time working system, about the protection of the rights of unpaid women in family business and about the reasons for prohibiting night work for women. They also wanted to know which types of work were forbidden for women, why a prospective employer was not forbidden to take sex into account in the selection of personnel, whether any problems had arisen in that respect and what were the criteria for the “best suited” applicant for public service. It was asked whether Austria intended to withdraw its reservation in respect of article 11 of the Convention.

197. Some experts asked about concrete examples of preferential treatment, whether discrimination in respect of remuneration for work of equal value and in the taxation system existed, why women were still earning the lowest salaries and what measures the Austrian Government envisaged to change the situation. Another expert was interested in the results contained in the report on the special programme adopted in November 1981 to assist women in public service. While one expert inquired whether discrimination was practised in Austria only in the private sector or also in regard to government posts, another expert thought that the Government, being the most important employer in Austria, was in the fortunate position of being able to give a good example to private employers. Other questions referred to vocational guidance to take up non-traditional occupations, to professional training programmes, to the situation of women migrant workers, to the situation of ethnic minorities and to data on the conditions of work for women in various branches of industries.

198. Several experts made observations in connection with the question of maternity leave. Some asked whether paternity leave was being considered, whether women, after having taken suspended leave for child-care did not risk losing their jobs and whether public assistance in any form was given for child-care services. It was also asked whether women who had to take care of sick children were paid an allowance and, if so, whether the father was equally entitled to it. One expert wanted to know the percentage of women who took maternity leave in the public and in the private sectors. Another expert asked whether it was up to the discretion of women to decide on the type of work to be performed during pregnancy. One expert inquired whether the maternity allowance which had been raised for single mothers was still different from the allowance for married mothers.

199. More information was sought on the legal situation regarding abortion, and it was asked whether health services in Austria were private or paid for by the State. One expert asked how prostitution was dealt with in Austria and whether it was considered an offence.

200. As regards rural women, more information was requested on problems faced by rural women, their educational status and their employment possibilities. More clarification was sought on the helpers assigned to mothers active in business, farming or forestry, during the pre-natal and post-natal periods prescribed by law, and whether costs connected with such helpers were covered by the State or by private insurance.

201. Another question referred to the type of authorities that would arbitrate in cases of disagreement between the parents about the receipt of family allowances. An expert sought more

information on the family and partner counseling services. More information was sought on the exercise of women's rights to establish a domicile following a divorce and on the extent to which women were economically independent, could administer their own property and deal with financial institutions.

202. Several experts requested more information on the forthcoming legislative amendments in criminal procedures in cases of marital violence and abused women. Some experts asked whether programmes for counselling men in domestic violence existed, whether studies on the magnitude of the problem had been made, what action had been taken to combat the phenomenon and what were the seven institutions referred to in the report for the protection of maltreated women. It was asked whether, apart from the husband, violence was also exercised by other male members of the family and whether a link between violence and alcoholism existed.

203. A few experts were concerned about the existing distinction between legitimate and illegitimate children, which had been abolished in other countries. Questions were asked about whether equality between the sexes existed as regards maintenance obligations, custody and guardianship and why legal guardians, instead of the mothers, had to take care of an illegitimate child. More information was sought as regards the right of and the procedure for adoption. Finally, it was asked whether women who lived in consensual unions had the same rights as married women.

204. The representative of Austria explained that the rank of constitutional law for articles 1 to 4 of the Convention meant that no legislation could be enacted in Austria that was contrary to those provisions. They were, however, non-self-executing, that is, laws and other provisions had to be enacted before those articles could be applied.

205. If the principle of equality had been violated, each person was entitled to file a complaint with the Constitutional Court within six weeks after the passing of a final decision in the last instance by an administrative authority or in order to challenge the legality of an ordinance or law. Such decisions or laws may be declared null and void. The representative enumerated a number of concrete examples and also stated that everyone in Austria was entitled to seek free legal aid.

206. As to the composition and functioning of the Equal Rights Commission he explained which members of the Government, autonomous chambers and trade unions were appointed for a period of four years by the Federal Minister for Social Affairs. Although only few cases had been dealt with by the Commission, they had far-reaching impact on collective and other labour agreements. The Commission dealt with cases of discrimination in the para-judicial field, and complaints could be filed with that body and the Labour Court simultaneously.

207. The tasks of the former State Secretary for Matters relating to Working Women in the federal Ministry of Social Affairs and her programmes and research work had been taken over by a whole unit in the same Ministry without any budget cuts. The installation of the State Secretariat for General Questions relating to Women in the Federal Chancellery made women's issues a government function and, by putting them in the centre of public attention, contributed to a change of attitude in the society. The office also held interdisciplinary negotiations with other ministers.

208. As regards women in the media, the representative of Austria mentioned a Commercial

Advertising Committee attached to a ministry, which issued specific guidelines to advertising companies and dealt with pertinent complaints.

209. After having explained that “open discrimination” meant any discrimination contained in the explicit wording of a provision of law, he said that such “open” or “positive” discrimination was no longer contained in collective agreements and every endeavour was made to eliminate it anywhere else.

210. The legislative provisions concerning prostitution did not differentiate between women and men. Prostitution in public places and prostitution involving children and minors were forbidden; it was allowed, however, in places confined by the authorities, and was placed under medical control.

211. There were no restrictions in Austria on the participation of women in political parties and trade unions, and the State Secretary for General Questions relating to Women was trying to develop in women more self-confidence to run as candidates for political office by holding seminars and training programmes. Although there were currently only 20 women in Parliament, there were many more women candidates for the last elections.

212. As to the reservation made by Austria with regard to article 7 (b) of the Convention, the representative explained that it concerned only the exemption of women from military service. Austrian lawyers considered that there were “objectively justifiable” reasons for such an exemption. Women were, however, included in the administration of the army. Military service was compulsory for men.

213. The representative gave statistical information on the participation of women in the diplomatic service. In the foreign service 48 per cent of the staff were women; 10.8 per cent were women diplomats.

214. An association subsidized by the Government had been conducting information campaigns for parents in order to change stereotyped behavioural patterns for pre-school children. The State Secretariat for General Questions relating to Women not only issued general guidelines for assuring a more realistic picture of both sexes in Austrian schoolbooks, it also carried out literacy campaigns for female migrant workers and programmes geared towards social fringe groups and linguistic minorities. The representative of Austria stated that in his country education was compulsory for nine years. School attendance, schoolbooks, vocational training, education in universities and high schools and transportation to and from schools or universities by public transport were free of charge for both sexes up to the age of 27. Students from low-income families could apply for scholarships, which covered their cost of living. The medical care of pupils and students was covered by the Austrian social security system. Women constituted 41.7 per cent of the total university population; from the breakdown by field of study it appeared that the majority of female students, i.e. 52.8 per cent, was enrolled in philosophy and science.

215. He explained that the trend towards higher education had continued for both sexes. The share of women with completed vocational training rose from 13 per cent to 19 per cent, and considerably more women graduated from schools of higher education. Yet there were still differences in

professional qualifications between the sexes. Whereas more women than men held senior posts in the public service, less than 1 per cent of female graduates, compared with 16 per cent male graduates, held executive positions in private enterprises.

216. The representative stated that the advanced training programme for teachers was voluntary.

217. Concerning the special apprenticeship programmes for women, the representative of Austria explained that monthly subsidies were paid to enterprises that employed girls in jobs in which less than 30 per cent women were employed, and research and training programmes and media campaigns were carried out to motivate girls to take on non-traditional jobs. A special programme was also launched for the promotion of women in the civil service in order to change stereotypes and eliminate prejudices. It included special courses for women, the provision of day care shelters and better working conditions. Furthermore, by ministerial decree all job vacancies had to be announced without reference to sex. The sex of the applicant was equally irrelevant. Similar measures and improvements were aimed at in the private sector.

218. Although the incomes in the public sector were regulated by legislation, the wage difference between women and men in the public sector still came to 19 per cent - about 40 per cent in the private sector. A study carried out on the differentiating regulations for work performed by men and women under Austrian collective agreements had a strong impact on the Equal Treatment Act of 1979.

219. Generally, part-time employment incorporated no legislative disadvantages for employees, and the number of part-time employees was on the increase. The representative of the State party mentioned the special legislative provisions covering self-employed housewives. An additional measure to reduce piece-work was that the agreement of shop stewards in private enterprises must be obtained.

220. As regards job restrictions for women, it was stated that under certain legislative provisions the physical abilities of women had to be taken into account in the assignment of work and, consequently, a number of activities were forbidden to women. Night work was outlawed for women on the grounds of ILO Convention No. 89 and a number of special laws. Exceptions were only made for specific types of occupation and further exceptions were under consideration.

221. As regards the special provisions for the promotion and protection of ethnic minorities, the representative of Austria explained that no distinction was made between women and men.

222. The representative mentioned special measures to protect women against dismissal during and shortly after pregnancy. If a person had dependants, the law courts had to decide whether the dismissal was socially justifiable by taking into account the alimony responsibilities of the person to be dismissed.

223. As regards the system of taxation, he explained that couples were taxed separately in Austria and that a number of expenses, such as payment of alimony, were deductible from tax.

224. The representative of Austria stated that every employed person was entitled to paid leave of

up to one week for looking after a sick close relative. Birth and family allowances were the same for single and married mothers. The maternity leave allowance for single mothers was one-third higher than that for married mothers. There were special emergency grants for single mothers up to the child's third year and a special child-care allowance for single mothers up to the child's sixth year. A small contribution for public child-care facilities had to be paid by the parents according to their income. Private child-care centres were run on a commercial basis, and most of them received government subsidies. Although paternity leave was under discussion, it was not likely to be introduced in the near future because of the reserved attitude of employers' organizations. Since 1975, abortion was allowed to be performed by a medical doctor up to the third month of pregnancy.

225. The representative mentioned about 200 family counseling centres in the country run by the State or by private organizations, which were available to everyone free of charge and gave advice on family planning and social, economic and psychological problems arising out of a partnership.

226. Self-employed women were entitled to the service of a helper assigned by the authorities for eight weeks before and after confinement. Only about 7 per cent of women in Austria worked in agriculture. A farmer's wife enjoyed medical care under the Austrian social security system and had the status of a self-employed housewife. She enjoyed all measures relating to maternity protection and the corresponding allowances. Female agricultural workers had the same entitlements as other workers.

227. The representative gave some statistical information on women who suffered under marital violence and stated that more women were reporting cases of abuse committed by men to the police. Marital violence was considered a justification for divorce and for leaving the common residence. Victims of sexual violence could seek refuge in self-administered shelters and make use of telephone hot lines or group therapy. The representative mentioned legislative and ministerial measures that had been initiated or were foreseen in case of sexual violence.

228. The representative of Austria stated that women could acquire and administer movable and immovable property and take out bank loans without prior consent of their husbands. Separation of property in marriage was foreseen under Austrian law if not otherwise decided upon by the spouses. In case of divorce the common savings and assets were split up according to rulings of the court.

229. As regards housekeeping and housework, surveys revealed that the pattern changed over the last 15 years and more men took part in the tasks of housekeeping and child-care.

230. The representative of Austria clarified that the terms "legitimate" and "illegitimate" children were in the report through an error of translation. The correct terms were children born in and out of wedlock. For children born in wedlock, the parents acted as legal representatives; for children born out of wedlock, those functions were fulfilled by the public youth welfare agency. Under a new law, which would be enacted soon, a single parent of either sex could be the legal guardian. After marriage both spouses could either request to bear the name of the husband or of the wife, the wife could also add her maiden name to her husband's name. Children born in wedlock had the common family name; children born out of wedlock bore the mother's maiden name. Concerning the family allowance, the representative stated that parents who lived together were free to choose



which of the spouses received the allowance for which child. In cases of disagreements the authorities had to ensure that the benefit went to the parent who assumed the main responsibility for the child.

231. As to the question of adoption, it was stated that in Austria a person of either sex beyond a certain age was allowed to adopt a child under court authorization if the adoption served the well-being of the child and the prior consent of the child's close relatives had been obtained.

## **CEDAW A/46/38 (1991)**

303. The Committee considered the second periodic report of Austria (CEDAW/C/13/Add.27) at its 184<sup>th</sup> meeting, on 29 January (see CEDAW/C/SR.184).

304. The representative of Austria, in introducing the report, said that the questions put by members not only clarified matters, but also provided an impulse for a more precise implementation of the Convention in future. She stated that Austria had been trying for many years to promote the Committee's work and to create better conditions under which the Committee could carry out its difficult task.

305. The representative highlighted the most important events that had taken place since the periodic report was completed in early 1989. One development was the 1990 amendment to the Equal Treatment Act, which gave employed women an increased promotion, as well as protection against discrimination. While the programme for the advancement of female civil servants had played a pioneering role in identifying qualified work for women, discussions had also been held with private employers during the preceding two years in order to develop similar promotion for women in the private sector. A second development was the targeted measures in the fields of family and social policy in order to strengthen the sharing of responsibilities between spouses. The package of measures concerning the family, which was adopted in 1990, provided women and men with the choice of taking paid parental leave for up to two years, including the possibility of taking a third year of paid leave if part-time work had been undertaken during the second and the third years. In addition, the penal law had been reformed to include a provision that marital rape was a sexual offence. A provision had been adopted under the Youth Welfare Act that automatically gave unmarried mothers custody of their children. Legal provisions had been made concerning genetic and reproduction technologies, which were intended to prevent the exploitation of the reproductive capacities of women.

306. She said that women were more visible in politics than they had been in the past, and several political parties had set quotas for the representation of women. After the most recent elections, the percentage of women members of the National Assembly was 21.3, which was higher than the European and global average. Other important measures against discrimination included efforts to overcome social stereotypes in all areas and awareness-raising campaigns for girls and their parents. Most recently, the position of State Secretary for Women's Affairs had been upgraded to that of Federal Minister for Women's Affairs. The goals of a progressive policy for the elimination of discrimination could only be achieved, she said, through an intensive collaboration with all the ministries.

307. Responding to general questions posed by members, the representative noted that a number of institutions and mechanisms were responsible for the implementation of equality policies, including the Equal Treatment Commission, women's units at the governmental and non-governmental level, and focal points for women at the municipal level. The Federal Minister for Women's Affairs had the central coordinating and supervisory role.

308. Responding to additional comments, the representative said that the Ministry for Women's

Affairs was part of the Federal Chancellor's Office. Although there was currently more political visibility, the institutional structure had to be built up and financial and human resources secured.

309. Several large organizations of women, political parties and semi-official organizations had been consulted in the preparation of the second periodic report. A more intensive cooperation with women's organizations had not been possible owing to logistical constraints. She said that the Division for Basic Women's Issues in the Federal Ministry of Labour and Social Affairs had a key position within that Ministry. General budget cuts had been imposed on all ministries, but budgets for women's programmes had been increased in the years 1990 and 1991. Inter-ministerial working parties on women's issues met regularly in the Federal Chancellery at least twice a year, chaired by the Federal Minister for Women's Affairs, to discuss important women's issues and to decide on their implementation. Some of the working parties had a fixed membership, others were established on an ad hoc basis. All ministries were regularly informed about all legislative proposals. Since all the decisions of the Council of Ministers were taken by consensus, the Federal Minister for Women's Affairs could prevent any measures that constituted any type of hidden discrimination.

310. Several studies and surveys were periodically carried out to evaluate government policies on the status of women in all areas of socio-economic concern. A large-scale study had been carried out on the results of the programme for the promotion of women in the civil service. Another example was a study on the results of measures in connection with medical check-ups during pregnancy and the first year of the child's life.

311. The representative said that the issue of removing Austria's reservation concerning the right of women to do military service had not been seriously discussed at the ministerial level, which reflected an opinion that was corroborated by the current political situation in the world. The Austrian Central Statistical Office, trade unions and non-governmental organizations had been publishing, since the beginning of the United Nations Decade for Women: Equality, Development and Peace (1976-1985), gender-disaggregated statistics and statistical indicators to show differences in the status of women.

312. Under article 2, she said that sexism in the media, in business and in industry was a major concern of the Advisory Council on Sexism within the Federal Chancellery. The Council assisted women in filing complaints. As its decisions were not legally binding, the reactions of industry and the media had been varied, and in some cases the Federal Minister for Women's Affairs had had to intervene in her personal capacity. Complaints lodged against the Austrian Broadcasting and Television Corporation were, in addition to the other mechanisms, handled by a special arbitration council. Currently, a bill was being discussed that would allow women to bring before the courts cases of sexist advertising. Concerning sexual offences, the most important new provisions of the penal law concerned a new definition of rape as an offence if it was perpetrated within marriage or a cohabital union and a provision to prohibit the offending spouse from entering the marital home for up to three months. The representative said that the Convention and the work of the Committee had been disseminated in Austria in general, and was being included in the education curricula and put on the agenda of seminars for civil servants.

313. Referring to the Advisory Council on Sexism and the question as to how sexual bias in literature could be eliminated without interfering with the freedom of the press, the representative

said that a balance had to be found between the freedom of the arts and the dignity of women, and a bill was being prepared to provide for collective action.

314. Referring to article 3, she said that the liaison women in each ministry were part of a working party, which had an advisory function and could make proposals as to how equality of treatment could be achieved. An evaluation of the entire promotion programme, including the role of the liaison women and their impact on women in civil service, had been carried out. She said that immigrant and refugee women in Austria enjoyed the same fundamental rights and freedoms as all other citizens and she highlighted specific labour market policies to assist them. Preference was given to unmarried immigrant and refugee mothers with children in the allocation of resources and shelter.

315. Under article 3, in reply to the question as to how the many refugee women were integrated into the employment market, she said that the living conditions of migrant women were not the most favourable and more needed to be done.

316. In relation to article 4, she noted that, in spite of the rather long period for which de jure equality of women had existed in Austria, there was still a need for temporary special measures. Affirmative action programmes had been set up at the federal and provincial level for women in the civil service and in some private companies. The equal treatment law, currently being drafted, foresaw quotas for women in public service. All ministers were obliged to report at periodic intervals on promotion measures.

317. Referring to questions under article 5, she said that women were strongly underrepresented in the electronic media and their image was not positive. Women's problems were marginalized, and stereotypes and traditional role models still prevailed although their elimination was none of the targets of the education policy. Private and public employers were not allowed to make reference to the sex of the applicant in their job announcements. However, no authority could impose sanctions on the media regarding the choice of television programmes. As regards the implementation of the proposals made by the Commission on School Reform, studies had been commissioned in the fields of informatics and mathematics to identify gender-specific trends, and initiatives were being promoted to motivate girls to move into non-traditional fields.

318. Regarding comments under article 5 referring to non-sexist language, the representative said that, in 1987, a study had been made on the linguistic equal treatment of women in public service. It had been difficult to implement its recommendations as they also concerned titles in the administrative hierarchy and criticism had been voiced. In answer to comments on the fact that the Vienna Philharmonic Orchestra consisted entirely of men, she said that the Orchestra was part of an association and, as such, could not be affected by the provisions of the federal law governing conditions of employment.

319. The new law, which gave spouses the choice as to who would take parental leave, made a valuable contribution to the implementation of the principles of equal treatment of women and men and of partnership in raising children.

320. On article 6, as to whether nothing could be done to include prostitutes as well in the social

security coverage, the representative said that prostitutes had to be registered and undergo regular physical check-ups and were free to take out private health insurance. Her goal, however, was to provide mandatory health and pension insurance coverage for prostitutes as they were obliged to pay tax.

321. Regarding article 7, she said that women's groups within political parties were not subsidized by the Government, but by the parties concerned. Governmental departments provided subsidies to specific programmes, and some ministries had sizeable special budgets to subsidize non-governmental women's groups and women's projects. Independent associations were more likely to receive funding if their projects were relevant to societal issues. The representative intended to increase cooperation between women's organizations and also to make more funds available. It could be assumed that more women were taking part in political life as a result of their higher participation in the recent elections. However, women's representation in the higher levels of political leadership was not commensurate with the percentage of their participation in political parties. As to the percentage of women at the provincial level, she said that on the municipal council of Vienna, women accounted for 30 per cent of the membership, but in other provinces of Austria the percentage of women varied between only 6 and 10 per cent.

322. On article 8, the representative said that the percentage of women in the diplomatic service was increasing, and a special unit had been set up to deal with the possible problems of women when they were transferred abroad.

323. Referring to questions under article 10, the representative said that the university curricula were the autonomous responsibility of the universities. However, some influence could be exercised through other institutions. Since 1988, there had been a chair for women's studies at the University of Innsbruck, and two subjects dealing with women's studies had recently been introduced at two Austrian universities. For several years, women carrying out higher studies had been moving into traditionally male fields. In law, general medicine and veterinary medicine, women accounted for about 50 per cent or more of the students. But that tendency was not yet noticeable in the technical-mechanical fields. In primary schools, coeducational handicraft courses were taught to boys and girls; and efforts were being made to educate girls in informatics and mathematics. Home economics were mandatory for both sexes. School programmes on partnership attitudes and equality between women and men currently had only the character of suggestions.

324. In the context of article 11, she said that recent amendments to the Unemployment Insurance Act concerned a wider coverage of the minimum guarantee regarding unemployment benefit and emergency assistance, especially for groups who had never been covered by such benefits in the past. She thought that the reason why only 20 per cent of employed women returned to their jobs after one year of maternity leave seemed to be the scarcity of child-care centres. The percentage differed between urban and rural areas. It was to be assumed that the situation would change with the new law regarding parental leave. Any person who was professionally discriminated against on the grounds of sex could appeal to the Equal Treatment Commission or file a complaint in court. The sentences of the Commission or court judgements had to be published in the official gazette of the Federal Ministry of Labour and Social Affairs. The recent amendment to the Equal Treatment Code had introduced a shift in the burden of proof. A further possibility of recourse for women was the Equal Opportunity Ombud.

325. Members presumed that the prohibition of night work for women was also related to the protective laws for women workers. The representative stated that Austria was currently not planning to withdraw its reservation regarding the prohibition of night work for women, especially as there were already a number of exceptions to it. The representative said further that Austria took the view that night work should be forbidden for male workers also because it was detrimental to health. Exceptions should only be made for some professions in certain circumstances where it was absolutely necessary and unavoidable.

326. Referring to a question on the level of women's wages in comparison to those of men, the representative said that the medium net wages of men were 21 per cent higher than those of women. In the civil service, men earned 7 per cent more than women, and in white-collar jobs, men earned 38 per cent more than women. Since 1982, job evaluation studies had been made using gender-neutral criteria.

327. On article 11, members noted a contradiction in the report: on the one hand, that certain measures had been taken "in respect of harmonizing professional and family responsibilities" and, on the other, that only one fifth of employed women returned to their jobs after one year of maternity leave. Positive comments, however, were made by members on the programme for kindergartens. In reply to questions regarding the type of action that was intended to be taken, she said that more child-care facilities existed in Vienna than elsewhere in Austria. Therefore, she thought that other communal authorities should also make available and earmark resources for the construction of nurseries and kindergartens.

328. Referring to questions as to how household work, which normally was not shown in national statistics, was evaluated, she said that discussions were being held concerning a bill that would allow the inclusion of the years spent on child rearing in the computation for retirement age and retirement benefits. Regarding the question as to what was being done to make the new law concerning parental leave more attractive for men and to raise their awareness of it, the representative said that publicity campaigns had been carried out and press conferences organized, at which fathers who had already taken parental leave were invited to share their experiences with others. The regulations for maternity and parental leave were different in public service and in private enterprises. As the difference in wages for women and men was a fact, the intention was to involve the social partnership in the problem and to extend the programmes of equality to the local authorities.

329. Regarding article 12, she said that the perpetrators of violence against women were mostly the husbands of the victims, and sometimes elder sons. The incidence of violence was increasing, partly because of the breakdown of existing taboos against reporting such acts and partly because of a possible increase in the number of offences. The most recent figures on the number of cases of AIDS were 429 men and 81 women. The number of female AIDS patients as a result of heterosexual contacts was continuously increasing. She hoped that the information campaign addressed to the entire population would lead to a change in behaviour. Members said that they would welcome learning of the results of the study that had been commissioned on the incidence of violence in the family. They asked whether violence against minors was a crime or an offence and why its incidence was so high.

330. Turning to article 14, she said that, since 1990, the problems of rural women had been dealt

with by an advisory council for rural women. The situation of women in rural areas varied according to region. Generally they had equal access to health care, but because of a heavy workload and a consequent shortage of time, some could not avail themselves of medical care and treatment.

331. As regards questions under article 16, the representative said that family allowances were paid on the basis of family allowance cards. In the case of dispute, the spouse who took principal care of the children was entitled to receive the allowance. The family and partner counselling services were subsidized from public funds and dealt mainly with family planning, the economic and social problems of pregnant women, general family matters and sexual and other partnership issues. In all, there were 225 family counselling services in Austria. As a result of the amendment to the Youth Welfare Act, she said that it was the unmarried mother who was given care of a child born out of wedlock rather than the Youth Office. Furthermore, children born out of wedlock were given the same inheritance rights as children born within wedlock, and the surviving spouse could continue living in the shared home. No special law regulated the status of unmarried women living in consensual unions. However, the provisions of several laws, such as the Rent Act, the Penal Law and the Penal Procedural Act, gave the unmarried partner in a union the same rights as a married one.

332. Members expressed appreciation for the report, for the information that had been provided on the most recent laws, and for the detailed and frank answers. They emphasized the systematic and decentralized work of Austria for the advancement of women and the positive actions that had been taken to enhance the position of women. They noted the improvement of the status of women in many areas and commended the efforts taken to stop sexism in advertising.

333. Members felt that the progress that had been achieved by Austria in the advancement of women demonstrated the country's political will to achieve equality. Furthermore, its recognition of remaining obstacles was an important step towards further success. However, changes should be undertaken with great care in order to avoid the danger of a backlash, especially in the private sector. As Austria was a host country for sessions of the Committee on the Elimination of Discrimination against Women, it was suggested that Austria should not only publicize the Convention, but also become a centre for training on the Convention both for national and international participants and, in addition, that it should promote research on the Convention and sensitize public opinion.

## **CEDAW A/55/38 (2000)**

211. The Committee considered the combined third and fourth reports and the fifth periodic reports of Austria (CEDAW/C/AUT/3-4 and 5) at its 470th and 471st meetings, on 15 June 2000 (see CEDAW/C/SR.470 and 471).

### **Introduction by the State party**

212. In introducing the reports, the representative of Austria informed the Committee that as a result of restructuring following the formation of Austria's new coalition government in February 2000, the Ministry for Social Security and Generations had been assigned responsibility for the development of women's policy, which had been previously within the framework of the Federal Chancellery. The new Austrian Federal Government emphasized that it considered women's policy to be an integral part of its overall policy and had committed itself to an ambitious women's policy programme. In this regard, the law on equal treatment applicable to the public sector had been amended, inter alia, to shift the burden of proof in sexual harassment cases and to enhance the enforceability and monitoring of the equal treatment obligation. A regional office of the ombudsman's office for equal treatment had been established (the central office had been founded in Vienna in 1991), and further regional offices were planned. Beginning on 1 January 2002 a childcare allowance would be paid to each parent, irrespective of whether they were employed.

213. The representative drew attention to the many initiatives introduced to address violence against women, including information campaigns and the federal law on the protection against family violence, providing for exclusion orders, which had entered into force on 1 May 1997. Seven intervention centres against domestic violence, functioning as contact centres for victims and coordinating bodies with regard to all organizations concerned with the problem, had been established, and an advisory committee on the prevention of violence had also been set up within the Federal Ministry of the Interior. A series of large-scale training courses had been conducted during the past three years to sensitize all those concerned with domestic violence, and measures were being introduced to support sexually abused children and young people with regard to court proceedings.

214. Measures had also been introduced with regard to trafficking in women, including the creation in Vienna in 1998 of an intervention centre for women victims of trafficking and the introduction of a "humanitarian visa" to allow them to remain in Austria. Austria supported the ongoing negotiations relating to the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.7).

215. The representative indicated that an inter-ministerial working group for gender mainstreaming had been established, comprising representatives of all ministries, which would develop and monitor the implementation of strategies for gender mainstreaming. She also noted that Austria had introduced several initiatives to make women aware of the opportunities and risks related to new technology. These included a project to encourage women to take up non-traditional technical professions, especially in regard to technology, and the development of a manual providing



practical guidelines for the implementation of measures to increase the participation of women in technical fields.

216. In concluding, the representative informed the Committee that Austria had signed the Optional Protocol to the Convention and would soon be in a position to ratify the instrument, as well as to accept the amendment to article 20, paragraph 1, of the Convention relating to the time of meetings of the Committee. Austria would also shortly remove its reservation to article 7, subparagraph (b), of the Convention in the light of the introduction of the 1998 women's education act providing for access by women to the army.

### **Concluding comments of the Committee**

217. The Committee commends the Government of Austria for the high quality of the written and oral presentation of the combined third and fourth periodic reports and the fifth periodic report.

218. The Committee is gratified that the Government of Austria had sent a large, high-level inter-ministerial delegation headed by the Federal Minister for Social Security and Generations, which established a frank and highly constructive dialogue with the members of the Committee.

219. The Committee commends the Government for announcing its intention to accept the amendment to article 20, paragraph 1, of the Convention in respect of the time of meetings of the Committee. It also welcomes the imminent withdrawal of the reservation to article 7 of the Convention in respect of women and the military. At the same time, it appeals to the Government to make efforts also to withdraw the reservation to article 11 of the Convention in respect of night work.

220. The Committee commends the Government for the central role played by Austria in the elaboration of the Optional Protocol and for having expressed its intention to ratify it in the coming months.

### **Positive aspects**

221. The Committee notes with satisfaction the measures undertaken by Austria to combat violence against women. The Committee commends the federal law on the protection against family violence, which entered into force on 1 May 1997, and created a legal basis for the speedy and efficient protection of victims of domestic violence. It also appreciates in particular the programmes relating to sexual violence against persons with disabilities.

222. The Committee notes with appreciation the various measures of the Government to combat trafficking in women, including the apprehension, prosecution and punishment of perpetrators. It also appreciates Austria's efforts to increase international cooperation in order to address this transnational issue.

223. The Committee welcomes the initiative of the Government to promote the participation of women in the field of the new information and communication technologies, as both consumers and entrepreneurs.

## **Factors and difficulties affecting the implementation of the Convention**

224. The Committee considers that persisting cultural stereotypes of women as homemakers and child-rearers constitute an impediment to the full implementation of the Convention.

## **Principal areas of concern and recommendations**

225. The Committee expresses its concern at the abolition of the Ministry of Women's Affairs. While acknowledging that the new Government has transferred the responsibility for women's and gender issues from the Ministry within the framework of the Federal Chancellery to the Ministry of Social Security and Generations and that it has set up an inter-ministerial coordinating committee on gender mainstreaming, it is concerned that the broad scope of the responsibilities of the latter Ministry will result in giving lesser priority to the elimination of discrimination against women and obstruct the visibility of government policy in that respect.

226. The Committee requests the Government to ensure, on a regular basis, the evaluation and assessment of the gender impact of the federal budget as well as governmental policies and programmes affecting women. It also urges the national machinery for women to increase its cooperation with non-governmental organizations.

227. The Committee is concerned about the situation of migrant women. The Committee urges the Government to facilitate the attainment of work permits by migrant women on an equal basis with migrant men and to establish the conditions needed for their integration into the economic and social life of Austrian society.

228. The Committee is also concerned about the situation of trafficked women. The Committee requests the Government to take responsibility in caring for the human rights of all trafficked women and girls. It also urges the Government to increase its cooperation with countries of origin and other countries of destination so as to prevent trafficking and penalize those who facilitate trafficking.

229. The Committee expresses its concern at women seeking asylum in Austria, and in particular about human rights violations by State officials. The Committee recommends that the Government adopt policies that acknowledge gender-specific grounds for women seeking asylum in Austria, including gender violence and persecution and female genital mutilation.

230. With respect to violence against women, notwithstanding the extensive measures already undertaken by the Government, the Committee urges the Government to ensure ongoing education for law enforcement officials and the judiciary, including their sensitization to violence against women in migrant communities, and to extend such programmes to health professionals. It also recommends that the Government pay particular attention to the physical, emotional and financial abuse of elderly women. It suggests further that programmes of therapy for male offenders be instituted.

231. The Committee expresses concern at the high percentage of the female population in Austria which has no education beyond the compulsory level. It is also concerned with the continuing gender role stereotyping in the area of education and vocational training for girls and boys.

232. The Committee urges the Government to take measures to encourage girls to continue their education beyond compulsory level and particularly in the areas of science and technology. The Committee also calls upon the Government to introduce affirmative action to increase the appointment of women to academic posts at all levels and to integrate gender studies and feminist research in university curricula and research programmes.

233. In the area of women's employment, the Committee is concerned that women continue to remain segregated in low-paid jobs in the labour market.

234. The Committee requests the Government to take action in order to decrease the wage discrepancy between female-dominated jobs and male-dominated jobs, especially in the private sector. It also urges the Federal Government to adopt a proactive comprehensive policy, with appropriate budgetary allocations as incentives to provincial and local authorities, so as to develop childcare facilities that enable women's equal participation in the labour force.

235. The Committee urges the Government to strengthen the powers of the Equal Treatment Commission in order to allow it to be more effective in its efforts to combat discriminatory practices and to guarantee equal opportunity and treatment for women in the workplace.

236. The Committee is concerned about the situation of single women and, in particular, the disadvantages suffered by never-married and divorced elderly women in terms of retirement pensions and social security benefits. The Committee urges the Government to take into consideration current social trends when designing policies so as to meet the needs of the increasing number of single women in the country.

237. The Committee recommends that the Government replicate, at the federal level, the Vienna programme on women's health and intensify efforts to apply a gender perspective in health care by, inter alia, initiating and sponsoring relevant research, taking into account the Committee's General Recommendation 24 on article 12, relating to women and health.

238. The Committee is concerned at the decrease in women's representation in the legislature in the recent elections. The Committee recommends that the Government undertake in this respect temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and consider, inter alia, the use of federal funding for political parties as an incentive for the increased representation of women in Parliament, as well as the application of quotas and numerical goals and measurable targets aimed at increasing women's political participation.

239. The Committee is concerned at the lack of data disaggregated by sex on the impact of policies and programmes. The Committee urges the Government, inter alia, to improve the collection of data on criminal proceedings related to violence against women, to evaluate policy as regards victims of trafficking, to assess the nature and outcome of equal treatment cases in the labour courts and to integrate gender perspectives into health care, taking into account sex-disaggregated data on causes of morbidity and mortality.

240. The Committee commends governmental initiatives to assess gender policies through pilot projects, but is concerned that such initiatives do not go beyond the pilot stage. The Committee

urges the Government to apply the results of the projects in ongoing law, policy and programming.

241. The Committee requests the Government to introduce human rights education, and in particular women's human rights education on the basis of the Convention, into school curricula.

242. The Committee calls upon the Government of Austria to include information on the concerns raised in these concluding comments in the next periodic report.

243. The Committee requests the wide dissemination in Austria of the present concluding comments so that the people, and, in particular administrators and politicians, are made aware of the steps to be taken to ensure de jure and de facto equality for women, and the further steps required in that regard. It also requests the Government to disseminate widely, in particular to women's and human rights organizations, the Convention and the Committee's general recommendations, the Beijing Declaration and Platform for Action and the further actions and initiatives adopted by the General Assembly at its twenty-third special session, entitled "Women 2000: gender equality, development and peace for the twenty-first century".