



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the ninth periodic report of Austria\*

1. The Committee considered the ninth periodic report of Austria (CEDAW/C/AUT/9) at its 1702nd and 1703rd meetings (see CEDAW/C/SR.1702 and CEDAW/C/SR.1703), held on 10 July 2019. The Committee's list of issues and questions is contained in CEDAW/C/AUT/Q/9, and the responses of Austria are contained in CEDAW/C/AUT/Q/9/Add.1.

#### A. Introduction

2. The Committee appreciates the timely submission by the State party of its ninth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/AUT/CO/7-8/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the well-prepared delegation and the further clarifications provided in response to the questions posed orally by the Committee during the fruitful dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Legal Advisor of the Federal Ministry for Europe, Integration and Foreign Affairs, Helmut Tichy, and included representatives of the Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Chancellery, the Federal Ministry of Education, Science and Research, the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice, the Federal Ministry of Defence, the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, the Federal Ministry of the Interior, the Austrian Development Agency and the Permanent Mission of Austria to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined seventh and eighth periodic reports (CEDAW/C/AUT/7-8) in undertaking legislative reforms, in particular the following:

\* Adopted by the Committee at its seventy-third session (1–19 July 2019).



(a) Adoption of the amendments to the Equal Treatment Act, the Act on the Equal Treatment Commission and on the Ombud for Equal Treatment, in 2013;

(b) Repeal of restrictions for female workers in the Regulation Governing Employment Bans and Restrictions for Female Workers, in 2015;

(c) Adoption of amendments to the Maternity Protection Law and the Paternal Leave Law, which define a legal working time frame for part-time work of parents and extend the period for informing the employer about parental leave plans and which entered into force on 1 January 2016;

(d) Adoption of the Law Amending the Criminal Procedure Act, which enhances the rights of highly vulnerable victims in criminal proceedings, in 2016;

(e) Adoption of the amendment to the Social Security Act, in 2016, which established measures to prevent poverty among older persons and which entered into force in 2017;

(f) Adoption of the Law on Equality of Women and Men in Supervisory Boards of Companies, in 2017.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National action plan on disability for the years 2012–2020, which contains measures to support women living with disabilities in entering the labour market;

(b) National action plan on the protection of women against violence for the period 2014–2016;

(c) Austrian programme for rural development for the period 2014–2020, which includes funds for social measures and service providers;

(d) Operational programme, Employment Austria, for the period 2014–2020, which includes a specific focus on investment to promote gender equality in the labour market;

(e) Tax reforms, which establish measures to increase the employment rate among women and their financial independence and is aimed at achieving a better distribution of paid and unpaid work, in 2015;

(f) Austrian university development plan for the period 2016–2021, which includes measures to increase the representation of women in all areas, including in research, teaching and academic administration, and at all levels of the hierarchy;

(g) Fifth national action plan to combat trafficking in persons, in which asylum seekers and unaccompanied minors are identified as potential victims of trafficking, in 2018.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence, in 2013.

7. The Committee also welcomes the fact that, in accordance with article 28 (3) of the Convention, the State party withdrew its reservation to article 11 of the Convention, in 2015.

### **C. Sustainable Development Goals**

8. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto**

(substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of Austria and to adopt relevant policies and strategies to that effect.

#### **D. Parliament**

9. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Council, the Federal Council and the parliaments in all nine *Länder* (provinces), in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

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

##### **Constitutional framework and definition of discrimination against women**

10. Cognizant of the complex federal structure in the State party, the Committee takes note of the positive efforts made to strengthen the coordination of the implementation of the Convention, in particular at the *Länder* and municipal levels. Nevertheless, the Committee remains concerned that, in areas under the exclusive responsibility of the *Länder*, the Convention is not applied consistently. It takes note of the information provided by the delegation during the dialogue, that the European Convention on Human Rights has been implemented as directly applicable constitutional law in the State party and that the parliament has decided that all other human rights treaties should be implemented by legislation. The Committee notes the complexity of the anti-discrimination legislation and commends the efforts made by the State party to gradually harmonize federal legislation. While noting the information provided by the delegation during the dialogue that the devolution system in place at the federal level may intervene to harmonize legislation at all levels, the Committee remains concerned that gender equality structures and their mandates and resources vary between the *Länder*.

11. **Recalling articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party further strengthen legal training and capacity-building programmes for judges, prosecutors, lawyers and law enforcement officers on the Convention, the Optional Protocol, the Committee's jurisprudence and the Committee's general recommendations, so as to enable them to apply, invoke and/or refer to the provisions of the Convention and to interpret national legislation in line with the Convention. The Committee reiterates its previous recommendation ([CEDAW/C/AUT/CO/7-8](#), para. 13) that, in view of the Federal Government's primary responsibility for the implementation of the Convention, the State party should ensure that institutional mechanisms for coordination between the federal State and *Länder* are in place and effective. The Committee recommends that the State party should also consider amending the Equal Treatment Act and the Federal Equal Treatment Act and other acts addressing discrimination on the basis of ethnicity, disability, religion or belief, age and sexual orientation and relevant provincial laws, with a view to ensuring substantive and procedural**

**protection against discrimination with regard to all prohibited grounds of discrimination in the private and public sectors.**

#### **Access to justice**

12. The Committee is concerned that the anti-discrimination legislation, currently scattered across numerous federal and provincial laws, and the complex distribution of institutions at the federal and provincial levels, may negatively affect the ability of victims to claim their rights and obtain a remedy, providing varying degrees of protection for different grounds of discrimination, which may result in confusion and legal uncertainty. It is also concerned that the current anti-discrimination legal framework fails to afford equal protection against all forms of discrimination.

**13. The Committee, taking into account the legal responsibility and leadership role of the federal Government in the implementation of the Convention, recommends that effective coordination of the structures at all levels be strengthened to ensure the uniformity of results in the implementation of the Convention throughout the State party. The Committee also recommends that the State party ensure that all elements of the Convention are incorporated into the federal legislation.**

#### **National machinery for the advancement of women**

14. The Committee commends the State party on several measures taken to strengthen the national machinery for the advancement of women, in particular the achievement of gender-balanced public budgeting in all federal ministries and bodies in 2013. Furthermore, the Committee acknowledges the efforts made by the State party to strengthen the Federal Ministry of Women, Families and Youth and its Division for Women and Equality and notes the funding currently allocated to that body.

**15. The Committee recommends that the State party allocate adequate human, technical and financial resources to the Federal Ministry of Women, Families and Youth and its Division for Women and Equality, to enable them to effectively implement, in a coordinated manner, their mandates for the promotion of gender equality and protection against discrimination. The Committee also recommends that the State party ensure the budget allocated to this entity on an annual basis.**

#### **National human rights institution**

16. The Committee notes with appreciation the comprehensive mandate of the Austrian Ombudsman Board in promoting women's rights in accordance with article 148 of the Constitution. The Committee takes note of the information provided by the delegation on the historical reasons why the Board members are appointed by the three main political parties in the parliament. It remains concerned, however, that such an appointment process continues to raise issues regarding their independence, as reflected by its accreditation as a B status national human rights institution by the Global Alliance of National Human Rights Institutions.

**17. The Committee recommends that the State party ensure an independent appointment process for the members of the Austrian Ombudsman Board, provide it with sufficient human, technical and financial resources to implement its mandate to promote and protect women's rights and engage with the Committee during its reviews of Austria and encourages the State party to comply and seek accreditation for A status from the Global Alliance of National Human Rights Institutions.**

### Temporary special measures

18. The Committee commends the State party on the wide-ranging temporary special measures adopted during the reporting period as a means of advancing the achievement of the substantive equality of women and men in all areas covered by the Convention. In particular, it welcomes the establishment, in 2011, of a 35 per cent quota in supervisory boards of State-owned and State-related enterprises with a 50 per cent share or more held by the federal State. The Committee further welcomes the amendment to the law on universities, in 2015, which increased from 40 to 50 per cent the quota for women in university collegial bodies.

19. **In line with article 4 (1) of the Convention and recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Adopt and implement temporary special measures and establish time-bound targets to accelerate substantive equality between women and men in all areas in which women, including rural women, migrant and asylum-seeking women and women with disabilities, continue to be disadvantaged or underrepresented, such as in political and public life, education and employment;**

(b) **Undertake capacity-building programmes, targeting all relevant State officials and hiring managers, on the non-discriminatory nature and importance of temporary special measures for achieving substantive equality of women and men in all areas in which progress is slow or absent.**

### Stereotypes

20. The Committee remains concerned at the persistence of discriminatory stereotypes concerning the responsibility of women for childcare, which ultimately reduces their career prospects in the labour market. The Committee is also concerned about the increase in hate speech against women and girls in Internet forums and social media, in particular against women belonging to ethnic minority groups.

21. **The Committee reiterates its previous recommendations (see [CEDAW/C/AUT/CO/7-8](#)) that the State party:**

(a) **Continue its efforts to eliminate stereotypical images and attitudes regarding the roles of women and men in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention, in particular by promoting equal sharing of domestic and family responsibilities;**

(b) **Adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, by, inter alia, strengthening the coordination among the existing institutions and improving the joint monitoring mechanism to assess the impact of the steps taken and to design remedial action;**

(c) **Continue monitoring the portrayal of women in the media and on the Internet, as well as in statements by public officials, and encourage the media to convey positive images of women and their equal status with men in public and private life and to eliminate the portrayal of women as sexual objects, including in advertisements.**

### Gender-based violence against women

22. The Committee welcomes the adoption by the State party of the Protection against Violence Law and the creation of the Inter-Ministerial Working Group on the

Protection of Women against Violence. The Committee notes the following with concern, however:

- (a) The high number of femicides in the State party and the lack of comprehensive and updated statistical data on the phenomenon;
- (b) The underreporting of domestic violence against women and the low prosecution and conviction rates, resulting in impunity for perpetrators;
- (c) Incidents of hate crimes and attacks on refugees and asylum seekers, including women and girls, in both shelters and houses, causing severe danger to women and girls;
- (d) That financial support for civil society organizations providing support to women who are victims of gender-based violence is insufficient.

**23. Recalling the relevant provisions of the Convention and the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

- (a) Expedite the adoption of comprehensive measures to prevent, combat and punish all forms of gender-based violence against women, and ensure that adequate human, technical and financial resources are allocated for their systematic and effective implementation, monitoring and assessment;**
- (b) Monitor and assess the responsiveness of the police and the judiciary in cases of sexual crimes and introduce mandatory capacity-building for judges, prosecutors, police officers and other law enforcement officers on the strict application of criminal law provisions on gender-based violence against women and on gender-sensitive investigation procedures;**
- (c) Strengthen the investigation and prosecute all cases of hate crimes and attacks against refugee and asylum-seeking women and girls;**
- (d) Reinforce the protection and assistance provided to women who are victims of gender-based violence, including by strengthening the capacity of shelters and ensuring that they meet the needs of victims and cover the entire territory of the State party and strengthen financial support to and cooperation with non-governmental organizations providing shelter and rehabilitation to victims;**
- (e) Collect statistical data on domestic and sexual violence disaggregated by sex, age, disability, nationality and relationship between the victim and the perpetrator.**

#### **Trafficking and exploitation of prostitution**

24. The Committee welcomes the efforts of the State party to enhance the early identification and referral to appropriate services of victims of trafficking. It further notes the increased number of investigations and prosecutions of traffickers, resulting in 63 arrests for trafficking and 75 arrests for cross-border prostitution in 2017. However, the Committee notes with concern that:

- (a) The State party remains a destination and transit country for trafficking in women and girls for purposes of sexual exploitation (95 per cent) and forced labour;
- (b) The lenient sentences imposed on traffickers by the courts of the State party, despite the fact that article 104 (a) of the Criminal Code provides for penalties of up to 10 years' imprisonment;

(c) Efforts to identify women as victims of trafficking in persons are undermined by the restrictive asylum policies in place, which often involve speedy deportation;

(d) Temporary residency permits for victims of trafficking are issued only for a one-year period that is renewable, in accordance with article 57 of the Asylum Law of 2005;

(e) Women coming from States members of the European Union who are trafficked into the State party might have difficulties in fulfilling the required criteria for receiving a registration certificate under the Settlement and Residence Act, especially in cases of unemployment, lack of health insurance and lack of sufficient means of subsistence;

(f) The structural violence and exclusion faced by foreign women in prostitution, in particular those in an irregular situation, and the lack of measures taken by the State party to provide exit programmes and alternative income-generating opportunities to women who wish to leave prostitution.

**25. The Committee recommends that the State party:**

**(a) Intensify international, regional and bilateral cooperation with countries of origin, transit and destination, in particular with countries in the region, including by exchanging information and harmonizing legal procedures for prosecuting traffickers;**

**(b) Strictly enforce article 104 (a) of the Criminal Code by investigating, prosecuting and imposing adequate sentences on perpetrators of trafficking in persons, especially women and girls;**

**(c) Create a uniform national system for identifying and following up on women who are victims of trafficking, ensuring the continuity of rights and entitlements when there is a change in the residence or legal status of the victim, conducting awareness-raising campaigns about trafficking in persons and discontinuing the return of victims of trafficking under the Dublin III Regulation;**

**(d) Ensure that women coming from States members of the European Union who are trafficked into the State party are sufficiently protected under the Settlement and Residence Act;**

**(e) Revise immigration policies to ensure that laws and policies on the deportation of foreign women are not applied in a discriminatory manner, do not deter migrants, refugees and asylum seekers from reporting crimes of trafficking and do not undermine efforts to prevent trafficking in persons, identify or protect victims or prosecute perpetrators;**

**(f) Continue strengthening capacity-building for the police, the judiciary, lawyers, law enforcement officers, border control officers, social workers and health-care workers on the early identification and referral to appropriate services of victims of trafficking and on gender-sensitive investigation methods;**

**(g) Regularly review the situation of foreign women who are engaged in prostitution, in order to protect them, and strengthen the assistance provided to women and girls who wish to leave prostitution, including by providing exit programmes and alternative income-generating opportunities.**

**Participation of women in political and public life**

26. The Committee welcomes the measures adopted by the State party to advance the participation of women in political and public life and the introduction by political

parties of voluntary gender quotas into their nomination processes, resulting in an increase in the representation of women in the parliament. Nevertheless, it remains concerned that the State party has not adopted statutory minimum quota for the representation of women on the electoral rolls of political parties at the federal, *Länder* and municipal levels.

**27. The Committee recommends that the State party:**

(a) **Strengthen its efforts to increase the number of women in decision-making bodies at the federal, *Länder* and municipal levels, in both elected and appointed positions, with a view to achieving the equal representation of women and men in political and public life;**

(b) **Implement legal requirements for a statutory minimum quota, and related economic incentives to political parties, for the representation of women in rankings or nominations to stand for election to the National Council and the nine provincial parliaments;**

(c) **Implement awareness-raising campaigns to enhance understanding among the public that the full, equal, free and democratic participation of women in political and public life is a requirement for the full implementation of women's human rights;**

(d) **Establish legislated quotas for the equal representation of women and men in all appointed and elected positions in the State party, in particular in local government, senior leadership positions, the armed forces, the foreign service and the judiciary, and encourage the trade unions to do the same.**

**Nationality**

28. The Committee notes that non-citizens applying for Austrian citizenship must have proof of a "sufficiently secured livelihood" far above the indicative national rates of guaranteed minimum income, among other requirements. It is concerned that the threshold requirement has a structurally discriminatory effect on women, given that only their own income and legal claims to maintenance, child allowance and insurance benefits can be taken into consideration for that purpose, thereby not taking into consideration unpaid work performed by them, such as childcare, housework or taking care of older family members. Furthermore, the Committee is concerned that, under the special provision for bestowal of nationality to children born stateless in Austria (article 14 of the Austrian Nationality Law), stateless children can apply for citizenship only after reaching 18 years of age and not later than two years after having reached the age of majority.

**29. The Committee recommends that the State party:**

(a) **Ensure that unpaid work is taken into account for the determination of a "sufficiently secured livelihood" in the context of citizenship applications by foreign women;**

(b) **Remove barriers to the acquisition of Austrian nationality by children born out of wedlock, including the restrictive age requirement, and accord Austrian citizenship to otherwise stateless children born in the State party, unless a child can acquire citizenship of one of his or her parents immediately after birth through a non-discretionary procedure such as consular registration, declaration, the right of option or other similar procedures.**

**Education**

30. The Committee welcomes the State party's continuous efforts to eliminate discrimination against women in the education sector and the progress achieved to

date, including through the implementation of multiple initiatives, such as the FEMtech project, which is aimed at supporting women in industrial research. However, the Committee notes with concern the concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in the areas of science, technology, engineering and mathematics. Furthermore, the Committee is concerned about the following:

(a) The decision taken by the State party to ban “ideologically or religiously influenced clothing” in schools and that it may have a discriminatory impact on migrant girls;

(b) The low level participation of women and girls in atypical apprenticeships, which reduces their prospects in the labour market;

(c) The need to revise educational materials to ensure that all textbooks use gender-sensitive language and images;

(d) The disproportionately high dropout rate at the upper secondary level of education among girls with a migration background and girls whose parents have lower levels of education;

(e) The lack of progress made to support inclusive education for persons with disabilities and that the programme entitled “Together for our Austria, 2017–2022” may strengthen the special school system currently in place in the State party for women and girls with disabilities rather than ensuring inclusive education at all levels;

(f) The limited access for refugee and asylum-seeking women and girls to integration and language courses beyond obligatory schooling, which are currently accessible only to refugees with the prospects of staying in the State party.

**31. The Committee recommends that the State party address discriminatory stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study and career paths, such as science, technology, engineering, mathematics and information technology. It also urges the State party:**

**(a) To mandate the conduct of a comprehensive study to determine the impact of the Education in School Law, which entered into force in June 2019, banning the wearing of “ideologically or religiously influenced clothing” for girls under 10 years of age in primary schools, on the right to education of girls and their inclusion in all facets of Austrian society as full members of the community and indicate remedies, if needed;**

**(b) Take coordinated measures to encourage further diversification of the educational and vocational choices of boys and girls and the increased participation of girls in apprenticeships, crafts, science and technology;**

**(c) Ensure that gender-sensitive teaching materials are used at all levels of education;**

**(d) Adopt a strategy to reduce the school dropout rate at the upper secondary level of education among girls with a migration background and girls whose parents have lower levels of education and ensure that women and girls who have dropped out are reintegrated into the education system;**

**(e) Clearly define inclusion and its specific objectives at each educational level, in order to ensure that girls with disabilities have access to inclusive learning opportunities in the mainstream education system;**

(f) **Ensure that all asylum-seeking and refugee girls have access to language courses and integration programmes, irrespective of their prospects of staying in the State party.**

### **Employment**

32. The Committee notes that in 1953, the State party ratified the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization. In 2011, the State party introduced the requirement that companies with more than 150 employees must produce income reports every two years. However, the Committee notes with concern that:

(a) The gender pay gap in the State party (19.9 per cent in 2017) is one of the highest in the European Union, and it adversely affects women throughout their working life and in terms of their pension benefits, as evidenced by the fact that the average pension level for women is about 40 per cent lower than that for men;

(b) Despite the relatively high employment rate among women between 15 and 64 years of age (68.69 per cent), 47.5 per cent of employed women are currently holding part-time positions, predominantly owing to family responsibilities. Because of what is considered to be the roles of women and men, women continue to be the main caretakers of children and adults in need of care;

(c) The current retirement age for women is 60 years of age, whereas it is 65 for men;

(d) Only a very low number of men avail themselves of parental leave in the State party and only for short periods;

(e) There is limited integration into the labour market of women with disabilities, Roma women, women belonging to other ethnic minority groups and migrant, refugee and asylum-seeking women;

(f) The prevalence of special employment centres, such as “integrative companies” and “vocational therapy”, in which workers are not covered under an independent social insurance programme or protected by labour legislation on an equal basis with other workers.

33. **The Committee recommends that the State party:**

(a) **Effectively enforce the principle of equal pay for work of equal value, in order to narrow and ultimately close the gender pay gap, by regularly reviewing wages in all sectors, conducting regular labour inspections, applying gender-sensitive analytical job classification and evaluation methods and conducting regular pay surveys;**

(b) **Take measures to eliminate horizontal and vertical occupational segregation and combat the underemployment of women in full-time jobs, including by enhancing efforts to encourage women and girls to select non-traditional career paths, giving priority to the transition of women from part-time to full-time work supported by adequate high-quality childcare facilities;**

(c) **Ensure that all employers are aware of the right of women to stay in their jobs as long as men and encourage women to continue working as long as men;**

(d) **Lower the threshold for the requirement that companies produce income reports to apply to companies with 50 or more employees;**

(e) **Strengthen measures aimed at facilitating the reconciliation of professional and private life, improve the conditions for paid maternity leave and encourage men to avail themselves of parental leave and extend the length of paid paternity leave, so as to promote the equal sharing of responsibilities between women and men, and collect gender-disaggregated data on the use of flexible working arrangements;**

(f) **Ensure that workers in special employment centres are covered by an independent social insurance programme, receive wages and are protected by labour legislation. The Committee also invites the State party to develop programmes that facilitate the transition towards an inclusive and open labour market;**

(g) **Take into account the needs of women belonging to disadvantaged groups, especially women with disabilities, Roma women, women belonging to other ethnic minority groups and migrant, refugee and asylum-seeking women, and consider the use of targeted measures, including temporary special measures, to create further employment opportunities for those women.**

### **Health**

34. The Committee commends the State party for the adoption of the action plan for women's health, in 2017, and welcomes the measures adopted to integrate a gender perspective into all health sector programmes. Nevertheless, the Committee remains concerned about the following:

(a) The challenges in acquiring access to affordable contraceptives for women living in poverty;

(b) The fact that abortion services and contraceptives are not paid for by health insurance;

(c) The use of conscientious objection among medical practitioners, thereby limiting access to safe abortion services, which are guaranteed by law;

(d) The lack of comprehensive sexual and reproductive health education for adolescents;

(e) The lack of free and informed consent for medical treatment on the grounds of severe disability;

(f) The fact that language barriers and lack of awareness often prevent migrant women from acquiring access to health-care facilities, including those for sexual and reproductive health services;

(g) The difficulty faced by undocumented migrants in gaining access to non-emergency health care and that attempts to obtain the documentation necessary for non-emergency health services often lead to the claimant being reported to the authorities and subsequently deported;

(h) The reports of mostly irreversible medical and other treatments that are performed on intersex persons.

35. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Ensure that modern contraceptives are accessible, affordable, covered by health insurance and available throughout the territory of the State party to all women and girls, in particular those living in poverty;**

(b) Ensure access to safe abortion services, mainly by allowing doctors working outside of hospitals to provide abortifacients and ensure that such procedures are reimbursed by health insurance programmes;

(c) Ensure that the exercise of conscientious objection by health-care personnel does not pose an obstacle for women who wish to terminate a pregnancy;

(d) Ensure that education includes in school curricula mandatory and age-appropriate education on sexual and reproductive health and rights for girls and boys, including on responsible sexual behaviour, and in particular that education programmes incorporate a special focus on eliminating sexual and gender stereotypes that might hinder access to health for lesbian, bisexual and transgender women and women belonging to other vulnerable groups;

(e) Guarantee that free and informed consent is obtained for any medical treatment, without exception, and, when necessary, provide supportive decision-making services;

(f) Ensure that medical professionals are aware of the cultural and linguistic barriers that migrant women face when acquiring access to health care, ensure the availability of female medical staff if requested and take steps to introduce awareness-raising campaigns, in relevant languages, among migrant communities on how to gain access to health-care services, including sexual and reproductive health services;

(g) Ensure that undocumented migrants have access to the documentation necessary for non-emergency health services without the risk of being reported to the authorities and subsequently deported;

(h) Develop and implement a rights-based health-care protocol for intersex persons, ensuring that children and their parents are appropriately informed of all options, that the children are involved, to the greatest extent possible, in decision-making about medical interventions, that their choices are respected and that no person is subjected to surgery or treatment without their free, informed and prior consent.

#### **Economic and social benefits and the economic empowerment of women**

36. The Committee commends the State party for the progress made to strengthen the socioeconomic equality of women and men, including through the amendment of the Tax Law, in 2015, the amendment of the Social Security Act, in 2016, and several initiatives to increase the representation of women in sports associations. The Committee welcomes the introduction of a tax refund to support single parents of low-income and single-income households into the Tax Law in 2018. The Committee notes with appreciation that recipients of a non-taxable pension can also receive a deduction of a maximum of €110 per year.

37. **The Committee recommends that the State party revise the pension contribution system to ensure that it takes into account the situation of women, including how their remuneration is affected by their concentration in part-time employment, by the gender pay gap and by their engagement in unpaid work.**

#### **Rural women**

38. The Committee notes the various programmes aimed at strengthening the economic empowerment of rural women. However, it is concerned about the limited access for rural women working in agriculture to professional training, social and

health services, labour rights, economic opportunities and their limited participation in political life and decision-making processes in relation to policies that affect them.

**39. In line with its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Strengthen efforts to realize the social and economic empowerment of rural women working in agriculture by ensuring that they have access to professional training, social protection and land and that they may participate in decision-making, on an equal basis with rural men;**

(b) **Strengthen and ensure the effective implementation of existing policies and programmes to protect migrant women and other women working on a temporary basis in agriculture by ensuring that they have access to social protection and labour rights on an equal basis with nationals.**

#### **Women with disabilities**

40. The Committee is concerned that women and girls with disabilities, as well as mothers of children with disabilities, continue to face intersectional forms of discrimination, are frequently referred to special employment centres, forced medical treatment and institutionalization and are insufficiently protected from gender-based violence. The Committee notes with concern that women with disabilities who raise complaints of discrimination are often referred to mediation by the Social Ministry Service.

**41. The Committee recommends that the State party, in line with the Committee's general recommendation No. 18 (1991) on disabled women:**

(a) **Ensure that all women and girls with disabilities are able to acquire access to the open labour market, to provide their free and informed consent to decide where and with whom they choose to live and to access all services available to victims of gender-based violence;**

(b) **Ensure that women and girls with disabilities are included in all policies and programmes for gender equality, in all aspects of their lives and on an equal basis with other women and men, and consider implementing temporary special measures to address their particular situation;**

(c) **Adopt concrete measures to encourage women and girls with disabilities to engage in sports, including by eliminating discriminatory stereotypes and prejudices and by raising public awareness about the benefits of participation in sports.**

#### **Refugee and asylum-seeking women**

42. The Committee commends the State party for the numerous initiatives and measures adopted to strengthen the protection of asylum-seeking women and girls. However, it remains concerned that:

(a) Only if asylum seekers claim a violation of their right to sexual self-determination do they have the right to be interviewed by an officer of the same sex and an interpreter of the same sex;

(b) Programmes aimed at the social and economic integration of migrant, refugee and asylum-seeking women do not fully address the needs of all asylum-seeking and refugee women, in particular in relation to social and labour integration;

(c) The amendment to the Asylum Law that entered into force in 2016 introduced severe restrictions on the right to family reunification and that

beneficiaries of subsidiary protection must wait for three years before their spouses or, in the case of minor children, parents can submit an application for family reunification;

(d) Although the State party has strengthened reception capacities for single women and members of households headed by women, there is still a lack of specialized reception facilities for that target group and that, in several provinces, those women have limited or no access to specialized shelters for women affected by gender-based violence;

(e) Protection officers and interpreters often lack training on identification and the appropriate handling of victims of sexual and gender-based violence.

**43. In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:**

(a) **Ensure that the process of refugee status determination is fully gender-sensitive, that the specific needs of asylum-seeking and refugee women and girls are addressed as a priority concern throughout the asylum process and, to that effect, incorporate into national law the provisions of European Union asylum legislation relating to reception conditions and asylum procedures;**

(b) **Continue to apply a gender-sensitive approach in receiving refugee and asylum-seeking women and in considering asylum claims, thereby ensuring that the protection needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern;**

(c) **Reduce legal and administrative barriers to family reunification for women and men who are beneficiaries of international protection;**

(d) **Ensure the availability of specialized reception capacities for single women and members of households headed by women and access to specialized shelters and services for refugee and asylum-seeking women affected by gender-based violence, irrespective of their legal status;**

(e) **Provide mandatory training for members of the judiciary, prosecutors, the police and other law enforcement officials on gender-based violence as grounds for international protection and on gender-sensitive investigation and interrogation procedures.**

#### **Marriage and family relations**

44. The Committee notes the following with concern:

(a) The fault-based criteria for divorce in the State party's family law, which are often more difficult for women to prove and which may have discriminatory effects that are reinforced by gender stereotyping in the courts;

(b) The very low number of convictions following the reclassification of forced marriage as a standalone criminal offence in 2016 (only four convictions in 78 criminal cases in 2018);

(c) The lack of reliable statistics on the number of women who have been subjected to forced marriage or female genital mutilation.

**45. The Committee recommends that the State party:**

(a) **Adopt a no-fault-based divorce system;**

(b) Continue to combat harmful practices, in particular forced marriage and female genital mutilation, through awareness-raising and education campaigns within target communities and by prosecuting and adequately punishing perpetrators of such acts;

(c) Systematically collect data disaggregated by relevant factors on forced marriage and female genital mutilation.

#### **Beijing Declaration and Platform for Action**

46. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

#### **Dissemination**

47. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the National Council, the *Länder* parliaments and the judiciary, to enable their full implementation.

#### **Ratification of other treaties**

48. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

#### **Follow-up to concluding observations**

49. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 25 (b), 27 (b), 31 (d) and 43 (c) above.

#### **Preparation of the next report**

50. The Committee requests the State party to submit its tenth periodic report, which is due in July 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

51. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.