



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General

17 July 2019

Original: English

Committee on the Elimination of Discrimination against Women

Seventy-third session

Summary record of the 1703rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 10 July 2019, at 3 p.m.

Chair: Ms. Gbedemah

Contents

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

Ninth periodic report of Austria (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.19-11757 (E) 170719 170719



* 1 9 1 1 7 5 7 *

Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



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

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

Ninth periodic report of Austria (continued) [\(CEDAW/C/AUT/9, CEDAW/C/AUT/Q/9 and CEDAW/C/AUT/Q/9/Add.1\)](#)

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

Articles 7 to 9 (continued)

2. **Ms. Narain** said that, while the criteria for citizenship applications were the same for men and women, the high income requirement was effectively an obstacle to applications by women, who often had unpaid care responsibilities. She asked whether the Government could make that requirement less stringent.

3. **Mr. Ruscher** (Austria) said that it was difficult to strike a balance between equal treatment, on the one hand, and applying different conditions to women, on the other. It would also be difficult to gather evidence of any unpaid work that had been done. Nevertheless, he would point out the concern to the relevant authorities.

Articles 10 to 14

4. **Ms. Al-Rammah** said that Austria was to be commended on its outstanding education system and on initiatives to support women in research and technology, such as the FEMtech project, which contributed to raising awareness of potential educational and career paths for women and girls. Given that girls from migrant backgrounds were nearly three times more likely than average to drop out of school, it would be interesting to know whether the State party had conducted the study of the underlying reasons for that disparity, as recommended by the Committee in the concluding observations on the seventh and eighth periodic reports (CEDAW/C/AUT/CO/7-8, para. 33 (f)). If the State party had not conducted such a study, she wished to hear what obstacles had prevented it from doing so. If it had, she would welcome details of the results. What steps had the Government taken to ensure that its recent prohibition of “ideologically or religiously influenced clothing” in primary schools would not increase the dropout rate among migrant girls, many of whom wore headscarves? She would like to know what measures would be required to mitigate the results of the focus on special schooling for girls with disabilities. The Committee would also like to receive information on any measures foreseen to ensure that girls and women with disabilities had full access to education and were able to work autonomously outside sheltered employment structures.

5. **Mr. Bergby** said that he wished to know how the State party planned to meet the challenge of having one of the largest gender pay gaps in the European Union. The gap in the finance sector was particularly large because of the prevalence of bonus and commission schemes, appraisal-based payment schemes and elements of individual bargaining that disadvantaged women, many of whom had care obligations that forced them to work part-time. He asked what kind of projects the State party had in place to address the gap in pensions, whereby women’s pensions were on average 40 per cent lower than those of men, and what results such projects had achieved. The State party had decided, beginning in 2024, to gradually raise women’s pensionable age from 60 to 65 to bring it into line with that of men. How long would it take to carry out that change? Were women already able, if they wished, to stay in work for as long as their male colleagues?

6. It was commendable that companies were now required to submit a report on the income levels of employees. However, many women worked in small businesses or companies. Would the Government consider changing the reporting threshold so that companies with 50 or more employees would be obliged to submit such reports, instead of the current threshold of 150? It would be interesting for the Committee to hear about the latest progress in the discussions on income transparency that had started in autumn 2018 between the Minister for Women’s Affairs and Equality and various experts. The requirement for part-time employees to be informed before job advertisements were

published was a welcome step that would help reduce the gender pay and pension gaps. He would like to know whether the State party would consider going a step further, for example by giving part-time employees the right to demand longer hours. The State party had introduced legal provisions to improve the division of childcare responsibilities between both partners. However, it had not made much progress in ensuring the right to parental leave. Given the clear benefits of parental leave to the father, mother and child, the State party should perhaps consider providing a legal right to paid paternity leave in the private sector.

7. **Ms. Schaller-Steidl** (Austria) said that, since the data showed that boys from a migrant background generally had a higher dropout rate than girls, the study that the Committee had recommended had not been conducted. One of the main support mechanisms for preventing migrants from dropping out was youth coaching, which was offered through schools. Since the enactment of the Act on Compulsory School and Vocational Training in 2016, either upper secondary education or vocational training was obligatory until the age of 18. Thus, no students ceased studying after completing lower secondary education.

8. **Mr. Reibmayr** (Austria) said that pension levels had recently been adjusted, with greater increases provided for persons with lower pensions. Women who had low entitlements would thus benefit from the change. Under the new equalization supplement system, pensioners who had accumulated a minimum number of contributory months were entitled to a minimum amount of more than €1,300 per month, with the State party covering any shortfall. The corresponding level for couples was around €1,700. Alignment of the statutory pension age would take place in 2024–2033.

9. **Mr. Kienl** (Austria) said that 5,075 women and 4,280 men had been granted Austrian citizenship in 2018. Far more women than men had been granted citizenship over the previous decade. The Federal Ministry for Europe, Integration and Foreign Affairs alone had made available €2.7 million of funding for programmes to offer migrant girls and boys extracurricular support and language training, among other things. Since there was compulsory schooling and training in Austria, there was no question of girls dropping out over the issue of headscarves.

10. **Ms. Mandl** (Austria) said that, in 2018, some 113,000 people had taken part in projects that had benefitted from €213 million in funding from the BABE Austria 2014–2017 programme for the labour market integration and inclusion of persons with disabilities. There was no obligation for persons with disabilities who were employed to register as such, but there were some 25,000 women and 35,000 men who had chosen to do so. In July 2019 the National Council had approved a change whereby all periods of parental leave had to be treated as time at work for the purpose of calculating entitlements and benefits such as salary increases and length of available sick pay. Previously, only the first 10 months of the first period of parental leave had been treated in that way. The National Council had also decided that, as of 1 September 2019, fathers would be entitled to one month's paid paternity leave. A dialogue had been completed with 82 companies as part of the project on equal pay, which was partially funded by the European Social Fund, and consultation of a further 53 companies would be complete by the end of July 2019. It was hoped that the project could have a knock-on effect and serve as a model for other companies. Companies with 150 employees or more were currently required to submit data on their employees' salary levels; there were no plans to lower the threshold to 50 employees.

11. In 2018, under the State party's programme offering vocational education for persons who had not previously completed apprenticeships, 670 women had started education and 13,700 more had benefited from the Fifty Plus employment initiative. The FiT – women in crafts and technology project had provided training for some 1,300 women, and Austrian career information centres had offered some 40,000 women support, also in 2018.

12. **Ms. Hartweg-Weiss** (Austria) said that measures had been taken to reconcile working and family life, in particular by increasing fathers' participation in parenting. With the partnership bonus, whereby a childcare allowance was shared equally or almost equally

by the two parents, each parent received an additional €500. Increasing numbers of fathers were taking advantage of some combination of the childcare allowance and the family time bonus. The State party had also run an awareness-raising campaign to increase fathers' participation in their children's upbringing and inform them of the State allowances that were available. The main element of the family bonus plus programme was a tax credit of up to €1,500 per child per year, up to the age of 18, with a reduced annual rate of €500 for children aged 18–24. The concession was available to families with a gross income of up to €1,700 per month.

13. **Ms. Niavarani** (Austria) said that income transparency was very important to the State party, as reflected in the legal provisions introduced in 2011. More recently, the Government had created an online tool that made it possible to calculate salaries based on average wages for a particular job, and the Fair Wages project had created a toolbox to help companies draw up income reports, analyse them and use them internally. Company testimonials had been collected to make a business case for fair wages and to show that equal pay was beneficial. The 2018 round-table sessions on income transparency had served as a platform for experts to exchange knowledge and information and to look at international best practices.

14. There was also a gender income gap in pensions. To address that gap, the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, the Austrian Institute for Economic Research and the FORBA Working Life Research Centre had recently started the Transparent Pension Future (TRAPEZ) project, the aim of which was to secure women's economic independence in old age. The project, which was co-funded by the European Union, analysed the gender gap in Austrian pensions and highlighted possible actions to reduce the gap. It consisted of three parts: the first involved quantitative research on the pay gap and qualitative research on employed women's awareness of how to secure their pension entitlements; the second involved sending people advanced pension account notifications when they were within five years of reaching their pension age; and the third was a toolbox to make companies more aware of the gender gap.

15. **Mr. Bergby** said that he wished to know whether women could work up to the same age as men; whether organizations and trade unions could launch class action suits on the subject of equal pay; and whether the implementation of the comprehensive measures undertaken as part of the 2010–2013 National Action Plan for the Equality of Women and Men in the Labour Market had been integrated into a new action plan. If not, when would the next action plan be drawn up?

16. **Ms. Ameline** said that ensuring equal pay was an investment, not a constraint, for businesses. Indicators increasingly showed that businesses could play an active role in sustainable development and inclusion by ensuring gender equality at the workplace. She noted, however, that, although the presence of women on company boards was increasing, women were still largely absent in the most innovative sectors. It would perhaps be advisable to address their absence from such sectors by taking steps in the field of vocational training.

17. **Ms. Al-Rammah** said that, in its policy for persons with disabilities, Austria took an approach that relied mainly on special education rather than inclusion. She wondered how the Government would include women with disabilities in the education system and how the ban on headscarves would affect the migrant dropout rate.

18. **Mr. Reibmayr** (Austria) said that both men and women could work past the official retirement age of 60. Pension schemes for some branches had a higher retirement age, such as 65 for civil servants, but members of those schemes, including women, could also work for longer.

19. **Ms. Mandl** (Austria) said that class actions against discrimination could not be brought on behalf of employees, but employees could be represented by the Chamber of Labour, which provided assistance in court.

20. **Ms. Niavarani** (Austria) said that she wished to clarify that the National Action Plan for the Equality of Women and Men in the Labour Market had been part of a previous Government's programme. Although there was currently no action plan, many of the goals

and targets were still valid, and many of the measures were still being implemented. One of the main topics that Austria had put forward during its presidency of the Council of the European Union in 2018 had been digitalization and the challenges, risks and opportunities associated with it. It was important to be aware of the opportunities that digitalization offered to women as well as the risks that it posed.

21. **Ms. Schaller-Steidl** (Austria) said that Austria had a diversity-oriented equality policy that treated gender as an intersexual concept. The Government had developed the approach during the previous year and was starting to implement it. Regarding the question about migrant children in school, it was important to focus not only on girls, but also on boys. In Salzburg, an integration platform had been set up to inform different migrant communities about the Austrian education system. By communicating with those communities in their first languages, the platform could potentially reach more young people and ensure better participation by them in society. The Government understood the importance of including women in innovation, and it was bearing that in mind, for example, in drawing up policies related to artificial intelligence.

22. **Mr. Tichy** (Austria) said that Austria had a long history of compulsory education, dating back to 1774. Compulsory education currently went up to the age of 15, whereas the ban on headscarves applied only to girls up to the age of 10. Dropout was an issue for both girls and boys, but the pupils who dropped out had not been affected by the headscarf ban, since they were over 10 years old.

23. **Ms. Chalal** said that the State party should be congratulated for its adoption in 2017 of the National Action Plan on Women's Health and for taking other measures to improve the health of women and girls. Noting that abortion was legal, but that the cost was not refunded by medical insurance, she pointed out that unless certain specific conditions applied, women had to bear the high costs involved. The periodic report stated that in Vienna, women requiring abortions could apply for financial support if there was a personal, family-related or financial emergency. She wished to know whether the new National Action Plan on Women's Health had been implemented, what its budget was, what conditions were attached to the financial support for abortion in Vienna and whether the State party intended to introduce support for women from economically disadvantaged groups who needed to terminate a pregnancy, such as women in rural areas and asylum seekers.

24. She wished to know what measures the delegation would take to remove the legal provision that allowed doctors and hospitals to invoke conscientious objection in order to refuse the provision of abortion services. Noting that the State party's report suggested that, in Vienna, only six hospitals performed outpatient abortions, and few physicians in rural areas performed abortions at private facilities, she asked whether the Government would consider increasing access to abortion by authorizing private medical facilities to prescribe abortion pills. Noting that Austria was the only country in Europe where the cost of contraception was not covered by medical insurance, she said that it would perhaps be advisable for the Government to consider introducing special funding to cover the cost of contraception for women and girls and to consider providing free access to condoms for adolescents, especially in marginalized sectors of society.

25. Although sexual and reproductive education was comprehensive in Austria, she had heard that teachers were ill-equipped in terms of material resources and training, and non-governmental organizations (NGOs) were providing educational material at their own expense. She wished to know whether the Government would take measures to provide teachers with better training and adequate material. The Committee had in its concluding observations following the consideration of the seventh and eighth periodic reports (CEDAW/C/AUT/CO/7-8, para. 39) asked the State party to conduct a study on the impact of austerity measures introduced during the financial crisis on women's health, and it would appreciate information on that subject. According to the State party's report, migrant women had the same access to health as Austrian citizens if they had social insurance coverage. She asked whether persons without such coverage had access to health-care services. The State party had said that, in emergency situations, it was NGOs that provided voluntary assistance to such women. She asked whether, given the inherent health risk

posed to non-citizens, measures should be taken to provide them with better access to appropriate and affordable health services and with translation services and information.

26. She commended the State party for its adoption of the National Action Plan on Disabilities, which sought to improve health-care services for women with disabilities, especially gynaecological services. According to the report, during medical consultations, patients with disabilities and their carers should be sufficiently informed and able to protect their intimacy. She wished to know whether the Government had taken any specific measures to protect women with disabilities against forced sterilization and abortion and whether the right to informed consent was required before any medical intervention could take place. She also wished to know what appropriate measures, including legislation, the Government would take to eliminate discriminatory practices against intersex persons, including children, and to safeguard their right to physical integrity.

27. **Ms. Akizuki** said that she commended the State party for the progress it had made in strengthening socioeconomic gender equality of women, including through the 2015 tax reform, the adoption of the 2016 Social Security Act and initiatives to increase women's representation in sports associations. She would be grateful if the State party would provide data showing to what extent the 2015 tax reform had achieved its aim of improving women's employment and financial independence. Noting the recent introduction of a tax rebate to support low-income single parents and single earners, she said that it would be useful if the State party would provide data or estimates indicating whether that reform had reduced the poverty rate among women who lived alone and single mothers. In the view of the delegation, did the current pension scheme ensure equal treatment of women and men, given that at least 30 years of contributions were required to qualify for a pension and that women often took career breaks or part-time jobs to assume family responsibilities? Was there a pension scheme for vulnerable women, such as migrant women and women with disabilities? She also wished to know whether bank loans or other financial credits were available to single women, single mothers with children, widows, divorced women, women with disabilities, women entrepreneurs and migrant women.

28. She commended the State party for the projects and awareness-raising campaigns it had carried out to promote the equal sharing of unpaid work and family responsibilities between women and men. The delegation might also provide information on childcare facilities that enabled women to work full-time. She wished to know whether the strategy group on gender equality in sports mentioned in the report had achieved its goal of increasing women's representation in the governing bodies of national sports institutions to at least 40 per cent by 2018. If not, what obstacles had stood in the way, and what was the State party doing to achieve the goal? She also wished to know whether the State party had data on the income gap between female and male athletes, and whether it was working to eliminate that gap.

29. **Ms. Ines Stamm** (Austria) said that the Government had been implementing a National Action Plan on Women's Health since 2017, which was reducing inequalities and increasing awareness of women's health issues. The Government had no plans to launch a new action plan, as it still needed to implement the current one. The cost of contraceptives was not covered by any insurance service in Austria. At advice centres known as "first love ambulances", young persons of 18 years of age and under could obtain information on contraception from teams of gynaecologists, nurses, educators, social workers and psychologists. Under paragraph 97 of the Criminal Code, abortions were considered lawful if performed within three months of the start of the pregnancy. Abortion services were usually not covered by health insurance, as insurance was generally intended to meet the cost of illness prevention and treatment. Women's health institutions and family planning agencies offered couples advice on the advantages and disadvantages of the various prenatal examinations that could be carried out. Although a working group had drawn up guidelines on the treatment of intersex persons, those guidelines had not yet been published, owing to a lack of political consensus on that question. In accordance with the guidelines, gender reassignment operations could not be conducted for purely aesthetic reasons on persons under 16 years of age. Steps would be taken to raise doctors' awareness of the problems of female genital mutilation and the appropriate treatment of women subjected to that procedure. The legislation on abortion was equally applicable to migrant

women and Austrian nationals. A working group had been set up to consider how best to disseminate information on abortion services and related counselling and legal services to women who did not speak German.

30. **Mr. Reibmayr** (Austria) said that, although the tax reforms introduced in 2015 had particularly benefited persons with low incomes, it was still too early to say what effect they had had on poverty indicators over the relevant time period. Persons who were affected by a physical or mental impairment owing to their activities at the workplace were entitled to receive a disability pension related to the contributions that they had made during their working life.

31. **Ms. Hartweg-Weiss** (Austria) said that nursery services had become more available, in line with indicators showing an improved reconciliation of working and family life. Nurseries were required to remain open for at least 45 hours per week, to close for no more than 5 days per year and to provide lunch to children. Around 60 per cent of children under 3 years of age attended nurseries. In recent years, the federal Government had invested heavily in childcare and children's education and it would continue to do so over the next few years.

32. **Mr. Kienl** (Austria) said that migrants had the same access to health services as Austrian nationals. Although interpretation services were provided at a number of hospitals, and a video interpretation service could be used in emergencies, such services were not made universally available, as that would risk creating the impression that migrants did not need to learn German. New investment had made it possible to expand services aimed at combating female genital mutilation. There were plans to establish a network of counselling centres where women could obtain advice and information about female genital mutilation.

33. **Mr. Manquet** (Austria) said that the Criminal Code had no provisions for prosecuting people for performing a lawful abortion or for refusing to perform one. Forced sterilization was completely forbidden.

34. **Ms. Niavarani** (Austria) said that data on professional sports associations and governing bodies could be found in annex VIII of the report.

35. **Ms. Peláez Narváez** said that the Committee had noted with concern that women in rural areas faced obstacles to land ownership and often did not have decent pensions. A disproportionate number of students at agricultural colleges were boys, while girls made up the majority of students at home economics colleges. Temporary agricultural workers, who were often migrants, endured conditions that were much harsher than those faced by other women. In view of that situation, the Committee wished to know what would be done to improve the situation of rural women. Noting that multiple discrimination was defined in the Equal Treatment Act, she asked why that Act did not specifically cover all possible cases of multiple discrimination. For example, why did the Equal Treatment Act not grant protection to women with disabilities who were subjected to multiple discrimination? It would be interesting to learn why shelters for women victims of violence were generally not accessible to women with disabilities and did not employ staff trained to assist such women. The delegation might also specify whether contraceptives were administered to women with disabilities without their consent. Such practices might increase their risk of being subjected to sexual violence.

36. Most women with disabilities worked in special employment centres, where they evidently did not have the right to accrue pensions or to other forms of social protection. As a result, such women were forced to live in institutions when they reached the end of their working lives. In view of the fact that serious human rights violations were known to occur at such institutions, particularly at institutions for persons with psychosocial disabilities, she asked why the State party's policies on mental health did not take account of gender issues. Lastly, she asked what was being done to ensure that cohabiting couples enjoyed the same rights and protections as married couples, whether efforts would be made to ensure that the interpreters and officials who interviewed women asylum seekers were women, and whether the Government would consider reducing the period during which foreign nationals were required to wait before joining family members who had been granted asylum in Austria.

Articles 15 and 16

37. **Ms. Narain** said that, in order to improve the legal literacy of women, the Government might consider disseminating free leaflets on legislative changes concerning issues such as custody and visiting rights for separated parents. Forced marriage had been reclassified as a stand-alone offence in 2016. It would be interesting to learn why the conviction rate for that offence was so low and what steps were being taken to ensure prosecution for the offence. Noting that an emergency shelter for victims of forced marriage had been opened in Vienna in 2013, she asked how many girls and women had made use of the shelter in 2018, how long they had stayed there on average, whether counselling had been provided to the parents of victims and how many Austrian victims of forced marriage had been repatriated from other countries. The Committee would also welcome information on the progress made towards the introduction of no-fault divorce in Austrian law.

38. **Ms. Madner** (Austria) said that, although data from 2018 indicated that gender inequality had decreased in all regions, the Government acknowledged that such inequality was still greater in rural areas than urban ones. Some €235 million had been earmarked for investment in social services in rural areas, including childcare services and housing for vulnerable persons. In accordance with the Leader 2014–2020 rural development project, efforts were being made at the local level to enhance the participation of women in decision-making processes. To that end, a mandatory quota for women's representation had been imposed on all committees responsible for selecting projects. Over 50 per cent of managers were women in regions where the Leader project was being implemented. A working group on gender equality in rural areas had drawn up a list of 15 actions that were aimed at mainstreaming gender in all relevant projects and programmes, creating jobs for rural women and increasing women's participation in decision-making processes. Those actions were being implemented through awareness-raising sessions, seminars and training courses on incorporation of the gender perspective. Although the majority of the students at the 11 government-run agricultural schools were boys, efforts were being made to encourage girls to study there.

39. **Mr. Reibmayr** (Austria) said that all regular employment relations in Austria were covered by a package of social insurance entitlements and benefits that included pensions, accident insurance and health insurance. Persons with disabilities working on special employment projects were covered by accident insurance and when working on long-term projects they sometimes had the opportunity to contribute to pension schemes.

40. **Ms. Mandl** (Austria) said that women with disabilities were never forced to use contraception or undergo forced sterilization or abortion. When individuals were subjected to acts of multiple discrimination for which one of the grounds was disability, the specialized nature of the complaint required them to undergo arbitration proceedings through the social services. The Equal Treatment Act provided protection to persons with disabilities who had suffered discrimination on other grounds, including the grounds of religion and gender.

41. **Ms. Prantner** (Austria) said that, in 2018, 36 victims of forced marriage had been given accommodation at the shelter established for such persons. The average stay at the shelter was 67 days.

42. **Mr. Manquet** (Austria) said that the notions of coercion and extraterritorial jurisdiction were defined in broad terms in the provisions of the Criminal Code relating to forced marriage. However, the number of prosecutions and convictions had remained quite low, possibly because victims were reluctant to testify against their own parents or relatives. According to a representative of the main NGO working to stop forced marriage, potential perpetrators were possibly opting for other forms of union, such as religious marriages, in order to avoid being subject to prosecution under the new provisions of the Criminal Code.

43. **Mr. Ruscher** (Austria) said that any attempt to ensure that women asylum seekers were interviewed only by women might be regarded as discriminatory against men. In certain situations, however, women were asked if they wished to continue being questioned by a man or if they would prefer that a woman take over. In the majority of such cases,

women stated that they did not want their interviewer to be changed. The authorities were required to provide interpretation services for asylum seekers who did not speak German.

44. **Mr. Tichy** (Austria) said that, in one or two cases per year, the Austrian authorities assisted in the repatriation of persons who had been forcibly taken to another country. Around 200 cases of forced marriage took place in Austria every year.

45. The dialogue had been a positive and open one, in which the delegation had done its best to answer the Committee's questions by highlighting the Government's achievements in the area of women's rights, while acknowledging the challenges that the country still faced.

The meeting rose at 5.05 p.m.