



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 470th meeting

Held at Headquarters, New York, on Thursday, 15 June 2000 at 10.30 a.m.

Chairperson: Ms. González

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The meeting was called to order at 10.40 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined third and fourth periodic reports and fifth periodic report of Austria
(CEDAW/C/AUT/3-4 and CEDAW/C/AUT/5)

1. *At the invitation of the Chairperson, the delegation of Austria took places at the Committee table.*

2. **Ms. Sickl** (Austria), introducing her country's combined third and fourth periodic reports (CEDAW/C/AUT/3-4) and fifth periodic report (CEDAW/C/AUT/5), said that, as a result of the reorganization of all ministries in Austria by the new coalition Government, her ministry, the Ministry for Social Security and Generations, had been assigned the main responsibility for formulating policy on women's affairs, although, in conformity with the strategy of gender mainstreaming, all the other ministries were also responsible for women's policy. However, the fact that women were still discriminated against despite formal legal equality, had highlighted the need for an independent policy on women that would eliminate de facto discrimination against them. Giving women the greatest possible freedom in decision-making at all economic and social levels would go a long way towards compensating them for various forms of discrimination. While a great deal had already been achieved in Austria in that regard, much more work remained to be done.

3. Her Government was committed to an ambitious women's policy programme. Top priority had been given to promoting equal opportunities for women and men in all spheres of activity and society. A working group on gender mainstreaming had been set up in her ministry composed of female experts in a variety of specialized areas. She also attached great importance to setting up regional offices of the ombudswoman for equal-treatment issues throughout the country in order to make it easier for both men and women to have access to counselling in that area.

4. In order to enable parents to freely decide on how to harmonize their family and professional responsibilities, the Government intended to introduce a child-care allowance of 6,000 Austrian schillings per month as of 1 January 2002. That allowance was

expected to benefit 11 per cent of all parents, regardless of whether they had been previously employed or not, who decided to stay at home and care for their children. As the minister in charge of women's affairs, she would make every possible effort to combat any form of violence against women, enhance the education and training of girls and women, foster equal opportunities for women at work, improve the financial security of women in old age and promote a higher representation of women in management positions and in political bodies.

5. In the period under review, Austria had taken a number of measures to implement the Convention. Activities to combat violence against women and children had been continued and intensified. In that regard, a Federal Act on Protection against Violence in the family had come into force in 1997 and had created speedy and efficient means of protecting victims of domestic violence. Under that law, public safety and security services were authorized to order perpetrators to leave the home and to forbid their return. As an accompanying measure, intervention centres against domestic violence had been set up to ensure rapid assistance to women and children affected by domestic violence. There were seven such centres all over the country and the Government intended to establish additional ones.

6. Special attention had also been paid to combating trafficking in women. In that connection, a victim protection facility centre for women had been opened in Vienna in 1998. Moreover, steps had also been taken towards the establishment of a programme to protect female court witnesses by introducing a "humanitarian visa" for victims. Her Government fully supported the ongoing negotiations on a draft protocol to prevent, suppress and punish trafficking in persons, especially women and children. The provisions of the criminal law regarding the sexual abuse of children and young people had been made more stringent. Her Government continued its efforts to enhance the protection of victims through legislative measures and supported the expansion of intervention centres against violence. Measures were being taken to institutionalize the support of sexually-abused children and young people in court proceedings and to increase international cooperation against trafficking in persons as well as to intensify prevention, sensitization and public relations work.

7. Pursuant to the employment policy guidelines drawn up by the Ministers of Labour, Social Affairs and Women's Affairs of the European Union, the Austrian Federal Government had already applied the principle of gender mainstreaming in its 1998 National Action Plan for Employment and had expanded efforts in that regard under the 1999 Plan. The appropriate gender-sensitizing measures would be implemented in order to create adequate conditions allowing all decision makers to apply the gender mainstreaming approach in the future. In that regard, an inter-ministerial group under her chairmanship was being set up to foster and coordinate the process of gender mainstreaming in the various ministries.

8. Austria had taken particular interest in addressing the needs of women with regard to new information and communication technologies. It was important to prepare their transition to a competitive, dynamic and knowledge-based economy. Thus far, women had been under-represented in the use and further development of information and communication technologies. Recently, the Government had launched some initiatives to make women more aware of the opportunities and risks inherent in new technologies, including the Second Austrian Women's Conference organized in Villach in May 1998 on the theme "Women-Independence-New Technologies".

9. Moreover, a pilot project had been launched in that city to encourage more women to take up non-traditional, technical professions, promote and safeguard job opportunities for women in the field of new technologies and establish cooperation among the economic sector, educational institutions and political bodies. There were plans to develop similar projects for the entire country based on the pilot-project model, in order to allow women to participate in technological progress. The aim was to ensure that future generations of women would have greater access to the high-quality labour market in the field of new technologies.

10. A number of measures had also been taken to help to reintegrate mothers and fathers who interrupted gainful employment in order to take care of their children into the workforce. For the first time, key qualifications that were acquired in family life — "family competence" — would be certified. Referring to the outcome of the special session of the General Assembly entitled "Women 2000", she welcomed the advances that had been made, in particular the heightened attention to combat HIV/AIDS, the call for

an international campaign to eliminate violence against women and the commitment to prohibit marital rape. The Beijing Platform for Action as well as the new commitments undertaken at the special session must now be implemented.

11. Turning to the Optional Protocol to the Convention, she announced that Austria's ratification process of the Protocol would most probably be completed in early July 2000. Her Government was looking forward to an early entry into force of that instrument. Moreover, as a result of the coming into force in 1998 of the Act on the Training of Women in the Armed Forces, Austria had withdrawn its reservation to article 7 (b) of the Convention and to article III of the Convention on the Political Rights of Women. The necessary steps had already been taken and the Austrian Federal Government had passed the corresponding resolution. Moreover, Austria would soon ratify the amendment to article 20, paragraph 1, of the CEDAW Convention.

12. **The Chairperson** welcomed the very valuable oral and written information provided to the Committee by the Austrian delegation and the fact that the Government of Austria was about to ratify the amendment to article 20 of the Convention and had taken steps with a view to ratifying the Optional Protocol.

13. **Ms. Shalev** expressed satisfaction that the State party was represented by a high-level delegation and had provided a wealth of documentation to the Committee. Although she was concerned by the abolition of the Ministry for Women's Affairs, the range of ministries represented in the delegation, if indicative of the Government's attitude to women's affairs, was reassuring.

14. There were a number of positive points in the report. The reservation to article 7 had been withdrawn and in 1998 the Government had passed the Act on the Training of Women in the Armed Forces. While noting that there seemed to be a conflict between the relevant European Union and International Labour Organization policies, she encouraged the Government to continue to move towards withdrawing its reservation to article 11 regarding night work. Laws had been passed to prevent violence against women and measures had been taken to combat international trafficking in women. She noted the studies undertaken by the Ministry for Women's Affairs on sexual abuse of women with

disabilities and welcomed the attention given to training women in the new information and communications technologies, which would be essential for women entrepreneurs and workers in the future.

15. Three areas, however, continued to be of concern. With regard to migrant women, and especially in the recent context of an apparent increase in xenophobia in the country, the misgivings expressed by other human rights bodies about the treatment of religious and linguistic ethnic minorities, especially the Roma and the deportation of non-nationals, and the particular vulnerability of women, she wondered what the Government was doing to address the concerns of the international human rights community. The reporting State should specifically indicate whether the victims of trafficking, and those victims who were subject to further violence after arriving in Austria had the right to both physical and mental health care.

16. In the area of data collection, she noted that the delegation's answers to the issues and questions raised by the Committee (CEDAW/PSWG/2000/II/CRP.2) provided little information on matters such as violence against women, the effectiveness of measures taken to protect the victims of trafficking, equal treatment for men and women, the actions of the labour courts, etc. Although reference was made to four university studies undertaken on the gender perspective and health care, she wondered whether there had been any Government-sponsored research on gender questions in health care, if feminist-oriented research was well integrated into academia and whether funding for feminist scholars and feminist research was being provided.

17. With regard to the social role of women, she was concerned at the emphasis on women as homemakers and their primary responsibility for child-rearing. Data from 1994 mentioned in the fifth report (CEDAW/C/AUT/5) showed that one third of households were headed by women but the delegation's responses to questions indicated that child-care facilities were undeveloped because of overlapping responsibilities between the local, regional and Federal governments. Did the Federal Government intend to assume responsibility for child care? Given the large number of households headed by women, disparities between men's and women's wages, especially in the private sector, were particularly worrying, as had also been pointed out by the Committee on Economic, Social and Cultural Rights. In addition, women's

pension, social-security and health benefits were often dependent on their marital status, and she wondered what was being done to protect elderly women who had either never been married or were divorced or had been heads of households. She also asked what measures were being taken to increase awareness of the Convention on the Elimination of All Forms of Discrimination against Women and to integrate education about women's rights into the school curriculum.

18. **Ms. Ferrer** expressed concern at the disparity in education levels between men and women. Women had a high dropout rate and many did not complete any more than the compulsory level of schooling. Education affected women's employment prospects and, when combined with traditional attitudes concerning women's responsibility for household chores and child rearing, the result was that, although there were more women in the labour force, they often had part-time or low-paying jobs, in areas traditionally associated with women's role. She wondered what programmes existed to change cultural attitudes and stereotypes and provide better training to women and girls especially at the community level.

19. She noted that gender-oriented programmes had begun in schools and universities, but pointed out that family attitudes also played a crucial role. More information should be provided on the problem of increasing violence in schools, especially violence against girls and women. Measures must also be taken to apply the Equal Treatment Act and punish employers for failing to provide women with equal pay for equal work and reduce wage disparities. Given the deep-seated cultural prejudices about women's roles, she wondered how much effect the Ombudsperson's office, the Equal Treatment Act and the Labour and Social Court were having on women and the labour market. She also requested an explanation of what it meant to be "available" for work in the context of social security and unemployment legislation.

20. She noted that the lowest-income-category workers had no retirement, unemployment or health benefits, with health insurance provided only in the case of an accident. Given that there were three times as many women as men in that category, she wondered what was being done to provide assistance to them and also enquired how many such women were single mothers and whether any specific programmes had been undertaken to help them.

21. **Ms. Corti** expressed satisfaction at the efforts made to eliminate violence, especially domestic violence against women, eliminate trafficking in women and the exploitation of prostitution. She also noted that Austria had withdrawn its reservation to article 7 and was making progress towards withdrawing its reservation to article 11. The Committee was, however, concerned that, at a time when the labour market, the ageing of the population, social and cultural changes and increased immigration posed new challenges and even dangers to women's rights, the Government had decided to abolish the Ministry for Women's Affairs. If, as claimed, there was no change in policy or attitude, why had the Ministry been abolished, especially since the delegation recognized that full equality between men and women had not been achieved?

22. The Ministry for Women's Affairs could have been maintained to act as a kind of watchdog, along with the Ministry for Social Affairs, to monitor the effectiveness of the Government's equality policy. She also wondered whether the budget of the former Ministry for Women's Affairs had been re-allocated to the various ministries and programmes now working in that area. She regretted that there did not seem to be any great improvement in women's rights and asked whether any action programme had been adopted in that field. Major discrepancies remained in the area of equal pay for equal work, and the childcare system did not seem to be functioning well. Although the establishment of the position of Ombudswoman had been an important step forward, she had questions about the role and the effectiveness of that office and wondered whether it had the legal power to act in cases of discrimination. The Ombudswoman should be able to take action, for example, in cases involving wage discrepancies rather than simply referring complaints to the Equal Treatment Commission (ETC).

23. She was surprised that the report provided no evaluation of the impact of the Equal Treatment Act on the private sector. The previous report had contained an extensive discussion of gender stereotypes, particularly in the media, which was missing from the current report. She would like to hear an update on developments in that area. The Committee would also like to know what action the Ministry planned in response to the decline in women's representation in Parliament and the Government after the most recent elections. Since political parties received public

funding, it might be possible to require them to establish quotas for women. Finally, she would welcome further information on the right of immigrants to seek employment and on social protection offered to elderly women, particularly those who lived alone.

24. **Ms. Sickl** (Austria) said that she wished to allay the concerns expressed at the reported dismantling of the Department for Women. That Department, previously part of the Federal Chancellery, had recently been moved to the Ministry for Social Security and Generations and remained intact, with largely the same staff. Concern had been expressed at the symbolism that might be attached to the fact that nothing in her Ministry's title indicated that it dealt with women's affairs. However, it encompassed many areas, for instance health, which were not reflected directly in its title, but were equally important. Regarding women's participation in political life, Austria ranked eleventh worldwide in the proportion of women participating in Government. In the new Government, five of the twelve Ministers and the Vice-Chancellor were women.

25. **Mr. Drobesh** (Austria) said, in reply to Ms. Shalev, that a law passed in 1999 had established, at the constitutional level, a new Independent Advisory Council on Human Rights made up of representatives of ministries, non-governmental organizations and human rights organizations. One of its main duties was to conduct visits to police stations and detention centres to check for human rights violations. It also had the right to inspect police files. With regard to trafficking in persons, a pilot project had established an intervention centre for victims of trafficking, financed jointly by the Ministries of the Interior and Social Security and Generations, to provide emergency support, shelter and health care, if necessary, to victims. Police and law enforcement officials collected data on the perpetrators of such crimes, but he agreed that, to get a clearer picture of the situation, they should also collect data on victims. The police had also begun gathering data on other forms of violence, including domestic violence.

26. In reply to the questions regarding access by immigrants to the labour market, he pointed out that such access was legal only if legal residency had been established, and that job applications were usually submitted from abroad. Under the Foreign National Employment Act, quotas had been established for executive and specialized staff and citizens of countries not members of the European Union. That Act did not

discriminate on the grounds of nationality or gender, however.

27. **Mr. Siedl** (Austria) said that the pension system had been established over a century earlier, originally on an occupational basis, and had recently been expanded to include all self-employed persons. The health insurance system covered all pensioners, recipients of unemployment or disability benefits and their family members. Ninety-nine per cent of the population was covered; the remaining 1 per cent had private insurance. Family members were covered at no additional cost to the insured and the level of contribution was the same for all, regardless of age.

28. **Ms. Sickl** (Austria) said that it was her aim to increase the budget allocation for women's projects and organizations by 15 to 20 per cent during the current fiscal year. She was also pleased to report that, just two weeks earlier, the Parliament had taken a decision establishing the Council for Seniors, for the purpose of representing their rights and interests before the Government. There were plans to establish a similar council for youth in the near future.

29. **Ms. Gisinger-Schindler** (Austria), responding to questions raised on gender perspectives and health care, said that the regime under which women's health centres operated included gender-specific considerations in terms of medical practice and preventive action. The centres provided comprehensive treatment and counselling facilities covering the health concerns of women in all age groups. Specific measures had also been undertaken within the framework of public information focusing on women's health, training and further education of medical personnel, adaptation of the health care system to fulfil the needs of women, and serious research in relevant subject areas.

30. **Ms. Angelo** (Austria) addressed the issue of night work and informed the Committee that firm steps would be taken towards full implementation of European Union regulations in the autumn of 2000. Her Government was currently discussing further measures to protect the health of night workers. As regards the availability criteria for employment, she defined an "available person" as one who was registered as unemployed, capable of working and willing to work. Women who were obliged to care for others and who were seeking employment could, within a period of six months, consult the Labour

Market Service to devise a scheme that would enable them to fulfil their responsibilities while working. For example, assistance could take the form of financial aid or placement in part-time jobs. If a solution could not be found within six months, caring duties would no longer be deemed a valid reason for unavailability.

31. The national action plan for the period 1998 to 2002 had allocated resources for the provision of new child-care facilities, particularly for infants between one and three years of age. Government initiatives had already proved successful with the addition of some 10,000 new places which, in turn, had created a number of job opportunities for both the employees of the facilities and mothers who were able to take up employment outside the home.

32. She admitted that the labour market in Austria was highly segregated. The preponderance of women in traditional jobs had implications both in terms of wages and qualifications. Efforts were under way to train women to improve their qualifications for a more diverse range of jobs and also to improve their levels of remuneration. Women earned less than men when they entered the labour market. In most instances, they worked in part-time jobs and often interrupted their careers for child-rearing. According to statistics, 52 per cent of women had completed only compulsory schooling and, of that number, 16 per cent worked on a part-time basis.

33. **Ms. Mukherjee-Cosmidis** (Austria), in response to questions posed by Mrs. Ferrer Gomez, said that training beyond compulsory schooling was vocational, which included both on-the-job training and school work. While admitting that at the family and community levels, too little had been done to improve prospects for women in the working world, she said extensive efforts had been made by the Government to improve the situation of women in the market, including the launching of career guidance projects with an emphasis on technology, and campaigns aimed at raising awareness of issues related to employment for women. Statistics on university women in 1999 had been encouraging.

34. Although an increase in verbal abuse had been noted, violence in school was negligible. Pilot-school projects in co-education were expected to improve learning situations for girls, change behavioural patterns typically attributed to women, and minimize any gender conflict which might arise. Turning to

Ms. Shalev's question on gender studies, she explained the structure of the Austrian university system and pointed out that the Federal Act Governing the Organization of Universities (UOG 1993) explicitly placed studies in women's issues on an equal footing with other subjects.

35. **Ms. Nikolay-Leitner** (Austria) said that, regrettably, owing to inadequate computer resources in the court system, no data was available on labour court decisions. The report on equal treatment issued by the National Assembly had shown that an increasing number of workers had received counselling and complaints had been extremely rare. Turning to the question on the impact of the 1979 Equal Treatment Act on the private sector, she said that in her role as Ombudswoman for Equal Opportunities, she welcomed the notion of having further powers to close the wage gap between men and women employed in the private sector. In fact, the fifth amendment of the Act was intended to provide a range of instruments to enhance enforceability and monitor equal treatment obligations.

36. The Ombudswoman, for example, had the right to go directly to the Supreme Court to deal with the disconcerting trend whereby collective agreements contained elements of hidden discrimination against women. The main role of the Ombudswoman was to personify the resolve of the State authorities to achieve equal treatment for men and women and she was not obliged to consider the interests of the enterprise as in the case of shop stewards. Her office was regarded as influential as her proposals to employers could have a wider scope than that of court decisions.

The meeting rose at 1.05 p.m.