



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

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**Committee on the Elimination of Discrimination
against Women
Fifty-fourth session**

Summary record of the 1104th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 13 February 2013, at 3 p.m.

Chairperson: Ms. Ameline

Contents

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

Combined seventh and eighth periodic reports of Austria (continued)

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The meeting was called to order at 3 p.m.

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

Combined seventh and eighth periodic reports of Austria (continued)
(CEDAW/C/AUT/7-8; CEDAW/C/AUS/Q/7-8 and Add.1; HRI/CORE/1/Add.8)

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

Articles 1 to 6

2. **Mr. Tichy** (Austria) confirmed that his delegation would reply in writing to the question concerning the number of deaths of women due to domestic violence.

3. **Ms. Niavarani** (Austria) said that there were 30 shelters for women in Austria and that their financing was the responsibility of the federal provinces.

Articles 7 to 9

4. **Ms. Schulz** said that several of the requirements for obtaining Austrian citizenship, especially those relating to mastery of German and minimum income, presented obstacles to migrant women with little formal education or low incomes, even if they had lived in Austria for many years. She asked whether the Government had seen evidence that the Citizenship Act had been implemented in a manner that had led to indirect discrimination and, if so, what measures it planned to take to prevent it.

5. **The Chairperson**, speaking in her capacity as an expert, asked how the Austrian Government planned to strengthen women's participation in the elections to the European Parliament, which was a major challenge for all European Union member States. She enquired as to whether the incorporation of a gender perspective in the procedure used to assess asylum cases was being discussed in the Austrian Parliament, as was the case in many other parliaments.

6. **Ms. Hayashi** asked what measures the Government had taken to increase women's representation in leadership positions at the provincial level of government, where women were underrepresented. She wished to know what measures were envisaged to increase the membership of women in judicial bodies, such as the Supreme Court and the Constitutional Court. Given the low representation of women in senior positions in the Foreign Office, she asked what kind of special assistance was provided to women diplomats to help them to adjust to new posts.

7. **Ms. Pfleger** (Austria) said that Austria took the view that naturalization or citizenship should come at the end of an integration process, at which point applicants were expected to possess a good knowledge of the German language, Austrian values and the Constitution, and a sufficient income to support themselves. In order to make citizenship easier to acquire for persons who might otherwise be at a disadvantage, a proposal had been made to amend the Citizenship Act so that citizenship could be granted after only six years of residence, with a longer time frame for meeting the minimum income requirement. The new conditions required applicants to demonstrate either a good level of German or three years of employment in an organization that was considered to meet the criterion of promoting the migrant's integration in Austrian society.

8. Gender-based persecution was recognized as grounds for seeking asylum in Austria, as was the threat of female genital mutilation. As part of the asylum procedure, applicants claiming that they faced gender-based persecution were interviewed by a woman official and were afforded a woman interpreter, if necessary.

9. **Mr. Tichy** (Austria) said that 5 of the 14 members of the Austrian Constitutional Court were women, including the Vice-President of the Court. The question of how Austria ensured the participation of women in the European Parliament, Austrian legislative bodies and provincial and local governments must be answered by the political parties, some of which accorded greater or lesser importance to quotas for women when nominating candidates. He would nonetheless transmit the Committee members' questions and comments to the authorities in Vienna.

10. Because of the global economic crisis, official development assistance had dropped to its lowest level to date and currently stood at 0.27 per cent of gross national product – a far cry from its long-term objective of 0.7 per cent. The authorities had every intention of restoring that figure to its previous level of 0.43 per cent over the course of 2013.

Articles 10 to 14

11. **Ms. Hayashi** requested information on the cause of stereotypical educational segregation, which resulted in disproportionately few female students in courses traditionally reserved for male students, such as the natural sciences. She asked what specific actions the Government envisaged taking in order to diversify educational choices for both male and female students and to promote the participation of women in academia. In view of the introduction of private employment law at Austrian universities, which entailed a shift from permanent to fixed-term employment contracts, she would be interested to know how the Government supported the careers of young women academics with families, who were held to increasingly higher professional standards.

12. **Ms. Acar** asked whether gender segregation according to academic discipline was also an issue among faculty members. She wished to know whether the 40 per cent quota for staff in university bodies also applied to administrative staff. If that was the case, she wondered whether the application of the quota had resulted in an increase in women's participation in university administrative posts at the expense of academic ones.

13. With regard to high-school dropout rates among girls with migrant backgrounds, she asked whether the relevant data were broken down by age, level of education and ethnic and national background, and what measures were being taken to address that situation. The problem appeared to be worst among certain groups of women migrants, especially from the Turkish community, many of whom had never attended school. Were there data on the age distribution of those women and the dates of entry into Austria? What types of education programmes were available to migrant women and what percentage of those women had access to them?

14. **Ms. Pomeranzi** asked whether the budget resources set aside by the Government for gender mainstreaming would be kept at their current level in 2014, given the European financial crisis. Along those same lines, she wished to know whether the Government planned to take temporary special measures in order to protect retired women, some of whom were at risk of falling below the poverty line. The same could be asked in relation to female migrant workers, many of whom performed precarious work, often on a part-time basis.

15. With reference to measures taken to combat sexual harassment in the workplace, she questioned whether the €1,000 fine for sexual harassment or the €360 fine for non-compliance with the rules on advertising vacancies would prevent such offences. Had authorities taken the structure of the Austrian economy into account when designing the National Action Plan for Gender Equality in the Labour Market and focused efforts to heighten transparency with regard to wages in enterprises where most women worked? Failing that, such efforts might not be effective in tackling discrimination against the majority of women.

16. **The Chairperson**, speaking in her capacity as an expert, said that she, too, was concerned at the impact of the European financial crisis on equal opportunities for men and women.

17. **Ms. Pimentel** requested additional information on the status of implementation of the measures described in the Austrian Report on Women's Health 2010/2011. She asked whether sufficient resources were allocated to women's health centres and whether comparable services were available throughout the country. Given that the cost of abortion was not reimbursed by insurance schemes, she wished to know what kind of financial assistance was available to poor, adolescent and other types of vulnerable women in order to enable them to exercise their sexual and reproductive rights fully.

18. **Ms. Hayashi** asked whether the Government had any plans to implement budget reductions or make moves towards privatization that might adversely affect women's health services and, if so, what measures it had taken to minimize their effects.

19. **Ms. Halperin-Kaddari** wished to know what progress had been made to remedy the underrepresentation of women in sports in Austria through the reorganization of the Women in Sports Commission of the Federal Sports Organization. She requested clarification of the extent to which the lack of relevant social insurance coverage was a factor in such underrepresentation and what measures had been taken to address that problem.

20. She asked what protections were afforded to unemployed or partially employed women who did not benefit from mandatory sickness and accident insurance, which was linked to income from gainful employment. She requested additional information on the pension scheme, in the light of reports that old-age pensions for men in 2010 had been double those of women, thus putting certain women at risk for poverty.

21. **Ms. Bareiro-Bobadilla** said that the State party should give priority to updating its core document (HRI/CORE/1/Add.8), which dated from 1992. Although some 41 per cent of the total number of persons working in agriculture and forestry were women and 38 per cent of agricultural holdings in 2009 were managed by women, women remained grossly underrepresented in agricultural policymaking positions. Perhaps it was time for the Government to consider introducing temporary special measures, such as statutory quotas, in order to accelerate the de facto political and social equality of rural women in Austria. Such quotas had proved to be particularly effective in situations where there was evidence of clear resistance to women leadership and participation in decision-making. By establishing such measures, the State party would be giving effect not only to article 14 but also to article 5 (a) and (b) and article 7 (b) and (c) of the Convention.

22. Since the Programme for Rural Development would end in 2013, she wished to know whether a new plan was being developed and, if so, what the level of participation of rural women in its development and size of its budget would be. She also asked whether women asylum seekers in rural areas were subjected to discrimination and whether measures had been taken to prevent multiple forms of discrimination against such women.

Articles 10 to 14

23. **Ms. Nguyen** (Austria), in response to the Committee's questions on the measures of support given to women at the international level, said that special emphasis had been placed on increasing the representation of women in the diplomatic service. Targeted measures had been taken to help women to transfer abroad and settle in new locations. Article 30 of the Federal Diplomatic Statute required heads of mission to provide support to new female employees by assisting them to find schools for their children and a suitable place to live and supporting the efforts of their spouses to find employment. Such measures

had helped to increase the number of women diplomats; however, more needed to be done to increase the number of women in higher level posts.

24. **Mr. Manquet** (Austria) said that the share of women in the Supreme Court was lower on average than in the other national courts, with women comprising 17 out of 58 members. However, improvements had been made; half of the last 10 members appointed to the Supreme Court, for example, were women.

25. **Ms. Guggenberger** (Austria) said that gender segregation in various fields of study in schools was still a major challenge. Fifteen of the 55 measures specified under the National Action Plan for Gender Equality in the Labour Market pertained to education. They included initiatives to improve women's educational and career chances, such as special teacher training courses, gender-sensitive career orientation courses and educational counselling. Gender segregation seemed to be most pronounced in pupils from migrant backgrounds, affecting the choice of schools that the children attended, areas of study, career choices and overall academic performance. The Government had data on early school leavers and the number of girls who had not completed their education.

26. Co-education had been mandatory in public-run schools since 1975 in Austria and had since been widely accepted. However, co-education had yet to lead to equality in the school system. The Government had therefore sought to raise awareness among boys and girls of their full potential and challenge gender stereotypes. The Ministry of Education had launched a teacher training initiative on the issue. Overall, the State party had been making strong progress on gender equality, but the Government was committed to further increasing its focus on gender studies in future and planned to make such topics mandatory for teacher training courses.

27. Another key priority for the Ministry of Education was to extend the availability of gender-sensitive career orientation courses and educational counselling and to widen access to all school subjects. Career orientation had been made a subject in its own right at the new type of school, the "Neue Mittelschule". Technical and textile handicrafts were now mandatory subjects for boys and girls alike to counteract gender stereotypes. By 2030, career orientation would become a mandatory subject for all public university teacher training courses.

28. **Ms. Perle** (Austria) said that the Government had focused on a number of areas to increase the representation of women in higher education, including gender segregation and the choice of studies, gender quotas and collective agreements between public universities and the Ministry of Education. The Ministry of Science and Research had been working to increase women's representation in technical studies by raising women's awareness of such courses through school advisory services and by launching projects to promote technical and scientific subjects. The compulsory 40 per cent quota for women's representation at universities had produced favourable results, with a quota of nearly 50 per cent being reached at the vice-rector level. However, more progress needed to be made at the rector level, given that there were only five female rectors in 2013. The agreement between the Ministry of Education and universities was another very important tool to increase women participation. Such contracts included measures to increase the number of women in decision-making roles, improve the hiring process and assist women to reconcile their family and career obligations. As the collective agreement had only come into effect in 2009 it was too early to draw conclusions, but so far it had appeared that the transparent procedures and clear criteria had proved effective in helping women to succeed. In an attempt to eradicate as many gender disparities as possible in higher education, the Ministry planned to carry out an in-depth evaluation to determine its next steps.

29. **Ms. Fehringer** (Austria) said that unfortunately women's pensions in Austria continued to be very low, on average only half those of men. In order to prevent women

from falling into poverty, the Government had been taking steps to encourage women to find full-time employment. Special campaigns had been introduced to demonstrate the adverse effects of working part-time on women's overall earning potential and pensions. The Government was aware that additional measures were required to enable women to work full-time. It had thus invested more money in childcare facilities, sought to increase paternal leave and begun plans to encourage men to participate in childcare. A policy had also been introduced that took into account periods spent in caring for children in calculations of pension funds and pension contribution periods.

30. Migrant women workers were in an especially vulnerable position in the labour market. The State party had thus taken special steps such as counselling services, German language courses and other initiatives to empower migrant workers and fight against discrimination.

31. In response to the Committee's question on damages awarded for sexual harassment, she said that the minimum amount a woman could expect to receive in damages was set at €1,000 and the maximum amount was unlimited. In addition, Austria was one of the few European Union Member States in which the concept of multiple discrimination had been defined in legislation, under the Equal Treatment Act, which enabled women in such cases to receive higher damages.

32. Turning to social security insurance, she said that every person in Austria had access to the needs-tested minimum benefit system as a last resort for health-care provisions, regardless of their employment status.

33. **Mr. Bechina** (Austria) said that the measures listed in the National Action Plan on Disability had already been incorporated into the budget for 2012. The Government had no fixed figures in place for future budgets to date, as it wished to remain flexible so as to meet the possible gender mainstreaming needs of persons with disabilities.

34. **Ms. Fehringer** (Austria) explained that as the economic crisis was so recent, it would be very hard to evaluate its effect on the gender pay gap at the present time. It was clear, however, that the economic crisis had specifically affected women. Initially, when the automotive and manufacturing industries started to make cuts, men had been primarily affected; however, there had been a clear rise in women unemployment in 2012 as austerity measures hit the tertiary sector, which had employed a large number of women. As women were still not equally represented in the labour market it was probable that the figures would show that they suffered most of the adverse effects of the economic crisis.

35. **Ms. Konstatzky** (Austria) clarified that the figure of €360 for vacancy announcements that failed to list starting salaries was considered an administrative penalty rather than damages. It was the maximum penalty that the Ombud for Equal Treatment could impose on companies that ignored the policy. A Government study in February 2012 showed that only 866 out of 4,376 vacancy announcements had failed to provide such information.

36. **Ms. Stamm** (Austria) said that as a result of the Government women's health report, it was clear that vulnerable women had higher health risks than other women. The State party had been working to give those women better access to health care by providing literature and information for migrants and streamlining the mother and child examination scheme established in 1974. Under the scheme, any woman who was not covered by social insurance could receive medical examinations free of charge.

37. In response to the Committee's questions regarding abortions in Austria, she explained that no obligation existed to register an abortion, and only official hospital records provided statistics on abortion. Those statistics indicated that medically indicated abortions were decreasing. Most abortion clinics, however, were privately operated, and a

debate in Austria had begun to find ways of obtaining statistics from such establishments. In the Government's view, it was imperative to implement measures for counselling and sexual education. It had thus introduced several initiatives such as the "First Love" project and specific counselling centres for young people to provide health checks and information on contraception methods and HIV/AIDS prevention. Women also had access to information from the Austrian Family Planning Association and the various women's health-care centres.

38. **Ms. Niavarani** (Austria) said that the Ministry of Sport had adopted a wider gender mainstreaming approach to its sports project for women and girls. It promoted gender equality in sport by encouraging the appointment of women to sports bodies, greater representation in the media and an equal distribution of resources between the sexes, including equal prize monies and fees. The project also sought to raise public awareness about the issue of sexual violence in sport.

Articles 15 and 16

39. **Ms. Rainer** (Austria) said that the number of farms headed by women had increased significantly in the past 10 years owing in part to the high level of participation of women farmers in educational programmes. While 37 per cent of agricultural businesses were currently led by women, the share and size of such businesses were decreasing. A working group set up under the Programme for Rural Development to provide equal opportunities for women was seeking to increase women's participation in local decision-making bodies, as decision-making positions in rural areas were still predominantly held by men. Life in rural areas was increasingly unattractive for young women, leading them to migrate to urban areas, especially women aged between 18 and 26. Regional workshops focusing on equal opportunities for men and women and special training courses for civil servants to increase awareness about gender equality had been organized to promote gender equality. A prize for the best project to promote gender equality was awarded in 2012 to an organization involved in increasing women's political participation, under the Programme of Rural Development, and management courses specifically tailored for women were planned for 2013.

40. **Mr. Tichy** (Austria) said that his Government had been working with France to ensure continued funding of the budget of the European Union devoted to rural women.

41. **Ms. Haidar** wished to know how the remedies for women victims of multiple discrimination was determined and what was being done to prevent such discrimination.

42. **Ms. Schulz** said that although full-time employment was a guarantee against poverty, the present economic situation had resulted in fewer full-time positions, especially among women. She wished to know whether any measures were in place to make up for the lack of full-time employment. Commending the National Action Plan on Gender Equality in the Labour Market and the law on pay transparency, she observed, however, that there had been no change in the gender pay gap since 1997. She wondered whether there were plans to step up measures to bridge the gap and whether Austria had any State entity that dealt with cases of unequal remuneration directly. Noting the measures to assist young women diplomats, she asked whether any steps had been taken to help diplomats' wives to find employment in their host countries.

43. **Ms. Bareiro-Bobadilla**, drawing attention to article 4 (a) of the Convention, would appreciate hearing the delegation's views on the need for temporary special measures to remedy the lack of women in leadership positions in rural areas.

44. **Ms. Belmihoub-Zerdani**, commending the Austrian delegation, comprising 15 women and 5 men, on their thorough replies, said that she regretted that the ratio of men to

women in decision-making positions was all too often very different. She urged the delegation to promote the Convention at home and abroad on its return.

45. **Ms. Halperin-Kaddari** sought further clarification on discrepancies in pensions. It was not clear whether the policy of taking into consideration child-rearing years in the calculation of pensions involved only government pension schemes or extended to private pension schemes as well.

46. **Ms. Šimonović** wished to know how many men in Austria had taken the one-month paid paternity leave since its introduction in January 2011.

47. **Ms. Fehringer** (Austria) said that the lack of full-time employment was a feature of the current labour market affecting both men and women. In an effort to eliminate stereotypes, her Government was trying to encourage women to take up alternative careers and pursue better paid jobs. Her Government was considering extending the requirement of staff income reports and pay transparency provisions to firms with less than 250 employees and requiring companies to submit reports of measures to promote women at the workplace. It was true that progress was needed on increasing the representation of rural women in leadership positions. The calculations of pension schemes referred only to government pensions, which accounted for almost 95 per cent of pensions in Austria. Unlike some other countries, Austria did not have an extensive private pension system. There were several bodies that dealt with claims of multiple discrimination against women, including the Federal Equal Treatment Commission and the Ombud for Equal Treatment. An association for litigation against discrimination, funded by the Government, also helped such women, especially in cases of discrimination on religious and ethnic grounds.

48. **Ms. Konstatzky** (Austria) said that a series of workshops on sexual harassment and harassment on the grounds of ethnicity and age had been held throughout the country.

49. **Ms. Rainer** (Austria) said that while the targets for women in decision-making positions had not been met in rural areas, the share of women in such positions averaged 39 per cent nationwide.

50. **Ms. Sinnmayer** (Austria) said that the Federal Chancellery had issued a decree in 2012 requiring companies to commit to gender equality.

51. **Ms. Fehringer** (Austria) said that in accordance with legislation on the foreign services, heads of mission was under a legal obligation to support the efforts of the spouses of diplomats to find employment in the host State, and Austria had concluded agreements with other countries to improve access to host labour markets. She added that an organization of family members of diplomats, supported financially and logistically by the Foreign Ministry, was entrusted with the task of helping spouses of Austrian diplomats returning to Austria to find employment.

52. **Ms. Halperin-Kaddari**, wanted to know whether there were any data on the extent of forced marriages in Austria. Noting that the 2010 law on registered partnerships concerned only same-sex couples, she wished to know what protections were offered to unmarried women living in partnerships, including, for example, maintenance to women leaving such relationships. Was there legislation allowing for the sharing of assets acquired during partnerships? She requested further information on the principle of fault in divorce cases and how that principle affected women in financial terms. She would appreciate information on the marital property regime in Austria. Lastly, it would be useful to have information on child custody procedures.

53. **Mr. Bechina** (Austria) said that registered partnerships were still limited to same-sex couples. However, the restriction to same-sex couples was currently being challenged before the Constitutional Court. Turning to the question concerning the financial implications of showing-of-fault requirements for divorce, he said that alimony no longer

depended on the grounds of divorce. Joint child custody was no longer mandatory or automatic. In the event of a dispute, the court offered couples a six-month interim period to come to an arrangement. If they failed to reach agreement, the court then took a decision. In cases of unmarried couples, the woman retained sole custody, although men could apply for joint or even sole custody.

The meeting rose at 5.10 p.m.