



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

Distr.
GENERAL

CEDAW/C/SR.51
25 January 1985

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourth session

SUMMARY RECORD OF THE 51st MEETING

Held at the Vienna International Centre, Vienna,
on Thursday, 24 January 1985, at 10 a.m.

Chairperson: Ms. BERNARD

CONTENTS

Consideration of reports submitted by States parties (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (continued)

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

1. At the invitation of the Chairperson, Mr. Backes (Austria) took a place at the Committee table.

2. Mr. BACKES (Austria), introducing his country's initial report (CEDAW/C/5/Add.17), said that the reporting system under the Convention on the Elimination of All Forms of Discrimination against Women and other similar instruments had been the subject of extensive debate, during which it had been widely acknowledged that reporting obligations placed a considerable burden on Member States. Despite all the difficulties involved, Austria strongly believed in the value of such international conventions and in that spirit had prepared, translated and submitted its initial report (CEDAW/C/5/Add.17).

3. As a proud party to the Convention, Austria was prepared to share its experiences with other parties and to enter into a dialogue with all those who had encountered difficulties in implementing the instrument's provisions. His country would support all the Committee's efforts to strengthen the reporting procedure. In his view, the interval between the submission of reports and their examination should be kept as short as possible, so that the Committee could look into actual situations and not have to rely on oral updating. He was nevertheless pleased to provide the Committee with additional information concerning events since the Austrian report had been prepared.

4. At the invitation of the Government of Austria, a seminar on the economic role of women in the region covered by the Economic Commission for Europe had been held in October 1984. The seminar had in fact served as the European regional conference for the preparation of the 1985 World Conference to be held in Nairobi, and its recommendations would help to shape his Government's policies. Austria also played an active part in such organizations as the Council of Europe and the Organization for Economic Co-operation and Development (OECD), in which it pursued programmes aimed at alleviating the burden of women in Europe and elsewhere in the industrialized world.

5. Austrian constitutional law contained two fundamental provisions on the equality of all citizens before the law, namely article 2 of the Fundamental Law on the General Rights of Citizens and article 7 of the Federal Constitution. On the basis of those provisions, the Austrian Constitutional Court had developed an extensive case law guided by the principle that unequal treatment of women and men was warranted only where objectively justifiable reasons for such treatment existed. The principle of equality forbade arbitrary differentiation by legislative enactment or law enforcement. In other words, the Constitutional Court in its case law had derived a prohibition of discrimination from the principle of equality. In 1958 a further rule had been added, that of article 14 of the European Convention on Human Rights and Fundamental Freedoms, which formed part of Austrian law and had been elevated to the level of constitutional law in 1962.

6. Under the Constitution, anybody alleging discrimination was entitled to lodge a complaint with the Austrian Constitutional Court, either on the basis of a discriminatory decision by a public authority or on the grounds that a particular provision of Austrian law was discriminatory and affected the legal interests of

(Mr. Backes, Austria)

the plaintiff. After due process the Constitutional Court could declare a discriminatory provision of law null and void.

7. On the subject of "positive discrimination", he pointed out that article 4 of the Convention had been given the rank of constitutional law in Austria, with the result that all constitutional provisions concerning equality of women and men must in future be interpreted in its light. Temporary special measures might not be weighed against the principle of equality as enshrined in other provisions of the Constitution, which meant that the measures referred to in article 4.1 of the Convention, for example, were constitutional in Austria. That provision might serve as a useful example for other countries.

8. In recent months, the Office of the Minister of State for Women's Affairs had initiated a campaign designed to change traditional attitudes towards jobs and to modify stereotypes. Special training courses had been organized for teachers and an effort had been made to create better opportunities for women in the teaching profession and the public service. The Federal Postal Administration and the Federal Railways had opened all their technical jobs to women, while special advisers in labour exchanges were trying to motivate young women to take up unconventional work. Debates had been held on the subject in schools, special telephone lines could be used to make complaints and exhibitions and information programmes were organized to inform women of new employment possibilities. In November 1981 the Federal Government had adopted a programme for the promotion of women in the civil service, which had proved successful. Since the Government and its agencies were by far the largest employer in Austria, such measures had an immediate impact on the overall situation. All programmes were aimed at removing stereotypes and bringing about decisive changes in factories, offices and other workplaces where women were employed.

9. The Minister of State for Women's Affairs supported women's associations and new initiatives by and for women. An emergency telephone number had been established for rape victims and special homes provided for battered women. The latest initiative was devoted to women released from prison, who could count on active legal and practical support. Aid was available for women seeking a divorce, including an information pamphlet and advice from a special women's office. Several legislative amendments had been introduced, concerning such matters as alimony payments and the maternity allowance had been raised for single mothers.

10. Progress had been made in raising public awareness of sexual discrimination and sexual violence against women. An amendment to the Code of Criminal Procedure that would shortly be coming into force was designed to safeguard rape victims during criminal proceedings. In that context, the whole question of sexual discrimination against women had become the subject of public debate. The Office of the Minister of State also served as a clearing house for information on women's issues and for promotion of the cause of women.

11. Positive action on behalf of women was also being taken by a large number of federal ministries, the public labour exchanges and the federal provinces. Similar action had also resulted from private initiatives and from the efforts of educational institutions and universities. Most private action was carried out by small women's groups or individuals who did not claim official status. The Austrian Government believed that such activities were complementary to its own efforts and deserved its full support. It had submitted to the Council of Europe a report on the subject which was based on a detailed survey.

(Mr. Backes, Austria)

12. With regard to the representation of women in public political life, he said that among the 15 federal ministers there was one woman, while two of the six ministers of state were women. There were 20 women members in the Parliament, which had a total membership of 183, and 10 of the 63 members of the Bundesrat were women. The percentage of women in the diets of the federal provinces ranged from 18 per cent in Vienna to 2.8 per cent in Tyrol. Since all members of parliament were elected on the basis of universal suffrage, the composition could be construed as a direct reflection of conventional attitudes, which the Government was attempting to change in the spirit of the Convention.

13. The Equal Opportunity Commission had met on a number of occasions since the submission of the report. It was significant that the establishment of that body alone had made possible the settlement of numerous disputes.

14. In the international context, Austria paid great attention to the work of the United Nations, the International Labour Organisation, OECD, the Council of Europe and other bodies. Austrian delegates to international meetings had successfully promoted equal opportunities for women, in particular by raising the issue of women's segregation in labour markets, which regularly appeared on the agenda of the Council of Europe and OECD expert groups.

15. In conclusion, he looked forward to discussing issues raised in the report with the members of the Committee and to replying to their questions.

16. Ms. de REGO da COSTA SALEMA thanked the Austrian representative for presenting the report and providing much additional information and said she was very impressed with the quantity and quality of the programmes and activities carried out in Austria on behalf of women. However, some more general reference to the social, economic, political and cultural context was missing, possibly as a result of the fact that the general guidelines (CEDAW/C/7) had not been adopted until after the submission of Austria's report.

17. She had been very interested to learn something of Austria's constitutional system, which was a model of its kind, and would appreciate further information on the jurisprudence of the Constitutional Court. For instance, was it possible for a woman to appeal directly, or only indirectly, to the Court when her rights had been violated? If so, what procedure was followed? It would seem that Austrian constitutional provisions were somewhat similar to the right of amparo under Spanish law.

18. She noted from paragraph 1 of part B of the report that a study of the effects of the Equal Treatment Act had found that the parties concluding collective agreements were willing to eliminate open discrimination. She wondered what exactly was meant by the term "open discrimination". The report also stated that the small number of cases so far placed before the Equal Treatment Commission clearly showed that much more had still to be done. She would be interested to know why there had been so few cases, what the tasks of the Commission were and how it related to the labour courts.

19. The report gave little information about women's participation in the political organization of Austria and she would appreciate more detailed statistics on their membership in political bodies and parties. In addition, she would appreciate some clarification of the counselling services referred to under

(Ms. de Rego da Costa Salema)

article 10. It would also be interesting to have a more detailed description of Austria's legislation relating to abortion. Finally, she expressed surprise at the reference made in the report, under article 16, to a distinction between legitimate and illegitimate children. She would welcome some further information on that subject.

20. Ms. EVATT thanked the Austrian representative for presenting a report containing many interesting and progressive ideas about the advancement of women. Special attention was given in the report to the role of women in the work force and to efforts being made in Austria to diversify their training and expand their fields of employment. Austria appeared to be developing imaginative programmes designed to arouse awareness of the changing roles of women and men in society. It was particularly interesting to note that articles 1 to 4 of the Convention had been added to the Austrian Constitution and that the principle of equality before the law had been interpreted by the Constitutional Court in a way that recognized changing social roles. She would be glad, however, to have information on a number of points.

21. Referring to paragraph 2 of part A of the report, she wondered whether educational programmes or counselling existed for men involved in marital violence. How were men dealt with in such cases? She would also be interested to have some statistics indicating the proportions of men and women in different occupational groups. As far as piecework was concerned, reference was made in paragraph 2 of part B of the report to "an accumulation of negative work conditions" and she wondered what steps were being taken to eliminate or reduce such work. The following paragraph mentioned special apprenticeship programmes, which prompted her to ask what kind of trades women were now entering.

22. Under article 2 it was stated that nine cases had so far been submitted to the Equal Treatment Commission. She would like to know how many of them concerned women and what types of issue had been raised. On the subject of maternity leave, she wondered whether assistance was provided for nurseries, kindergartens and other forms of child care and whether provision existed for paternity leave. Regarding article 6, it would be useful to know if prostitution was treated in Austria as a specific offence committed by women and whether action was taken against the clients of prostitutes.

23. Some information had already been provided on the number of women taking part in political and professional life, but she would appreciate further details on their role in the judiciary and as senior public servants. Austria had entered a reservation to the Convention with regard to military service. She would like to know whether such service was compulsory and to what extent women were involved in it. She also wondered what proportion of Austria's ambassadors and senior diplomats were women.

24. It was not clear from the information provided under article 11 whether a woman refused employment on grounds of sex or dismissed as a result of discrimination had recourse to a tribunal. Were such cases dealt with by the Constitutional Court or by the Equal Treatment Commission? Furthermore, it appeared, from the information provided under paragraph 2 (a) of article 11, that the obligation to care for a dependant could be a ground for dismissal. She wondered whether that provision applied equally to men and women and what were the underlying reasons for it.

(Ms. Evatt)

25. Some information had been provided on family law under article 16, but she would appreciate further details on such issues as maintenance, property rights, guardianship, custody, marital domicile and divorce.

26. Ms. LAIOU-ANTONIOU said that it was clear from the report that Austria resolutely rejected patriarchal structures and was trying to transform itself into a society of equality. A considerable effort had been made to advance the cause of women in education and the mass media, to abolish piecework and to eliminate the split labour market. Laws had been passed promoting equality and a number of international conventions had been ratified. From the purely legislative point of view, equality had now achieved an adequate framework. However, she was left with the impression that the information provided was out of touch with real life. For example, what positive action had been taken to promote the participation of women in political and public affairs? How did women face the system of part-time work? What was being done to protect the rights of unpaid women working in family businesses? In many respects the report left her unsatisfied.

27. She therefore wished to know why fathers were not granted unpaid parental leave and why women were forbidden to perform night work. It would also be interesting to learn why employers in the public sector were allowed to discriminate in the selection of personnel and what types of work were closed to women.

28. Referring to the information given under article 11 of the Convention, she asked who was responsible for applying section 4 of the Public Service Regulations Act, which provided that the applicant best suited should be chosen for each post. She would also like to know what authority was responsible for deciding which parent should receive family benefits in cases of disagreement and what criteria were applied. Furthermore, why was a legal guardian appointed for an illegitimate child, instead of leaving that responsibility to the mother?

29. She was favourably impressed by the provisions of the Federal Act of 30 June 1982 which assigned helpers to self-employed mothers during the eight weeks preceding and following childbirth. It would be interesting to hear more about the work performed by the counselling centres run by the State and local authorities. Finally, she was gratified to note the special programme introduced in 1981 to promote the employment of women in the civil service.

30. Ms. WADSTEIN congratulated the Austrian representative on his presentation of the report, which indicated his Government's recognition of the fact that there was still a long way to go before ingrained attitudes towards men and women were overcome. There was also evidence of Austria's awareness that legislation alone did not eliminate discrimination. Formal equality was not enough to secure equal opportunity.

31. Among the questions she wished to pose was one concerning the involvement of men in the activities referred to in the report. What was being done to make men change their attitudes and accept less traditional roles? Was parental leave an issue in Austria? She would also appreciate information on the situation with regard to role stereotyping and discrimination in advertising. Furthermore, she wondered whether employers advertising vacancies were allowed to specify that they were open only to applicants of a particular sex.

(Ms. Wadstein)

32. She wondered what role was played in Austrian education by the Roman Catholic church and what was the situation of immigrant women in Austria. With regard to employment, she would appreciate comparative figures regarding the types of jobs held by women and men at different levels. How many women in Austria were gainfully employed? In connection with article 11, she noted the reservations entered by Austria and wondered whether steps were being taken to enable them to be withdrawn. It was difficult to understand whether the reservations referred both to nightwork and to particular categories of job. In that connection, she would like to know what kinds of work were prohibited for women. It appeared that employers were not forbidden to take sex into account when recruiting and she would like to know what measures were contemplated for changing that situation. She also wondered whether any cases of discrimination with regard to wages had arisen. In that connection she would appreciate clarification of the provisions of the Equal Treatment Act.

33. It would be useful to know whether discriminatory provisions existed in collective agreements. A study was reported to have been made and she wondered what findings had emerged. In addition, she wondered whether there had been any agreement on the promotion of equal opportunity through affirmative action. On the subject of preferential treatment in general, she would be interested to learn of Austria's experience and the way in which men had reacted.

34. Finally, with regard to taxation, she wondered how it affected women and men and whether it was progressive or proportionate. Were the incomes of husband and wife treated separately or jointly?

35. Ms. JAYASINGHE said that she had been very impressed by the efforts made by the Austrian Government to change attitudes in society. Action had been taken to create awareness of the need to eradicate the stereotyped male and female roles in many areas of life, from changes in school textbooks to extensive mass media coverage. However, she would welcome some explanation of the state mechanisms that had been established to improve the status of women and of the specific functions of the various bodies, particularly the Office of the State Secretary for General Questions relating to Women. She would also like further information on the numbers of women exposed to marital violence. She wondered whether any studies had been made to ascertain the magnitude of the problem and whether any specific action had been taken to overcome it.

36. The report indicated that studies had revealed wage differentials between men and women, that women were still assigned to the lowest wage classes and that women's work continued to be much less highly valued than work done by men. She therefore wished to know whether the action taken to remedy that situation had helped in narrowing the wage differentials, and what other positive action had been taken since the Austrian Equal Treatment Act had entered into force.

37. With regard to women in the civil service, she noted that the Federal Government had adopted in 1981 a Programme for the Promotion of Women in the Civil Service and she asked whether more information could be given on the results achieved by that Programme. Under article 10, it had been reported that Austrian law contained provisions designed to ensure equality between men and women with respect to university education. She would appreciate more statistical information showing the proportion of female to male students enrolled and comparing male and female educational achievements. Finally, the report mentioned the special permanent working group set up to monitor the problems of rural women under the

(Ms. Jayasinghe)

aegis of the State Secretariat for General Questions relating to Women. However, no information had been given regarding the problems faced by rural women in Austria. She wondered, in particular, what was the proportion of females in the rural population, what was their educational status, what were their achievements and what were their employment opportunities.

38. Ms. BIRYUKOVA said that the report was very satisfactory in that it indicated the importance the Austrian Government attached to improving the status of women and eliminating all forms of discrimination against them. Of particular interest was the desire of the Government and of government bodies to change the stereotyped role of women in society and to increase their presence in all spheres of government and social life. It was also of great interest to see the number of seminars arranged for that purpose, the use of the mass media and the changes and additions made in the educational curricula and teachers' training programmes. However, no indication had been given of the result of those efforts and the report unfortunately lacked necessary statistical data. Such data would help to give an idea of the extent of implementation of the provisions of the Convention and would show the effect of the measures taken.

39. The report stated that there was still a difference between the rate of remuneration of women and that of men, in spite of the measures which had been taken, and that the difference had scarcely decreased. She would like to know what the current wage differentials were. She also wondered what the Government was doing to change the situation and bring about complete equality of remuneration. She welcomed the information concerning the Equal Treatment Commission to which both men and women could apply in cases of violation of rights. She understood, however, that women did not always approach the Commission at times of high unemployment because of the possible undesirable consequences, and she wondered what State mechanism existed to monitor the implementation of legislation, particularly that enacted in implementation of the Convention and relating to employment and equal pay for equal work. She also asked what were the main tasks, the terms of reference and the legal status of the special unit for women's problems which had been set up in 1983 within the framework of the Federal Ministry of Social Affairs.

40. Ms. CARON welcomed the serious attitude of the Austrian Government towards the Convention and the efforts it had made since ratification, which were proof of its determination to eliminate all forms of discrimination against women. She would nevertheless appreciate further information as to why the Government had entered a reservation in respect of article 7, paragraph (b), of the Convention, since it did not appear, from the report, that a reservation had really been necessary. The activities undertaken to encourage social awareness were most original and she would be glad to see a copy of the book published in 1981 following the short story competition mentioned on page 5 of the report, if it was available in English or French. On the subject of employment opportunities, she wondered whether the fact that prospective employers were not forbidden under present legislation to choose their own selection criteria caused any problems, and, if so, she wondered how the Government planned to solve them. On the same subject, she wondered what type of work involved special risks to the life and health of women workers. Lastly, with regard to article 16, she failed to understand the nature of the discrimination between legitimate and illegitimate children and wondered whether the illegitimate child was identified as such on its official papers.

41. Ms. EL-FETOUH said that the Arabic version of the report contained some references to equality which she did not fully understand. A case in point was the

(Ms. El-Fetouh)

reference in section I to the preamble to the Convention and to the need for steps by business enterprises and for political activities. The report was also not clear on the subject of violence within the family: was the reference only to violence perpetrated by husbands or did it also include acts by another male member of the family? She also wondered what institutions were responsible for protecting women who were the victims of such violence, what measures were taken to protect such women, whether any link between violence and alcoholism had been established and whether any solutions to those problems were being proposed. She would like to know why the Office of State Secretary for Working Women in the Federal Ministry of Social Affairs had been disbanded, whether it had been of any use and whether another body within the Ministry now dealt with the same problems.

42. With regard to the information provided concerning article 2 of the Convention, she asked who was entitled to submit complaints to the Equal Treatment Commission, and what procedure had to be followed. Furthermore, since implementation of the Commission's recommendations was not mandatory, she wondered whether that body was of any practical value and why so few cases were submitted to it. With reference to article 5, she paid tribute to the Austrian Government's efforts to put an end to the traditional patterns of conduct of men and women and she stressed the importance of what had been achieved in the areas of information and education. She was greatly interested in the practical measures taken by the Government in that area, particularly the establishment of working groups with the aim of changing views regarding the role of women in society. However, she would have welcomed some information concerning the responsible authorities in the fields of education and information: whether, for example, they had implemented the recommendations made or had replaced unsuitable textbooks. The information given in the report had not enabled her to reach a positive conclusion regarding the situation in respect of article 7, although the introductory statement by the representative of Austria had somewhat allayed her fears. Some additional information concerning the number of women exercising their equal voting rights would nevertheless be helpful, as would further information concerning Austria's reservation in respect of article 7, paragraph (b).

43. With regard to equality in employment, the report stated that time was needed for the private business sector to overcome the present inequalities in opportunities for men and women. Could she therefore take it that discrimination now existed only in the private sector, and that there was no discrimination in the awarding of government posts or in the remuneration of such posts? With regard to article 15, it appeared that considerable progress had been made in granting women greater independence in the management of their own property within marriage. However, she wondered how independent women really were, whether they could buy and sell property and obtain mortgages on their own account, or whether the husband's consent was needed for such transactions. She also wondered how far women were entitled to enter into financial arrangements with banks.

44. Ms. CORTES said it was gratifying that the Austrian report had not confined itself mainly to legislative measures but dealt also with the measures taken to arouse social awareness of women's problems. Campaigns undertaken in the field of education and through the mass media were of a long-term nature and their results were not immediately visible. However, some idea of the feedback from both men and women, indicating how far their attitudes had been affected by the campaigns would be most useful. A report such as the Austrian one was valuable in that it provided information and sources of ideas that could be used elsewhere in dealing with similar problems. One interesting aspect had been the constitutional approach

(Ms. Cortes)

which could be employed to deal with cases of discrimination. It had been particularly interesting to note that one case cited in the report had concerned a widower's pension. Such a case proved that constitutional provisions could be violated and that acts involving such violation could be declared null and void. She wondered whether any similar cases had been brought against women. On the subject of education, she asked to what level education was compulsory and how much of it was free. She was also interested in learning what measures had been taken to overcome the problems of female agricultural workers and rural women.

45. Ms. ILIĆ said that the measures taken in Austria in respect of the mass media in particular were of extreme importance. She wondered whether the effect of that action had been assessed and whether any change of attitude had been noted. She regretted the lack of relevant statistics and charts in the report, but found the statistical data given in the booklet "The economic role of women in Austria", which she had received just before the meeting, most useful. Had the booklet been distributed earlier, a more significant and substantive discussion might have been possible.

46. In his introductory statement the representative of Austria had mentioned that the Government, together with its agencies, constituted by far the largest employer in the country. The Government therefore had an excellent opportunity to set an example to other employers. Since, according to 1982 figures, female apprentices appeared most frequently to have chosen to pursue traditional female activities, she enquired what the Government was doing to change those attitudes and give vocational guidance to girls in schools to encourage them to take up other occupations. Lastly, she requested some information on the subject of female migrant workers and their children, since they were not mentioned at all in the report.

47. Ms. VELIZ DE VILLAVILLA said it was clear that a number of positive measures had been taken in recent years by the Austrian Government to improve the position of women. There were nevertheless a number of points on which she would like some information. She wondered, for example, what the relationship was between the various mechanisms, such as the Office of the State Secretary for General Questions relating to Women and other such offices and units. In particular, she wondered what were the functions of the Office of the State Secretary for Matters relating to Working Women, set up within the Federal Ministry of Social Affairs, which had been disbanded in 1983, and whether its functions had been taken over by another body. She would also like to know what was the relationship between the various governmental and non-governmental bodies, what were the specific functions of the Equal Treatment Commission, how its members were elected, whether they came from government bodies and whether more cases were now coming before the Commission.

48. On the subject of maternity leave, it appeared that crèches were open only to children of three years or over. She would like to know what course of action was open to women who wished to return to work before their child reached that age and whether only women were entitled to allowances for sick children.

49. She had found the information provided by the Austrian Government in connection with article 5 of the Convention of particular interest. With regard to article 10, she noted that the assignment of domestic economy subjects to girls had been discontinued in polytechnic courses. Did domestic economy as a subject still exist therefore and, if so, was it offered to boys and girls on an equal basis?

(Ms. Veliz de Villavilla)

50. With regard to article 6, she felt that the report did not properly convey the scope of the problems involved and the measures taken to overcome them and, in connection with article 7, she would welcome further information on the reasons for Austrian women's limited participation in decision-making and on the role of women in the political parties and the trade unions.

51. On the subject of education, she would like to know what was the percentage of women in total university enrolments, what careers they were moving towards, the traditional ones or the more modern technological courses hitherto reserved for men.

52. On the subject of cohabitation, she asked whether the woman in the relationship enjoyed the same rights as a married woman. She had been surprised at the distinction made between legitimate and illegitimate children in such a developed country as Austria, particularly when many developing countries had long since abandoned such terminology.

53. Lastly, she asked what was the percentage of economically active women, since the report referred only to the 38 per cent of economically active married women, and whether women were experiencing any particular unemployment problems. She would also like to know whether part-time workers were protected by Austria's labour laws and what criteria had been adopted in prohibiting the holding of certain jobs by women.

54. Ms. GONZALEZ said that the statement made by the Austrian representative had provided a useful updating of his country's initial report. It was clear from the report that both the Government and private bodies in Austria had taken a number of measures and had instituted programmes with the aim of at least alleviating discrimination against women. She would, however, welcome some clarification of certain points. If, as was stated on page 1 of the report, the general principle of equality was enshrined in Austrian constitutional law, why had the Government entered a reservation in respect of article 7 of the Convention? Did that reservation apply only to the Armed Forces or were there in the municipal law any other limitations on the full participation of women in the formulation and implementation of policy?

55. In order to obtain a better idea of the implications of the reservation, she would like to know what were the particular responsibilities of the one woman among the 15 ministers of the Federal Government and the two women among the six Secretaries of State. Furthermore, were the 20 women elected to parliament the only women to stand as candidates? If not, how many women candidates had there been? She would like similar information in respect of the 10 women elected to the Second Chamber. She associated herself with Ms. Evatt's comment relating to the application of article 8 of the Convention. She noted that legislative amendments and other measures had been taken to improve the situation of the married woman ill-treated by her husband. She wished to express some concern at what the Austrian representative had said regarding a future amendment of the Code of Criminal Procedure aimed at strengthening the position in subsequent legal proceedings of the woman who had been raped: he had stated that questioning was authorized only in connection with the "former life of the victim". It was her view, from experience in her own and other countries, that in rape cases, the "former life of the victim" could not be an attenuating circumstance. The only attenuating circumstance could be the psychological abnormality of the perpetrator.

56. Ms. MONTENEGRO DE FLETCHER observed that the opening paragraphs of the report indicated that articles 1 to 4 of the Convention had become additions to the Austrian Constitution, but that, at the same time, Austria had adopted the view that the provisions of the Convention could not be applied directly but required specific legislation to give them effect. What then was the legal force in Austria of the Convention?

57. Referring to the programmes undertaken with a view to changing traditional attitudes, was it compulsory for the mass media to participate in such programmes or was reliance placed on their goodwill? With regard to article 2 of the Convention, relating to procedures for dealing with discrimination at work, she requested some statistics on the specific results achieved by the Equal Treatment Commission, which apparently had had only nine cases submitted to it since 1979. She also wondered had happened to the consciousness-raising programmes since it appeared that the State department dealing with them - the Office of the State Secretary for Matters relating to Women in the Federal Ministry of Social Affairs - had ceased to exist in April 1983. With regard to the efforts to change traditional attitudes through the educational system, mentioned on page 14 of the report, it appeared that they would be made only if teachers accepted suggestions regarding the use of relevant teaching materials. In her view, in Austria as in the majority of countries, ideas which helped to change attitudes towards women should be obligatorily inculcated, in the same way as the elements of reading, writing and arithmetic. The Austrian representative had stated that the Government and its agencies were by far the largest employer in the country. She would therefore like to see figures showing the participation of women in Government service and the levels of that participation.

58. The Government's prohibition of night work by women appeared to run counter to its general efforts to promote equality between the sexes. Such a general rule could lead to discrimination and indeed some night work could well be performed by women. Furthermore, it appeared that there was no legal provision limiting the employer's choice with regard to the sex of a prospective employee. She asked for clarification on that point. Finally, she had been impressed by the provisions, related to article 14, paragraph 2, of the Convention whereby farmers' wives and business women were entitled to the services of a helper or to financial benefit for a period of eight weeks both before and after childbirth. She asked for more information about that scheme and whether it was wholly financed by the State or whether the women concerned had to contribute to it.

59. Ms. IDER said that most of the measures taken by the Austrian Government were aimed at consciousness raising to change the image of women in the public eye. She thought that such measures were insufficient and must be supplemented by legal, political and social measures. She assumed that those measures were also being taken but they were insufficiently reflected in the report. She also assumed that the rights of women employed in the public sector were assured in accordance with the Convention but she would like to have more information about the private sector. What was the percentage of women in the labour force and how was it broken down between the public and private sector? What percentage of female employees had an assured right to maternity leave and health services in the public and private sector and were those facilities assured through private insurance or by the State? What was the breakdown in that respect at different levels? She would also like some statistics about education in Austria: what was the percentage of educated women in the total female population? Education was free and compulsory, but how was it financed at the higher level? Were scholarships awarded on the basis of equality or were women given special consideration? There were equal

(Ms. Ider)

training facilities for men and women but in some cases, for example, in respect of maternity leave, women needed special privileges. Were there any measures to help them in that respect?

60. It appeared that the Equal Treatment Commission had had only nine cases submitted to it: was it very difficult for women who had been subject to discrimination to seek a remedy and how were the costs of their action paid? She would be interested to have figures for the membership of women in the two major political parties, both in the rank and file and at higher levels and also to learn the number of women in local elected bodies as well as in the Parliament. What was the legal and de facto status of women in Austria who belonged to an ethnic minority? It seemed that child-care facilities were well developed in Austria, but were they paid for by the parents, the State or some other body? If the answer varied, what was the percentage in each category? The Austrian Government's interpretation of certain articles of the Convention was puzzling: for example, with regard to article 11, paragraph 1 (a), the Government appeared, from the statement on page 21 of its report, to consider that its obligation lay only in recognizing the realization of the right to work as an objective. She would also like some clarification on the statement on page 13 that female workers might not be given legally effective notice during pregnancy or for four months after delivery unless the employer did not know about the employee's pregnancy or delivery.

61. Ms. REGENT-LECHOWICZ said that on the basis of her personal knowledge of Austria and contacts with her lawyer colleagues, she could express satisfaction at the progress towards equality which had been made in civil law. Nevertheless some problems, such as the status of illegitimate children, still remained. She also noted with satisfaction recent initiatives taken for the benefit of women released from prison. She believed it would be useful to have additional information on the rather complex procedure for adoption. The report and the additional information provided by the Austrian representative showed that the Government attached considerable importance to education as a means of implementing the Convention by changing the stereotype sex images. She fully shared that view and appreciated the information on relevant programmes given on pages 4 to 6 of the report. She would like some additional information about the results they had achieved.

62. With regard to changes in legislation to conform with the provisions of the Convention, she felt that contacts between women lawyers in different countries, such as existed between Poland and Austria in connection with various bilateral legal agreements, was very valuable.

63. Ms. MACEDO DE SHEPPARD said that the report demonstrated the Austrian Government's commitment to positive legislation to promote equality. However, despite the results achieved, it might be necessary to resort to more aggressive policies. She welcomed the recent campaigns by the Office of the Minister of State for Women's Affairs to change traditional attitudes concerning appropriate jobs for women and noted the fact that the Federal Postal Administration and the Federal Railways and its branches had opened all their technical posts to women. That however raised the question of the practice in other Government departments. She asked for further information and figures concerning the Programme for the Promotion of Women in the Civil Service. She would like to see some statistics relating to wages and salaries, the abolition of piecework and the percentage of women in jobs requiring apprenticeship. She also asked for more information about

(Ms. Macedo de Sheppard)

the Federal Ministry of Social Affairs' research programmes on girls in apprenticeship in non-traditional occupations, on the possibilities of parental leave in place of maternity leave and working conditions for women in various industries and on other activities such as vocational training for female prisoners and the programme "Hello, colleague" mentioned on page 8 of the report. In view of the fact that all those activities had been undertaken by the Office of the Secretary of State for Working Women, which had been disbanded in 1983 when a special unit for women's problems had been set up under the Federal Ministry of Social Affairs, she enquired whether the latter could provide the information she had requested about its predecessor's activities? What, in fact, were the functions of the special unit? It would be interesting to have at any rate a summary of the 18 brochures on the social and working conditions of women in Austria, which had been mentioned in the presentation of the report.

64. She shared the concern expressed by other speakers regarding the reference, in connection with article 4, paragraph 2, of the Convention, to article 10, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, providing for special protection of mothers before and after childbirth. It appeared from the information given that there were legal limitations on the work which might be performed by a woman during the whole period of her pregnancy. She felt that such limitations should not be compulsory but made available at the discretion of the woman concerned. Similarly, she was concerned at the possible effect on women of the prohibition on night work. Like other speakers, she would be interested to have further information regarding the participation of women in political life and the level of the positions they occupied in the public service. What percentage of Austrian representatives abroad were women? In connection with article 6 of the Convention, she asked for more detailed information on the classification of sexual offences, the penalties applicable and the preventive measures taken. Finally, she shared the concern expressed by Ms. Gonzalez concerning the application of Austria's reservation to article 7, paragraph (b), of the Convention.

65. The CHAIRPERSON regretted that the statistical data contained in the publication "The Economic Role of Women in Austria" had not been made available earlier. Although the latest figures available related to 1982, the publication did provide a great deal of the data which experts had requested. It appeared that the vast majority of women workers were employed as cleaners, hairdressers, medical workers and teachers. There were relatively few in the professions or in senior administrative or political posts. She felt that the Committee would like to have further information about Austria's programmes aimed at eliminating the stereotype image of women and about those designed to encourage women to enter non-traditional occupations. She noted that the maternity allowance paid to single mothers in Austria had been raised. Was that allowance now the same as that paid to married mothers or was there still a difference between the two rates?

66. In conclusion, she thanked the Austrian representative for his presentation of the report and asked him to convey to the Government and people of Austria the Committee's appreciation of their hospitality.

67. Mr. BACKES (Austria) withdrew.

The meeting rose at 1.05 p.m.