



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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Fourth session

SUMMARY RECORD OF THE 55th MEETING

Held at the Vienna International Centre, Vienna,
on Monday, 28 January 1985, at 10 a.m.

Chairperson: Ms. BERNARD

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The meeting was called to order at 10.12 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (continued)

Initial report of Panama (continued)(CEDAW/C/5/Add.9)

1. At the invitation of the Chairperson, Mr. Koref (Panama) took a place at the Committee table.
2. Mr. KOREF (Panama), replying to the questions asked and points raised by members of the Committee following the presentation of his country's initial report (CEDAW/C/5/Add.9), said that he would preface his remarks with a brief review of Panama's social and economic history in the belief that it would contribute to a better understanding of conditions in that country.
3. Because of the construction of the Panama Canal, a key factor in determining the country's role in world economic affairs, there had, over the years, been a particular emphasis in Panama on the development of a service economy, largely dependent on international trade and subordinate to the Canal. Panama had experienced centrifugal growth under the influence of historical, economic and geographical factors, which had led to its performing a tertiary export function in the world capitalist market. In other words, Panama had had thrust upon it a specialized role which, since the colonial period, had led to an intensification of unproductive activities to the detriment of a productive economy and at the expense of Panamanian society itself. Those factors had determined the roles performed by men and women in Panamanian society and the extent of their participation in economic, legal, political and intellectual life. The construction of the Canal by the United States Government had irreversibly fixed that distortion of the Panamanian economy.
4. The period of the Second World War, during which Panama had become a key centre for military operations and had experienced the beginnings of industrialization, had been followed by a sudden slump in economic activity. The post-war period had witnessed fundamental transformations of Panamanian society and the beginning of a process of economic diversification, accompanied by an awareness of the need to restructure the machinery of the State to meet the new requirements of development. The 1950s had seen the beginning of the modernization of State institutions and administrative reforms, including the introduction of the principles of social law, with its emphasis on the recognition of the equality of men and women and its extension of fundamental social rights to education, employment, health, etc. Nevertheless, and despite the economic progress made in the following decades, Panama remained to the present day a severely underdeveloped country.
5. When Panama had gained its independence at the beginning of the twentieth century, its population had fallen to some 200,000 inhabitants as a result of its involvement in the internal political struggles of Colombia, from which it had been separated in 1903. Its male population had been decimated, moreover, as a consequence of the so-called War of the Thousand Days. With the start of construction of the Canal in 1904, and for the next 18 years, the country had experienced a wave of immigration with the arrival of more than 50,000 male workers from different parts of the world. Panama now had a multi-racial population of over two million inhabitants.

(Mr. Koref, Panama)

6. Women, who, under Panamanian law, enjoyed full equality with men, likewise had complete access to any career. Since the country's first Constitution, in 1903, education had been free and mandatory at the primary level. During the 1970s, a major effort had been made to bring education to the more remote rural areas and the number of teachers had been increased. Census figures showed that the percentage of the female population (of six years of age and over) with some kind of educational background (primary, secondary or university) had risen from 75.8 per cent in 1970 to 84.1 per cent in 1980, with the most substantial increase at the intermediate or secondary level. In 1983, 25,843 pupils were enrolled at the pre-school level, including 9,998 boys and 9,973 girls. At the primary level there was an enrolment of 336,033 students, of whom, in urban areas, 74,767 were males and 72,079 were females; in rural areas, there was an even larger number of students at this level - 99,634 males and 89,553 females. Those figures should be seen against the background of the latest census data (1980), according to which the Republic's total population was 1,824,796, of whom 49 per cent were females and 51 per cent males.

7. The phenomenon of school drop-outs was a problem that had increased in recent years: from 2.2 per cent in 1976 to 2.7 per cent in 1982 for the country as a whole. No specific data on the percentage of female drop-outs was available.

8. Males attained a higher educational level in primary and intermediate schooling and, although young females were aware that they could choose any occupation they wished, they continued to prefer what for women were the traditional fields of the retail trade and teaching.

9. At about 14 per cent, there were more illiterate women than men, but recent years had witnessed an increase in the number of women enrolled in adult education, the figure for 1983 being 10,689. At the higher education level, most women were enrolled in philosophy, the humanities and education, and communication arts. It was thus clear that Panamanian women were not yet taking advantage of opportunities to move into scientific careers.

10. Wage discrimination against women did in fact exist in Panama and there was no machinery to allow women to seek remedies against that injustice. It was believed that with the strengthening of the women's movement and the enactment of additional laws, those vestiges of the past would soon disappear from Panamanian society.

11. Panama's economically active population totalled 548,460 persons or 30.1 per cent of the total population. Of that number, 91.8 per cent were employed and 8.2 per cent were unemployed. The service sector accounted for most of the employed population at 48.8 per cent, followed by the primary sector at 28.7 per cent and the secondary at 18.1 per cent. The employed female population totalled 26.6 per cent (about 134,080 women) against 73.4 per cent for men (approximately 369,460). Working conditions were the same for men and women, although women continued to be at a disadvantage with respect to promotion. Women entered the labour market for a variety of reasons, among them the need to supplement the family budget or to support their family themselves, the problem of broken families in Panama being one that required attention. Domestic workers were not unionized or covered by social security, and their monthly income amounted to about the equivalent of \$US 100.

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12. Maternity leave, one of the most important rights enjoyed by Panamanian women, was paid for out of the Social Security Fund, to which the employer contributed. Women were entitled to six weeks of maternity leave before childbirth and eight weeks thereafter, at full salary. They were not allowed to work during that period, under penalty, if caught doing so, of having to return whatever money they might have received as leave benefit. The Labour Code banned the dismissal of a woman from employment on the ground of pregnancy, although such dismissal was possible for certain very serious reasons, which had to be demonstrated in court.

13. The term "mixed working day" referred to a shift combining both day-time hours and night-time hours.

14. The protection accorded pregnant women applied to all wage-earning women, in both the public and private sectors, including domestics. Women in Panama could retire at 55 years of age, but if by age 50 they had already satisfied the minimum contribution quotas required under social security rules, they could apply for early retirement. Men normally ceased working at age 60 and were also entitled to early retirement, at 55. In addition, there was provision for longevity retirement, for example in the case of government workers with 30 years' uninterrupted service.

15. With regard to night work, occupations designated as being unsuitable for women in the ILO Conventions were also so considered by Panamanian legislation. In practice, women worked in almost all the same fields as men, except in tasks they could not perform for physical reasons.

16. Rural or peasant women had only limited access to jobs in the productive agricultural sectors. They worked as family members in gathering tomatoes or harvesting coffee, but the work contract was concluded by the husband, and all productivity was attributed to him. The Government was aware, however, that that factor had to be resolved for the statistics to be more realistic. Because of the nature of Panama's service-based economy, efforts at diversification had not been too successful and, owing to the lack of mineral resources, it had been difficult to proceed beyond the tertiary level of development.

17. All workers had an equal right to leave. The allowance was one day in 11, which, accumulated over the year, entitled a worker to 30 days' leave for 11 months worked. The employers' obligation to provide female workers with a suitable place and time near her work-place for the care of her child, was still only theoretical and was not observed in practice. It was hoped that it would be in the future. The Labour Code also imposed on firms employing over 20 women the obligation to organize some kind of crèche for their children. It was hoped that that regulation, too, would be implemented in the near future.

18. Under Panamanian law, a divorced woman was precluded from remarrying for 300 days after her divorce, in order to ensure some protection in the event of her being pregnant at the time of separation. In practice, however, there were no controls and the woman could remarry if she so desired. The Government was confident, however, that the entry into force of the new Family and Minors' Code, which had been placed before the Legislative Assembly, would eliminate all the remaining discriminatory provisions of Panamanian legislation, particularly those relating to grounds for divorce and financial arrangements in the case of divorce, which were currently unfavourable to women and children.

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19. As far as adoption was concerned, an unmarried person could adopt a child of the same sex, provided there was a difference of 15 years between their ages. Regarding adoption by couples, the law authorized adoption by one member of the couple only, provided it was with the consent of the other.

20. From the standpoint of civil and political rights women came of age when they reached 18 years. Parents had an obligation to maintain their children until they reached the age of 18 but should the children then continue their education, the obligation was extended to the age of 25.

21. Panama had no courts to which women could submit cases of discrimination, but that omission would undoubtedly be rectified. It might, however, be said that some 50 per cent of women's rights were observed. Disputes between spouses regarding the establishment of the family home were treated as domestic quarrels and the woman was usually advised to follow the husband to the home which he provided.

22. Efforts were being made to establish and recognize the extent of the economic contribution of rural women as members of the family group involved in agricultural activities, both at the domestic level and in other rural activities.

23. On the question of women's participation in politics, he said that notwithstanding their enjoyment of full rights, their participation in elections had been very low. That was undoubtedly due to the lack of formal instruction concerning political rights, and to the country's economic structure, which had not helped to arouse social awareness in women. Statistics showed that 54 per cent of women were employed in personal services, which reflected the level of their ideological development. In the 1970s, however, women had begun to move not only into the technical careers hitherto the preserve of men, but also into politics. The lack of greater participation by women in elections, however, was partly the fault of the politicians themselves who tended to address only the men, and displayed a certain disregard for women's views.

24. The International Women's Year had helped to change that attitude. For example, the last Cabinet had included two women Ministers of State, responsible for education and housing. Women had also occupied the posts of deputy ministers for health, trade and government and justice. Two women mayoresses had also been elected and two of the 14 political parties currently had women presidents. However, there were only five women among the 67 members of the National Legislative Council. In the Supreme Court of Justice, composed of nine judges, one, a woman, was currently also President.

25. Prostitution did exist in Panama and was a cause of great concern. It was hoped that the new Penal Code, which came into force in 1983, would deal better with such offences as prostitution. That phenomenon, and the white slave trade, had arisen as a result of Panama's background as a transit zone with the two main terminal ports of Panama and Colón and the operation of the Canal. Although prostitution was vigorously regulated and penalized there were no legal instruments to eradicate it altogether: under the prevailing legislation, any woman guilty of practising it was punished, as was anyone contributing to it, either for their own profit or for an organization. As the report had explained, prostitution was not viewed as a crime but as a failing, and was left to the discretion of the police. It was assumed that the women involved had to be rehabilitated but in a society with few employment alternatives, very little was being done.

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26. The Bureau for the Promotion of Women had represented the first systematic effort at government level to set up a body devoted particularly to programmes for the training and promotion of women. Even though insufficient resources were available, the demand for its services were such that its importance was increasing daily. He hoped that the next report by Panama would include an assessment of the results achieved by the Bureau.

27. A number of experts had asked why discriminatory legislation still existed in Panama. While the Government intended to rectify that anomaly, it was more likely that change could come about through pressure exerted by the many non-governmental organizations in Panama, and by the Bureau for the Promotion of Women itself.

28. Referring to the question of drugs, he said that the Penal Code punished those guilty of drug trafficking with severe prison sentences, although the use and possession of drugs was treated more lightly.

29. Nursery schools were governed by law and public, private and community crèches and kindergartens existed. The State provided financing only for public nurseries. Abortion was prohibited by Panamanian legislation, but exceptions were made in the case of abortions for therapeutic reasons or in cases of rape.

30. With regard to alimony, the law had hitherto provided only for alimony payment by men, but the new Family and Minors' Code provided for corresponding payments by women. Under the new Code, the minimum marriageable age for females would be 15, and for males 16.

31. The number of children per family had decreased over the past 20 years, from 4.94 in 1970 to 4.06 in 1980 and it was estimated that by 1995 it would be around 2.65. In urban areas, the figure was currently 2.6. Over the past 15 years the Government's health programmes had considerably increased overall life expectancy in Panama, which was now 70.3 years, the figure being slightly higher for women. In divorce cases, both men and women had to use the services of a lawyer to defend their rights. The Family Code, which was not yet in force, provided for a special family jurisdiction for all matrimonial disputes.

32. Referring to the media in Panama, he said that it had not yet been possible to secure passage of any legislation to govern the use and abuse of women as sexual objects. He hoped, however, that some progress would be made in that area in the not too distant future.

33. Panama possessed many women's organizations with civil, social, professional and political aims and it was felt that the type of organized movement which they constituted would persuade the Government to strengthen the country's institutions for promoting the equality of women.

34. The CHAIRPERSON thanked the Panamanian representative for his replies to members' questions.

35. Mr. Koref (Panama) withdrew.

Initial report of Austria (continued) (CEDAW/C/5/Add.17)

36. At the invitation of the Chairperson, Mr. Backes and Mr. Wiesner (Austria) took places at the Committee table.

37. Mr. WIESNER (Austria), replying to questions of a legal nature raised by members of the Committee, referred them, on points relating to recourse to the Constitutional Court, to the introduction to Austria's report (CEDAW/C/5/Add.17) which indicated that women could lodge complaints with the Court if the principle of equality had been violated by a final decision of an administrative authority of final instance. If any such violation had been committed by an authority of lower instance, all the legal remedies provided for by law had to be exhausted. A complaint had to be lodged within six weeks following the final decision. An individual was also entitled to challenge the legality of an administrative ordinance or law if it violated the principle of equality, and if it had directly affected him or her.

38. The Constitutional Court gave its decision after an oral and public hearing. If the Court concluded that an administrative decision violated the principle of equality, the decision was annulled and a new decision given which had to observe that principle. If the Court concluded that a law or administrative ordinance violated the principle of equality, that provision was declared null and void.

39. In Austria, prostitution was regulated by provincial legislation; in all cases its practice, as well as soliciting for the purposes of prostitution in public places, was forbidden. It was, however, permitted in places defined by the authorities and within brothels, which required a special licence. Prostitution involving children or minors constituted a breach of the law, and all prostitutes had to undergo a regular medical examination. The law dealt with prostitution as such, and did not differentiate between women and men.

40. On the subject of military service, the Austrian Government held the view that the Committee's competence was restricted to the provisions which Austria had accepted on ratification, and that the provisions on which specific reservations had been made did not fall within the scope of article 18. However, in view of the interest which had been shown in the matter, the Government was prepared to provide some answers.

41. In Austria, eight months' military service was compulsory for all male citizens who had reached the age of 18. Women were exempt from military service. The army employed women on the same basis and on the same conditions as men in its administrative services, where their position was the same as that of women in other public services. Austria did not intend to subject women to military service, and, from the standpoint of Constitutional Law, it was not considered that the principle of equality was violated if women were not required to perform military service. Austrian lawyers believed that there were objectively justifiable reasons for that exemption, a view that was shared by many other countries. Article 7 of the Convention was worded in such a way that it might be interpreted as granting women the right to serve in the armed forces, and it was for that reason that Austria had entered a reservation on the article as a whole. The Austrian Government intended to propose in the Sub-Commission on the Prevention of Discrimination and Protection of Minorities that the Special Rapporteur should submit a special paper on that subject to the 1985 World Conference to be held in Nairobi.

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42. On the question whether sexual discrimination was practised by the Government as an employer, he said that the Government and its agencies were obliged to appoint appropriate individuals on the basis of personal ability and qualifications. The sex of the applicant was therefore irrelevant and vacancies were advertised without reference to it. Any individual with the necessary qualifications was entitled to apply and an independent commission listed candidates in accordance with their proven qualifications. Although the Federal Minister concerned was not bound to accept the advice of the Advisory Committee, he usually did so. If a decision regarding appointment to a particular post in Government service violated the principle of equality between the sexes, recourse might be had to the Constitutional Court.

43. Since 1973, it had been obligatory to assess married persons separately for income tax purposes. Income tax in Austria was on a progressive scale from 21 to 62 per cent. A number of expenses were tax deductible and the lower income groups, which included many women, were encouraged by law to claim such deductions.

44. On the question of adoption he said that all persons, irrespective of marital status, could adopt children: men must be over 30 and women over 28 years of age and there must be an age difference of at least 18 years between the child and the adopting parent. The authorization of a court was required for adoption and it was forthcoming if the adoption promoted the well-being of the child and if the prior consent of its close relatives had been obtained.

45. Women could, without the prior consent of their husband, acquire and freely administer movable and immovable property. They could also take out bank loans. In practice many transactions were carried out jointly by husband and wife. In the case of bank loans to one partner, it had become usual to request guarantees from the other partner.

46. The cases in which the Constitutional Court had declared legal provisions null and void as being inconsistent with the principle of equality had included cases involving tax assessments stemming from the mere fact of marriage, the exclusion of married children from eligibility for child allowances, preferential pension payments on the sole ground of sex and exclusion of the spouses of owners of firms from the right to vote for trade union representatives in such firms.

47. Articles 1 to 4 of the Convention had the status of constitutional law. That meant that the Austrian Parliament could not enact legislation which ran counter to those provisions. However, those articles were "non self-executing", which meant that they could not be directly implemented by national administrative authorities. Legislation was required before they could be directly applied by law enforcement agencies, the administrative authorities and the judiciary.

48. The Equal Opportunity Commission was chaired by the Federal Minister for Social Affairs and included members nominated by the Federal Chamber of Commerce, the Austrian Chamber of Labour, the Austrian Trade Unions and the Association of Austrian Industrialists and appointed by the Federal Minister. Two additional members represented the Federal Minister and the Federal Chancellery. Its members were appointed for a four-year term.

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49. Ten cases had in fact been submitted to the Commission. Although those cases had been few in number they had had a far-reaching impact on collective agreements and agreements at the level of local enterprises. Several thousand other cases had been settled on the basis of the Commission's decisions. The Austrian Parliament intended to make not only the Labour Courts but also the Commission responsible for observance of the principle of equality. The Commission was responsible for ensuring equality in the para-judicial field irrespective of whether the cases involved concerned only a single individual or related to the elimination of discriminatory provisions in collective agreements. There was therefore no conflict of jurisdiction between the Commission and the Labour Courts. Complaints might be lodged simultaneously with both bodies. If, however, a trade union or other labour association wished to file an application with a Labour Court relating to alleged discrimination in an individual case, it had to make prior application to the Commission. If the Commission decided that there had been discrimination, it might recommend the employer to take action to eliminate it.

50. In Austria, overt discrimination was defined as discrimination originating in the explicit wording of a legal provision. For example, overt discrimination existed if a collective agreement provided for two categories of wages and remuneration, defined by sex. Covert discrimination existed if a collective agreement provided for different wage categories not openly based on differences of sex but, for example, on light (and less highly paid) and heavy unskilled labour and if women's work was automatically classified as light work. The Government was committed to the complete elimination of positive discrimination from collective agreements in the few cases in which it still existed.

51. With regard to the dismissal of women from employment, he pointed out that employment was based on a civil contract which might, like any other contract, be terminated. There were, however, certain safeguards that were administered by the courts and special bodies, the Labour Conciliation Boards (Eignungsamt) which had jurisdiction over such matters as maternity leave. Special provisions applied to civil servants. Under Austrian law, the mere fact that an individual was obliged to take care of a family member was not sufficient grounds for dismissal. There were however cases in which the court had to decide whether a dismissal was socially justifiable. The responsibility of the person concerned to provide for the maintenance of an ex-spouse or dependent children was taken into account in such cases and there was no differentiation on the basis of sex. As a result of the present legislation, it was less easy to dismiss an employee with dependants than an unmarried man or woman. The relevant provisions of Austrian law corresponded to ILO Conventions 156 and 165 on equal treatment of male and female employees. The Vienna Eignungsamt had taken an interesting decision to the effect that the fact that the husband of a woman threatened with dismissal had an income did not automatically render such a dismissal "socially justifiable" on the ground that she could live on her husband's income.

52. His answer to the question whether there were any restrictions on the participation of women in political parties or trade unions was an unequivocal "No".

53. On the question of night work, he pointed out that Austria applied the provisions of ILO Convention No. 89. There were also a number of special laws, such as those concerning bakeries, domestic workers and farm workers, which prohibited night work for women. However, a Federal Law on the subject established a number of exceptions in the case of women whose services were socially

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indispensable, as for instance in the health services or in catering and also in the case of women holding responsible positions or positions of a technical nature. Exemptions for women working in the social, educational and vocational training sectors were also currently under consideration. However, there was general agreement in Austria that the lifting of all existing restrictions would disadvantage working women who also had to look after their family. It was felt that the method of providing exceptions to the general prohibition was more socially desirable than a complete withdrawal from the relevant ILO Convention. He was confident that, as a United Nations body, the Committee would not desire the Austrian Government to denounce an international agreement concluded under the auspices of a specialized agency.

54. According to the Federal Law for the Protection of Workers and Employees, the physical capacity of women had to be taken into account in assigning work to them and under a 1976 Ordinance of the Federal Minister for Social Affairs, a number of activities, such as the handling of dangerous chemicals, work in quarries and the operation of pneumatic drills, were forbidden for women. They were allowed to do certain other types of work only if certain conditions were met: for example, the carrying of heavy loads must take the physical capacity of women into account. The Federal Government did not intend to initiate any changes in that area.

55. With regard to discrimination against women in the private sector, he observed that the present text of the Equal Opportunity Law covered only discrimination in respect of wages and salaries. An extension of the law was currently being negotiated and it was hoped that voluntary social benefits which did not form part of remuneration would be granted without discrimination in the near future. The same applied to educational programmes organized by private enterprises. It was the Government's ultimate aim to make it legally incumbent upon employers to offer vacancies without any restrictions as to sex.

56. Mr. BACKES (Austria) drew attention to two pamphlets, one entitled "Study on collective agreements" and the other "Eine Familie" - a caricature on stereotyped images - which had been distributed to members of the Committee.

57. Replying to further questions which had been asked by members of the Committee, he said that there were about 200 family counselling service centres open to the general public. They were run by state or local authorities or by non-governmental organizations with government financial support. The counsellors, consisting of medical doctors, social workers, lawyers and psychologists, offered advice on family planning, social and economic problems of expectant and single mothers, unwanted pregnancy, psychological, social and legal problems connected with the family, partnership and the generation gap. Advice was free and anonymous. Office hours were such that employed persons could seek advice after work.

58. With reference to abortion, he said that, in Austria, abortions performed by a medical doctor, after medical advice, on women who had not been pregnant for more than three months were legal.

59. For children born in wedlock the parents acted as their legal representatives. For children born out of wedlock, the Youth Welfare Agency assumed the legal guardianship, although in certain approved circumstances the mother or father could be appointed legal guardian. However, under the new Youth Welfare Act which would probably come into force in 1985, a single mother or single father would normally be entitled to assume the legal guardianship.

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60. Every woman had the possibility of reporting to the police any violence committed against her by a male. In divorce proceedings violence was one of the justifications entitling women to leave the matrimonial home, a ground for prohibiting a man from entering the matrimonial home, and a ground for divorce. There were self-administered shelters open round the clock for victims of matrimonial violence and there were also special telephone lines in all provincial capitals for use by victims of rape. Immediate protection was provided for victims, as well as assistance in any court proceedings. The association "Women Advise Women" offered group therapy and self-help groups.

61. On the question of elimination of piecework, he said that, in addition to the existing measures, a new law made it necessary to obtain the agreement of the workers' council to any decision to introduce piecework.

62. Reference had been made to special apprenticeship programmes for women. In that connection he said that monthly subsidies were paid to companies employing young females in occupations where the proportion of women workers was less than 30 per cent, which was the case of more than 30 occupations. There was also a research programme which followed the experience of girls through a three-year training programme. Employment offices had special contact staff who helped with recruitment and counselling of girls. An office had been set up in the Ministry of State for Women's Affairs to deal with complaints. Articles on work training were published in the media and films on the subject were produced and shown in schools and youth centres. A programme had been set up under which young men and women aged 15 to 19 could obtain vocational training in such work as carpentry, painting and bricklaying.

63. Female employees were entitled to unpaid maternity leave after the period of prohibition of work following delivery. During this period they received a maternity allowance from their unemployment insurance scheme. Parental leave for fathers had been discussed for some time in Austria, but was not likely to be realized soon, particularly because of the rather reserved attitude of employers' organizations.

64. Concerning public nurseries, those run by local communities or the federal provinces (Bundesländer) were partly funded by parental contributions, according to income. Even the maximum contribution was below actual costs, the greater part being borne by the State. Private kindergartens, which took care of about one-third of all children, were run on a commercial basis, but most of them benefited from government subsidies. Kindergarten expenses were not tax deductible.

65. Referring to questions which had been asked concerning equality between spouses in family law, he said that equality between spouses was stipulated by the Austrian legislation, which also provided for separation of property. However, the parties concerned could apply for property to be held in common. In the case of divorce, joint savings and joint assets were divided in accordance with the ruling of the divorce court. There were three categories of grounds for divorce. The first category - where one of the parties was at fault - included such grounds as adultery, refusal of sexual intercourse and behaviour against marital status (i.e. violence or refusal of financial support); in the second category - where neither party was at fault - were such grounds as mental disorder, contagious and revolting diseases or dissolution of the common household; in the third category - where divorce was by agreement - were such grounds as dissolution of the communal life

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for eighteen months and acknowledgement by both parties of the irreparable breakdown of the marriage. In those cases, questions such as the award of alimony and the care of the children had to be settled by agreement between the spouses.

66. He said that part-time employment was increasing and that women were particularly affected by it. In principle, the legal situation of part-time employees was the same as that of full-time employees as far as legislation on employment contracts, the labour code and legislation on the protection of employees was concerned. Part-time employees were covered by the basic law on employees under a 1975 amendment to that legislation. It and the law on employees' severance pay was applicable to employees working a minimum of 34.4 hours per month. Allowances for overtime were payable to part-time employees only if their regular working hours exceeded those of a full-time employee. Social security and maternity allowances were affected in the case of part-time employees only if their salary was below AS 2,261. In all other respects, there was no provision of labour or social security legislation that worked to the disadvantage of part-time employees. However, self-employed housewives, working in their own or their husbands' commercial or agricultural family enterprises did not come under the provisions of labour legislation unless at their own request they were registered as employees. They were eligible for medical care as dependants under the social security system but they were not eligible for retirement pensions. They were, however, entitled to all maternity protection measures and allowances. If they registered as employees, they enjoyed all the benefits applicable under labour legislation.

67. Parents living together were free to choose who would receive family allowances. One parent could receive the family allowance for one or more children and the other parent the allowance for the remainder. In the case of disagreement between the parents, the authorities were responsible for ensuring that the allowance went to the parent who assumed the main responsibility for the care of the child; in most cases that was the mother. In cases where the parents did not live together, the parent with whom the children lived had the right to the family allowance. It was forbidden to deduct from the maintenance allowance payable by one parent to another the amount of the family allowance received by the latter. Self-employed women were entitled to the services of a helper for the eight weeks preceding childbirth, the date of birth and the first eight weeks following confinement. Alternatively, they could receive a daily allowance throughout that period. Training courses for such helpers had recently been established by the Labour Exchange Office and a new occupation had thus been created for women.

68. On the subject of educational programmes for female migrant workers, he said that literacy campaigns were conducted for such persons within the framework of Volkshochschulen. There were also various projects, supported by the Office of the Ministry of State for Women's Affairs, which sought to integrate socially disadvantaged groups and linguistic minorities. Those programmes offered language training, arts and crafts such as sewing and help in dealing with administrative bodies.

69. The text of a 1978 study on differentiating regulations for work carried out by men and women in the Austrian Collective Agreement had been made available to members of the Committee. Although it had not been published officially, the study had had a decisive influence on the 1979 Equal Treatment Act. It had subsequently been considered necessary to update the study in order to analyse the impact of the

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Act. A study by Maria Metzer, a former Vice-President of the Austrian Trade Unions, on overt and covert discrimination against women in collective agreements had also been provided to all the members of the Committee.

70. By bringing women's issues into the forefront of public attention, the Women's State Secretariat in the Federal Chancellery was contributing to a change in social attitudes. Individually or as groups, women could identify their concerns within women's service units and provide expert opinions in interministerial working groups. The results of their efforts were taken into account by the Minister of State for General Women's Affairs in negotiations with other ministries. Achievements since 1979 had included the introduction of a women's promotion programme in the civil service, the ratification by Austria of the Convention on the Elimination of All Forms of Discrimination against Women, the extension of maternal protection to farmers' wives and self-employed women, the abolition of provisions of the citizenship law which had discriminated against women, improvements in the divorce laws, the organization and funding of seminars and the introduction of school programmes designed to change attitudes.

71. Referring to the question of violence in marriage, he said that in 1982 the House of Battered Wives and Children in Vienna had offered overnight accommodation on 13,761 occasions to women and 19,506 occasions to children. The corresponding figures for 1983 had been 12,639 for women and 18,682 for children, meaning that approximately 35 women and 50 children per day were given shelter.

72. The trend towards more education had continued during recent years, with the result that the number of persons entering the labour market immediately after compulsory schooling and without any further training was steadily decreasing. That trend was particularly marked in the case of women: in 1971, 73 per cent of all women over the age of 15 had not had any such training. By 1982, the proportion had fallen to just over 50 per cent. During that period the number of women who had completed vocational training had risen from 13 to 19 per cent and considerably more women had graduated from higher educational establishments. Nevertheless, differences in professional qualifications between men and women of the same educational background were to be found at all levels. A comparison of female and male university graduates showed that, while every third woman held a senior civil service post - as compared with every eighth male - not even 1 per cent of women had executive positions in large private enterprises, as compared with 16 per cent of men.

73. The proportion of women working in agriculture in Austria (7 per cent) was relatively low. Under the Austrian social security system, a farmer's wife enjoyed medicare, but, like a self-employed housewife, was not entitled to a pension. She was, however, entitled to all maternity benefits and allowances. Female agricultural workers employed by a farmer who did not belong to the farmer's family had the same entitlements as all other workers.

74. Regarding wage differentials between men and women, he said that income policy in the private sector was the responsibility of the trade union and employers' organizations and the State did not intervene in collective bargaining. Apart from such measures as the Equal Treatment Act, the State authorities could only conduct information campaigns drawing public attention to the fact of income differences. A great deal had been done in collective agreements to eliminate pay discrimination, but, since women generally worked at the minimum wage while men

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received higher pay, the only solution was a change in the income policies of private businesses. Even if they had the same educational and professional background as men, women earned about 40 per cent less, mainly because they worked in different branches, had different tasks and were less favoured than men in the matter of additional allowances. In the public sector, where incomes were regulated by law, wage differentials were much smaller, averaging 19 per cent. The main reason was that women could compete in examinations, were entitled to allowances, could have periods of prior service taken into account and enjoyed career opportunities.

75. The responsibilities of the former Minister of State for Women in the Ministry of Social Affairs had now been taken over by a subdivision for women which reported directly to the Minister for Social Affairs. The programmes and research initiated by the former Minister of State had been continued and new tasks had been undertaken, in particular the development of new jobs and training programmes. There had been no budgetary cutback as a result of the reorganization.

76. Regarding the name of married women, he said that both spouses could use, upon request, either the family name of the husband or that of the wife. If she so wished, the wife could put her own name after the name of the husband, thus using a double name. A child born in wedlock obtained the family name, in most cases the name of the father. A child born out of wedlock obtained the maiden name of the mother. If the mother later married, the child could be adopted, thus obtaining the family name.

77. A study had shown that school textbooks tended to confirm the traditional roles of women and men. In that connection, the Office of the Minister of State for Women's Affairs had issued guidelines for authors and publishers with a view to presenting a more realistic picture of the sexes. Two surveys had been carried out to draw public attention to the problem and a proposal to incorporate the guidelines into the instructions for textbooks was under consideration. A children's picture-book and stories had been produced and the Federal Ministry for Social Services had issued a careers kit for sixth grade children.

78. Referring generally to the Austrian education system, he said that compulsory schooling lasted nine years, from 6 to 15, with a voluntary tenth year. In most cases, pupils transferred to higher and middle general education and vocational schools at the age of 15. The courses provided there lasted for a maximum of five years. All tuition, textbooks and school transport were free and special grants were available for socially disadvantaged children. Juveniles undergoing vocational training attended vocational school one day a week, with free tuition and transport.

79. University education was entirely free for male and female students alike. Students from low-income families were entitled to grants, whose value varied according to the income of the parents, of the student himself or of his spouse. Free public transport was available to students up to the age of 27, as well as medical benefits under the State social security system.

80. On the subject of university study by women, he gave the following statistics: the proportion of women in the total university enrolment in Austria was 41.7 per cent. Fifty-two point eight per cent of the female students studied philosophy and the natural sciences, 2 per cent theology, 14 per cent social

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science and economics, 9.1 per cent law, 13.7 per cent medicine, 1.3 per cent veterinary science, 1.3 per cent agriculture, 3.9 per cent technology and 0.1 per cent mining. Advanced training for teachers was on a voluntary basis.

81. The following provision had been introduced for mothers with children of up to three years: maternal protection had been extended from 12 to 16 weeks, with the possibility of a further extension in the case of twins and risky deliveries; longer maternity leave was available for single mothers; a "mother-child passport" was issued for medical care; birth allowances and the maternity allowance for single mothers had been raised; the year of maternity leave was taken into account for pension purposes; pension rights were retained if mothers gave up their job for more than a year; special emergency grants were provided for single mothers for up to two years following the year of maternity leave; a special child-care allowance was given to single mothers who took up or continued work; protection against unjustified dismissal continued for up to four months following confinement; on the expiry of maternity leave, that protection was extended for a further four weeks; in the public sector, mothers could take up to two years of unpaid leave following the year of confinement.

82. For several years a Government-supported association had been conducting information campaigns with the aim of changing pre-school children's play patterns. The attention of parents was drawn to the social isolation caused by computer games and to the bad influence of war games. Every year, before Christmas, posters were issued to combat games involving soldiers. Similar activities by other organizations received Government assistance.

83. Important changes in criminal procedure relating to sexual offences were currently being envisaged. Rape victims would no longer be obliged to answer questions irrelevant to the case, while questions relating to the victim's former life would be permissible only if absolutely necessary. At the request of the victim, the public could be excluded from the courtroom and a person of confidence could be present throughout the trial. Photographers would be barred and the names of rape victims could not be cited in the mass media. A number of changes had in fact already been introduced; for example, victims of sexual offences were questioned by female police officers, more of whom were being recruited.

84. The highest contribution to the "family equalization fund" came from the employer and a large percentage came from income and corporation tax. Smaller contributions were made by agricultural and forestry enterprises and by the federal provinces.

85. All employed persons were entitled to one week's leave per year to take care of sick relatives. A medical certificate, which could be provided by the relative's own doctor, had to be produced.

86. Austrian constitutional law included a number of provisions designed to assist and protect ethnic minorities, who were entitled to use their own language in dealing with the authorities. They also received instruction in their own language at school and benefited from special political and financial programmes. Austrian laws and regulations on behalf of ethnic minorities made no distinction between women and men, so that women were equally entitled to all the benefits available.

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87. On the subject of changing behaviour patterns, he said that a survey conducted in June 1983 had revealed that 23 per cent of the men questioned claimed they were responsible for house-keeping. Of that number, 68 per cent said that they shared the responsibility with other members of the household. The comparable figures for women were the following: 82 per cent had indicated that they were responsible for the house-keeping; of these 63 per cent performed that task alone while 19 per cent shared it with other members of the same household. As for the division of labour within the family, it appeared that the proportion of husbands helping with both house-keeping and child care had increased between 1969 and 1983, whether the wife was employed or not.

88. On the subject of discrimination in advertising, he said that the commercial advertising committee of the advisory council on consumer policy at the Austrian Federal Ministry for Trade had established guidelines regarding women in advertising, which had been distributed to advertising companies in the form of a series of six information circulars. Complaints relating to advertising were dealt with by the committee, together with representatives of employers' and workers' organizations and experts. The Austrian Council on Advertising also handled complaints. Of the six information circulars, four made reference to the international code published in 1973. The circular entitled "Women and men in advertising", did not, however, refer to any international code, despite the fact that the image of women in advertising had frequently been criticized and appropriate recommendations had been made.

89. A question had been asked concerning the way in which commercial companies and private enterprises could help to implement the Convention. In that connection, he wished to amend the second paragraph on page 3 of Austria's initial report (CEDAW/C/5/Add.17), which had been mistranslated. The text should read: "The preamble to the Convention suggests that in order to put the Convention into effect not only legislative measures are considered necessary but also practical measures and political activities in order to eliminate discrimination against women. Hence, the implementation of the Convention also calls for practical steps by state-owned businesses and enterprises."

90. On the subject of employment statistics, he said that in 1982 the general activity rate (i.e. the proportion of all employed persons relative to the total population) had been 32 per cent for women and 56 per cent for men. The special activity rate (i.e. the proportion of employed persons relative to the population between 15 and 65) had been 50 per cent for women and 82 per cent for men. More than half of all employed women (53 per cent) were white-collar workers and public servants, 30 per cent were blue-collar workers, and 17 per cent self-employed or unpaid family workers.

The meeting rose at 1 p.m.