



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

Distr.: General
5 April 2001

Original: English

**Committee on the Elimination of Discrimination
against Women**

Twenty-third session

Summary record of the 471st meeting

Held at Headquarters, New York, on Thursday, 15 June 2000 at 3 p.m.

Chairperson: Ms. Gonzalez

Contents

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

*Third and fourth periodic reports and fifth periodic report of Austria
(continued)*

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

00-48237 (E)



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

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

Third and fourth periodic reports and fifth periodic report of Austria (continued)
(CEDAW/C/AUT/3-4, CEDAW/C/AUT/5, CEDAW/PSWG/2000/II/CRP.1/Add.1 and CEDAW/PSWG/2000/II/CRP.2)

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

2. **The Chairperson** invited the members of the Committee to continue to pose questions to the delegation of Austria.

3. **Ms. Hazelle** said she would like further information and clarification regarding the Government's strategy for mainstreaming gender. In particular, it would be useful to know whether a ministry or high-level department had the core responsibility for mainstreaming gender, and whether it included such essential components as budgetary resources, the ability to influence policy formulation and to review legislation, and the use of gender analysis in the implementation of policies and programmes. The delegation should describe the composition of the Inter-ministerial Working Group for Gender Mainstreaming. Did the Austrian strategy for gender mainstreaming also target national budgetary processes?

4. **Ms. Cartwright** said that the Austrian Government's outstanding contribution to the elaboration of the Optional Protocol, and its intention to ratify that instrument at an early stage, testified to its commitment to the Committee's work. It should also be praised for welcoming many refugees, recent criticism notwithstanding. She would like, however, clarification on the statement made before the Committee on the Elimination of Racial Discrimination, namely, that any decision refusing equal treatment to aliens must be reasonably justified. In her view, aliens should not be treated unequally on any ground; that was especially the case for women migrants, women refugees and women trafficked into Austria. She regretted that the latter did not benefit from the automatic right to health care. States into which women were brought against their will should be responsible for their care; that

might perhaps encourage Governments to prosecute and punish traffickers. Ultimately, however, States should repatriate such women to their own communities.

5. The inability of migrant women to obtain work permits constituted a major problem — particularly for battered women — since it prevented them from successfully living alone. She was aware of reports of serious violations of the human rights of migrant women; policies to protect women asylum seekers should be firmly followed.

6. She commended the Government for the Act on Protection against Violence, for the work of the Equal Treatment Commission, and for decisions handed down by the Labour Court regarding sexual harassment in the workplace. Although commendable and forward-looking, such measures did not go far enough. If Austria was like other countries, the number of domestic violence cases that came before the courts represented only a small portion of all such cases. A fully integrated policy was necessary; first and foremost, ongoing education must be provided to police, health professionals, legal professionals and members of the judiciary to make them understand why it was imperative to enforce anti-violence legislation and, in particular, to arrest perpetrators. Reviews should be conducted and research undertaken, taking into consideration the experience of other States.

7. Commending the Government on its intervention policy for women victims of violence, she inquired whether perpetrators of violence were required to undergo rehabilitation before returning to the home.

8. She exhorted the Government to abandon any statute of limitations on the prosecution of cases of sexual violence. Even women who had been abused as adults sometimes took years to recover; perpetrators must be prosecuted. Measures must also be taken to protect elderly women from physical and financial abuse, especially since such women constituted a growing portion of the population. Finally, she urged the Government to give priority to combating violence against all women, young and old.

9. **Ms. Acar** inquired whether the Government's new policy of providing an optional childcare allowance would also be applied to migrant families, and whether any measures had been taken to assess the impact of the allowance on such families, taking into consideration their cultural realities. She feared that it

might encourage women to remain dependent on their spouses. Since most migrant women arrived with their spouses, and lacked independent visas and working permits, they were presumably unable to take advantage of the benefits available to them. It would be useful to know whether training programmes had been established to sensitize professionals to the conditions and circumstances of migrant communities, especially since violence in those communities was often considered to be rooted in culture.

10. Although the Austrian universities were legally required to try to ensure an equitable proportion of male and female professors, and to ensure equal pay to men and women, little progress had been made. She would like to know whether the Government had established any proactive policies or programmes to raise the dismally low participation of women in Austrian academic circles.

11. **Ms. Khan** commended the Government for reducing the gender gap in employment. Women were nevertheless discriminated against in the labour market, and underrepresented in decision-making positions and in scientific fields. Since almost 60 per cent of women workers were concentrated in professions that paid less than the national average, she would like to know what measures, if any, had been taken to raise salaries in those professions. Mention had been made of moving those women to other sectors. In her view, the emphasis should be on increasing pay and promotion opportunities.

12. Noting that a large number of households were headed by women — in Salzburg, 70 per cent of female welfare applicants were the primary providers for their families — she enquired what measures the Government was taking to address the growing income gap between men and women. She also wondered about the correlation between part-time female workers and mothers of young children, particularly since the Austrian childcare facilities, while adequate, were not considered to be inferior to those of other European countries. She would appreciate information on mechanisms to monitor the implementation of quotas for public-sector employment of women, particularly during the period that the Ministry of Women's Affairs was not fully functional. It would be useful to hear about measures being taken for the benefit of women, particularly elderly women, who would be adversely affected by planned changes in the Austrian retirement policy. It was estimated that at least 400,000 women

over 60 years of age would not be entitled to submit independent pension claims and 240 would not be entitled to submit any pensions at all.

13. Lastly, she requested details on the procedure for granting work permits to migrant workers and on their access to jobs. She wondered whether recently adopted legislation identifying migrants by their country of origin discriminated against non-European migrant women.

14. Lastly, noting that an estimated 6,000 to 8,000 foreign women were working as prostitutes in Vienna alone, she enquired about their opportunities for rehabilitation and for obtaining residence permits. She asked whether those who went on to work illegally in the informal sector (as domestics, for example), enjoyed medical benefits, and whether they were covered by the Federal Equal Treatment Act.

15. **Ms. Sickl** (Austria), responding to Committee members' questions, said that the Inter-ministerial Working Group for Gender Mainstreaming, which included representatives of all government ministries, was modelled on the Austrian Federal Government system and designed to ensure that attention was given to female concerns. She herself would soon be establishing an inter-ministerial working group composed of a representative of each ministry with a view to ensuring that all decisions taken by the ministries took women's concerns into account and to establishing an information network for awareness-building purposes.

16. The Federal Ministry of Women's Affairs ensured that the integration of migrants was an aspect of all government measures. As for childcare allowance, it was designed to afford mothers and fathers the freedom to choose between remaining at home to care for a new-born child or returning to work. According to statistics, more than 90 per cent of Austrian parents chose to remain at home immediately after the birth of a child and entrust the child to a childcare facility at a later stage.

17. **Ms. Krichmayr** (Austria), responding to a question by Ms. Shalev, said that while gender-disaggregated data had been compiled in many areas, such as insurance and income, there was a need for a central institution for that purpose; indeed there were plans to establish such an institution.

18. With regard to violence against women, she said that the Ministry of Women's Affairs financed training and advanced training courses, at both the national and local levels for the staff of the women's crisis and intervention centres. Currently, the Ministry was studying the effect of childcare benefits on various groups, including single women in the urban area and female heads of large households.

19. **Ms. Sickl** (Austria) added that she was particularly concerned with measures for single parents. The Ministry sponsored psychological counselling for parents about to divorce, with emphasis on the parents' common responsibilities towards their children.

20. **Mr. Drobesch** (Austria), responding to questions by Ms. Cartwright and Ms. Khan, said that health care would be provided to victims of trafficking by women's crisis and intervention centres and financed through modifications in the insurance scheme. Thus far, three such cases had been registered in 1998 and 11 in 1999. On 1 July, new legislation would enter into force on exploitative trafficking; provide stiffer penalties for offenders and allow victims to obtain temporary residence permits in order to have time to prepare for their return to their country of origin and to file civil and criminal charges in court. Temporary permits were issued for humanitarian reasons only, and therefore did not cover prostitutes. As such permits did not convey the right to work, alien trafficking victims were supported by the women's crisis and intervention centres.

21. With regard to migrant victims of domestic violence, he drew Committee members' attention to an error on page 47 of the fifth periodic report (CEDAW/C/AFT/5), which might have given rise to a number of questions. Although the report stated that a minimum of eight years' residence was required in order to obtain a work permit, in reality, no conditions applied. Furthermore, the Ministry of the Interior had established a working group on the problems of female migrant victims of domestic violence, which was to submit a report by mid-July to the Advisory Council on the Prevention of Violence, and had organized workshops and training seminars for law enforcement officers; welfare, youth and labour authorities; and non-governmental organizations. Ongoing basic and advanced training courses were offered to law enforcement officers throughout their career. In addition, under the Federal Act on Protection against

Violence in the Family, an amendment of the security law provided for longer restraining orders (10 days instead of 7, and 20 days instead of 14 in certain cases) and improved cooperation between the civil courts and law enforcement authorities, which somewhat facilitated the exchange of information. Once a restraining order was issued law enforcement officers were required to monitor the domestic situation of female victims for at least three days until a crises intervention centre could take over. Model projects in Salzburg and Vienna provided for both voluntary and compulsory, court-ordered therapy and rehabilitation of offenders, and the Ministry of Social Affairs had circulated literature on the subject to law enforcement authorities, judges and non-governmental organizations. A 1996 amendment to the criminal law provided for stiffer penalties and longer limitation periods in cases of sexual violence. For example, the maximum penalty for sexual intercourse with minors under 14 years of age had been increased from 5 to 10 years.

22. In response to criticism that law enforcement officers were not implementing asylum laws sufficiently, an independent appeal authority had been established in 1997. Law enforcement officers were to receive additional training, with special emphasis on the situation of traumatized women, unaccompanied minors and mothers.

23. **Ms. Keppler-Schlesinger** (Austria) said, with regard to migrant workers, that there was a quota for work permits for workers from non-European Union countries. The quota was 8 per cent of the working population. Also, a new regulation had just come into force, facilitating labour market access for migrant workers who had been resident in Austria for at least five years, or three years in certain cases. The effect of the new regulation was to shorten the period during which the public employment service would seek a suitably qualified unemployed person to take a particular job before granting a work permit for that job to a migrant worker.

24. There were considerable difficulties in promoting the integration of women into traditionally male-dominated jobs. So far, her Government's employment policies had done little to reduce employment segregation, since they had focused on integrating women into the employment market via traditionally "female" activities. However, there were programmes to counteract that trend, including a relatively new

training programme in information technology which women would be encouraged to enter.

25. As for wages and salaries, there were indeed long-standing differences, but the authorities were seeking to develop non-discriminatory job evaluation models. It should be borne in mind that in Austria, wage levels were determined by negotiation between the social partners, which made it more difficult for the Government to intervene except by endeavouring to change traditional attitudes. Regarding part-time work, the figures for Austria were close to the average for European countries. The proportion of women in part-time work was increasing, due, in part, to higher overall employment levels among women; however, many part-time jobs were in the traditionally female-dominated sectors of trade and services. Also, many mothers were choosing part-time jobs as a way of reconciling employment with family life.

26. **Ms. Mukherjee-Cosmidis** (Austria) said that over the past decade her Government had focused on the legislation needed to improve the situation of women in academic life. There were equal-opportunities working groups in all universities, with considerable rights and powers. From the statistical viewpoint, the proportion of women professors had increased from 2.8 per cent to 6 per cent over the past decade; although that figure seemed low, it compared favourably with those for other European countries.

27. The authorities had also begun to focus on other measures. A recent white paper on the advancement of women in academia and research contained suggestions for structural changes in the university system, and a working group was preparing an implementation scheme. Austria was also working closely with other European Union countries in the framework of a committee on women in science, which had begun work in 1999.

28. **Mr. Siedl** (Austria) said that pension insurance in Austria was based on occupation. Women aged 60 and over and men aged 65 and over were eligible for a retirement pension subject to certain qualifying periods, including periods for bringing up children. The amount of the pension depended on the number of insurance contribution periods and the contributions paid. If a person's pension together with other income did not reach a certain amount, the pension was topped up by a supplement financed totally by the State. The standard rate for the minimum pension in the year 2000

was about US\$ 640 for a single person and about US\$ 910 for a married couple. Measures had also been taken for the individualization of pension rights for women. A voluntary pension insurance had been introduced to enable all residents to build up a pension entitlement without prior employment, to benefit persons such as women who had remained in their home. In 1999 about 9,200 women had been covered by that voluntary insurance. Voluntary pension insurance for the care of a disabled child had been introduced in 1988 for residents who could not work because their time was totally taken up in caring for a disabled child under the age of 30, and the Government intended to extend that coverage to cases where the person's time was not totally, but mostly taken up by caring for the disabled person. About 2,800 women had benefited from that provision in 1999. Measures had also been introduced to provide continued insurance for persons caring for a close relative.

29. Persons having an income below a certain threshold — in 2000 it had been about US\$ 310 — could benefit from a voluntary sickness and pension insurance. In 1999, about 20,400 persons — 75 per cent of them women — had benefited from that voluntary insurance. The numbers were increasing and it was not yet possible to tell how many persons would be covered.

30. The first four years following the birth of a child were now treated as contribution periods for the person raising the child. Thanks to the additional contribution periods women could now retire earlier. Changes in the calculation of contribution periods had also led to improved opportunities for women to claim retirement pensions; in 20 years, the percentage of women so entitled had increased from 46 per cent to 60 per cent. Measures to promote the economic activity of women would also lead to improvements in their individualized pension coverage in old age. His Government had stressed that all women should in the long run have pension rights based on their own insurance. In addition to other steps, it was intended that any maternity leave would be considered as contribution periods for the retirement pension.

31. **Ms. Kim** asked what was the role of non-governmental organizations in relation to violence against women and violence in the family, and what were the activities of women's non-governmental organizations, particularly in relation to violence against vulnerable groups such as migrant women. The

delegation of Austria had mentioned a working group for the prevention of violence which had been set up in October 1999; she wondered what progress it had made since its establishment, and whether its membership included representatives of civil society as well as government representatives.

32. Regarding women's political participation, the figure of 27 per cent of women parliamentarians at the federal level was not high by European standards, and the percentage was much lower at the provincial and local levels. It would be interesting to know what the Government and non-governmental organizations were doing to remedy that situation. She commended the special programme under way in some regions for the advancement of women in higher education and research, and asked how many women had so far benefited from it. She wondered what were the employment prospects for those who completed the programme, and whether there was not a danger that it might merely increase the level of graduate unemployment.

33. Lastly, she hoped that the next report would contain details of any cases brought by women in labour courts. This was an important issue, since only through court rulings would legal precedents be set.

34. **Ms. Taya** said that while the Act on Protection against Violence in the Family was commendable and served as an example for other European States, it needed further improvement. Regarding the issue of compensation for victims, the civil compensation procedure was difficult and time-consuming, and she wondered why it was not combined with the criminal proceedings. The reporting State should say whether there were any plans to increase the number of female police officers in the near future.

35. Currently, non-compliance with administrative injunctions issued by the police to protect victims of domestic violence was punishable only by a fine; more severe penalties were needed. To reconcile that need with the fact that no legal proof was required for the issuance of such injunctions, she suggested that a special section could be established within the police force to deal with cases of violence against women, so that there would be no concern about abusive or erroneous issuance of injunctions.

36. **Ms. Schopp-Schilling** suggested that, in elaborating its public policies, the Austrian Government should make greater use of the results of

the pilot and research projects to which the delegation had referred. It should also include a gender perspective in its cooperation projects with developing countries.

37. Turning to certain specific concerns which she had, it was the Government's responsibility to seek to change the stereotypical attitudes towards women that existed in Austrian society. She did not agree, for example, with the argument that, on the issue of equal treatment for women in the work place, legal principles were not enough to overcome market forces. On the contrary, the Committee was aware of numerous instances in which legal principles had affected behaviour in the marketplace. The Federal Minister, for example, could use the power of her office to promote greater public awareness of the wage gap between the sexes. More specific action might then be taken by trade unions and other social actors to address the problem.

38. In the field of health, national policies should be reviewed to take account of the ageing of the Austrian population and, in particular, of the longer life expectancy of women. On the issue of trafficking in women, she wondered to what extent Austria cooperated with the immigration authorities of the sending States to combat the problem.

39. Lastly, a number of European States, including Austria, were engaged in restructuring their welfare and immigration policies. She hoped that account would be taken of the gender perspective as those reforms were implemented.

40. **Ms. Regazzoli** asked whether women migrants, including prostitutes, showed a greater propensity towards criminal activity than native Austrian women. It would also be interesting to know about the types of programmes that existed for the rehabilitation of such offenders and on the Government's policies to promote the participation of disabled women and girl children in national life.

41. **Ms. Feng Cui** said that it was unclear whether data was compiled on public sector contracts awarded to companies that actively promoted the advancement of women and whether there were guidelines to help companies achieve that goal.

42. **Ms. Manalo** said that gender mainstreaming programmes could not succeed without adequate financial resources and asked how such programmes

were funded in Austria. In her own country, the Philippines, the law provided for a fixed percentage of the budgets of government departments to be set aside for gender mainstreaming programmes. It was important to ensure that such programmes operated also at the regional and local levels and that mechanisms were in place to measure the results achieved.

43. Many countries in Europe were faced with the problem of the illegal recruitment of workers under the au pair system. Such workers received no social security benefits or other protection. She wondered whether that practice was also prevalent in Austria and what steps were being taken to combat it.

44. **Ms. Myakayaka-Manzini** sought information about the extent to which non-governmental organizations interacted with government authorities and whether such organizations contributed to the elaboration of policies for the advancement of women. She was concerned that the removal from the Federal Chancellery of the Department of Women's Affairs might weaken the Department's influence.

45. On the issue of the representation of women in Parliament, the situation was not entirely satisfactory. Experience had shown that women were most effective in influencing decisions in Parliament when they comprised at least 30 per cent of its membership. She wondered what measures had been taken to increase the percentage of women at all levels of government.

46. **Ms. Krichmayr** (Austria) replied stating that the Federal Ministry for Social Security and Generations worked closely with non-governmental organizations, especially in combating violence against women. A network of national counselling centres and a 24-hour hotline had been established for women who were victims of violence. In addition, there were 22 shelters, some of them in rural areas, for women and children victims of violence. Workshops and seminars were some of the methods being used to promote the mainstreaming of the gender perspective in Austria.

47. **Mr. Drobesh** (Austria) said that the Advisory Council had been created by statute to advise the Federal Ministry of the Interior on the funding of non-governmental organizations and to develop proposals to combat domestic violence. Its membership was drawn from the various ministries and from non-governmental organizations. The Council's three working groups were concerned, respectively, with

protection of victims, domestic violence against migrant women and violence against children.

48. The issue of the compensation of victims was a difficult one, since the applicable legislation was very old and did not provide for the welfare of victims. However, a proposal was being drawn up to amend the legislation by combining elements of criminal and civil law.

49. The difference between interim injunctions and prohibition orders was that the former were issued by family courts upon application by the victim, while the latter were issued by the police.

50. On the question of trafficking, the authorities were aware that the number of cases reported did not reflect the true scale of the problem. Austria was cooperating with other European nations to combat the scourge. Concerning women offenders, studies had shown that migrant women committed fewer crimes than nationals. Migrant offenders enjoyed the same access to rehabilitation programmes as Austrians. On the question of the exploitation of au pairs, the legislation in force in Austria made it difficult to exploit the system. A settlement permit was required to work as an au pair and the overall number of such permits was strictly limited.

51. **Ms. Mukherjee-Cosmidis** (Austria) said that the women and technology project was too recent to permit an evaluation to be made of the extent to which it had helped to increase employment opportunities for women. On the other hand, the results of pilot and research programmes were already being integrated into the development of policies. Concerning the representation of women in academia, the low figures belied the substantial progress that had been achieved in recent years in Austria.

52. **Ms. Wimmer-Kodat** (Austria) said that more was being done to integrate the gender perspective into policies and to expand the number of projects for the advancement of women, although the challenges of ensuring follow-up action and identifying best practices still remained.

53. **Ms. Sickl** (Austria) said that projects were being undertaken to combat not only physical but also mental violence against women. She agreed that greater public awareness was needed in dealing with the problem of the wage gap between men and women. While the law

provided for equal pay for equal work, in practice, differences in pay were quite common.

54. An institution known as “Working Assistance” catered to the needs of disabled women in Austria. Its experts assisted the disabled in finding employment. Her Ministry attached great importance to cooperation with non-governmental organizations and had invited 140 of them to a dialogue on such issues as gender mainstreaming.

55. The shifting of the Department of Women’s Affairs from the Federal Chancellery to a ministry would not lessen the Department’s effectiveness, since, under the Austrian system, the Federal Chancellery and the ministries enjoyed the same standing. Moreover, the Government as a whole took seriously its responsibility to protect the rights of women in society.

56. **The Chairperson** commended the delegation for its comprehensive replies. She welcomed Austria’s ratification of the Optional Protocol to the Convention and its acceptance of the amendment to article 20 of the Convention. The issue of trafficking in women was of particular concern to the Committee. The Government should tackle the problem at the root by prosecuting and punishing those who organized the trafficking. Another area of concern was the protection of migrant women, including access to employment and to social security. She hoped that the delegation would do everything in its power to ensure the broad dissemination within Austria of the Committee’s concluding observations.

The meeting rose at 6.10 p.m.