

Concluding comments of the Committee on the Elimination of  
Discrimination against Women: Austria

Second periodic report

303. The Committee considered the second periodic report of Austria (CEDAW/C/13/Add.27) at its 184th meeting, on 29 January (see CEDAW/C/SR.134).

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

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

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

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

308. Responding to additional comments, the representative said that the Ministry for Women's Affairs was part of the Federal Chancellor's Office. Although there was currently more political visibility, the institutional structure had to be built up and financial and human resources secured.

309. Several large organizations of women, political parties and semi-official organizations had been consulted in the preparation of the second periodic

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

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

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

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

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

between the freedom of the arts and the dignity of women, and a bill was being prepared to provide for collective action.

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

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

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

317. Referring to questions under article 5, she said that women were strongly underrepresented in the electronic media and their image was not positive. Women's problems were marginalized, and stereotypes and traditional role models still prevailed although their elimination was one of the targets of the education policy. Private and public employers were not allowed to make reference to the sex of the applicant in their job announcements. However, no authority could impose sanctions on the media regarding the choice of television programmes. As regards the implementation of the proposals made by the Commission on School Reform, studies had been commissioned in the fields of informatics and mathematics to identify gender-specific trends, and initiatives were being promoted to motivate girls to move into non-traditional fields.

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

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

320. On article 6, as to whether nothing could be done to include prostitutes as well in the social security coverage, the representative said that prostitutes had to be registered and undergo regular physical check-ups and were free to take out private health insurance. Her goal, however, was to provide mandatory health and pension insurance coverage for prostitutes as they were obliged to pay tax.

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

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

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

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

recent amendment to the Equal Treatment Code had introduced a shift in the burden of proof. A further possibility of recourse for women was the Equal Opportunity Ombud.

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

326. Referring to a question on the level of women's wages in comparison to those of men, the representative said that the medium net wages of men were 21 per cent higher than those of women. In the civil service, men earned 7 per cent more than women; in the private sector, men in blue-collar jobs earned 35 per cent more than women, and in white-collar jobs, men earned 38 per cent more than women. Since 1982, job evaluation studies had been made using gender-neutral criteria.

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

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

329. Regarding article 12, she said that the perpetrators of violence against women were mostly the husbands of the victims, and sometimes elder sons. The incidence of violence was increasing, partly because of the breakdown of existing taboos against reporting such acts and partly because of a possible increase in the number of offences. The most recent figures on the number of cases of AIDS were 429 men and 81 women. The number of female AIDS patients as a result of heterosexual contacts was continuously increasing. She hoped

that the information campaign addressed to the entire population would lead to a change in behaviour. Members said that they would welcome learning of the results of the study that had been commissioned on the incidence of violence in the family. They asked whether violence against minors was a crime or an offence and why its incidence was so high.

330. Turning to article 14, she said that, since 1990, the problems of rural women had been dealt with by an advisory council for rural women. The situation of women in rural areas varied according to region. Generally they had equal access to health care, but because of a heavy workload and a consequent shortage of time, some could not avail themselves of medical care and treatment.

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

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

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