



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

Distr.: General  
1 November 2004

Original: English

---

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

**Consideration of reports submitted by States parties  
under Article 18 of the Convention on the Elimination of  
All Forms of Discrimination against Women**

**Sixth periodic report of States parties**

**Austria\***

---

\* The present document is being issued without formal editing.  
For the initial report submitted by the Government of Austria see CEDAW/C/5/Add.17, which was considered by the Committee at its fourth session. For the second periodic report submitted by the Government of Austria see CEDAW/C/13/Add.27, which was considered by the Committee at its tenth session. For the combined third and fourth periodic report submitted by the Government of Austria see CEDAW/C/AUT/3-4, which was considered by the Committee at its twenty-third session. For the fifth periodic report submitted by the Government of Austria see CEDAW/C/AUT/5 which was considered by the Committee at its twenty-third session.

## Table of Contents

Introduction	6
<b>1. Implementation of the Recommendations on Austria's 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> CEDAW Reports</b>	<b>6</b>
Recommendation 219	6
Recommendation 224	7
Recommendation 225	7
Recommendation 226	7
Recommendation 227	8
Recommendation 228	9
Recommendation 229	11
Recommendation 230	12
Recommendation 231	13
Recommendation 232	13
Recommendations 233 and 234	14
Recommendation 235	18
Recommendation 236	20
Recommendation 237	21
Recommendation 238	22
Recommendation 239	22
Recommendation 240	23
Recommendation 241	23
Recommendation 243	23
<b>2. Implementation of the Convention</b>	<b>24</b>
<b>Article 2</b>	<b>24</b>
<b>Article 2, Letter a</b>	<b>25</b>
Amendments to Province legislation on equal treatment	
<b>Article 2, Letters b to f</b>	<b>26</b>
Amendment to the Act on Equal Treatment in Federal Service	
Implementation of European law	
<b>Article 2, Letter e</b>	<b>27</b>
Federal Act Governing Public Contract Awards of 2002	
<b>Article 2, Letter g</b>	<b>28</b>
Criminal law and proceedings relating to sexual offences	
Support for victims during court proceedings	
Federal Act on Protection Against Domestic Violence	
Genital mutilation	

More severe penalties for sexual offences	
Criminal Law Amendment Act 2004 – Marital rape	
<b>Article 3</b>	30
Legislation	
The arts	
Spatial planning and regional policy	
Advancement of women in Austrian development co-operation	
Advancement of ethnic groups	
<b>Article 4</b>	34
<b>Article 4, Number 1</b>	34
Plans for the Advancement of Women	
Reconciliation of work and family obligations	
Gender mainstreaming strategies	
<b>Article 5</b>	37
<b>Article 5, Letter a</b>	37
Overcoming stereotyped concepts of the roles of women and men	
Combating domestic violence	
<b>Article 5, Letter b</b>	39
Joint custody of children	
<b>Article 6</b>	40
Trafficking in women / prostitution	
Measures to prevent the sexual exploitation of children	
<b>Article 7</b>	40
<b>Article 7, Letter a</b>	40
Women in political and public functions	
<b>Article 7, Letter b</b>	41
Women in the armed forces	
Gender mainstreaming and municipal administration	
<b>Article 8</b>	43
Representation of women at the international level and their work in international organisations	
International sport	
<b>Article 10</b>	43
Educational attainment of women	
<b>Article 10, Letters a, b and d</b>	45
Legal prerequisites	
<b>Article 10, Letter c</b>	45
Gender mainstreaming in education	
Priority “gender-sensitive careers guidance and girls and technology”	

The principle of “purposeful coeducation”	
Women in research and technology	
Gender studies	
Advancement of women in science and research	
Legal measures aimed at ensuring de facto equality of men and women at universities	
Adult education	
<b>Article 10, Letter e</b>	52
Educational measures targeted at migrant women	
<b>Article 10, Letter f</b>	53
Later completion of study courses	
<b>Article 10, Letter g</b>	54
Exercise and sports	
<b>Article 10, Letter h</b>	54
Health and sex education	
<b>Article 11</b>	54
<b>Article 11, Number 1, Letter a</b>	55
Safeguarding of women’s right to work	
Women in technology and research	
Amendment to section 50b of the Public Service Act	
The Assistants Team Project	
Women with disabilities in the labour market	
Participation in EU projects	
<b>Article 11, Number 1, Letter b</b>	57
The Equal Treatment Act as amended in 2001	
<b>Article 11, Number 1, Letter c</b>	57
Educational leave	
<b>Article 11, Number 1, Letter d</b>	58
<b>Article 11, Number 1, Letter e</b>	58
Pensions	
<b>Article 11, Number 1, Letter f</b>	58
Employment bans and restrictions	
<b>Article 11, Number 2</b>	59
Act on Maternity Protection and Act on Paternity Leave	
Childcare benefits	
Part-time work of parents	
Family hospice leave	
New severance pay arrangements	

<b>Article 11, Number 2, Letter c</b> _____	61
Social services and child-care facilities	
<b>Article 12</b> _____	62
Reconciliation of work and family obligations in the medical and paramedical occupations	
Regulation governing ranking criteria	
Mother-child care	
In vitro fertilisation	
Women's health initiatives	
<b>Article 13</b> _____	65
<b>Article 13, Letter a</b> _____	65
Family allowances	
Childcare benefits	
<b>Article 13 Letter c</b> _____	67
Sports/advancement of women	
<b>Article 14</b> _____	68
<b>Article 14, Number 2, Letter a</b> _____	68
Activities aimed at eliminating discrimination against women in rural areas	
<b>Article 14, Number 2, Letter c</b> _____	69
<b>Article 14, Number 2, Letter d</b> _____	69
Educational options for women in rural areas	
<b>Article 14, Number 2, Letter e</b> _____	70
<b>Article 14, Number 2, Letter g</b> _____	70
Public subsidies for investments	
<b>Article 14, Number 2, Letter h</b> _____	71
The "Gmoabus Pötsching" (Pötsching community bus) project	
Technical advisory council for women's issues (FFB) in transport policies	
<b>Article 15</b> _____	71
<b>Article 16</b> _____	71
Marital and family laws	

## **Annex 1**

Projects/programmes/studies/publications

Note: Annex 1 will be made available to members of the Committee in the language in which it was received.

## **Annex 2**

Statistics

## **SIXTH AUSTRIAN REPORT TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

### **Introduction**

Austria ratified the “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)” in 1982 and committed itself, in accordance with Article 18 of this Convention, to submit regular reports, at a maximum interval of four years on obstacles encountered, measures undertaken and progress achieved in the implementation of CEDAW. Accordingly, Austria drew up its *first report* in 1988 (CEDAW/C/5/ADD 17, dated November 1<sup>st</sup>, 1983). This report, including its annexes was treated at the fourth CEDAW meeting held in Vienna from January 21<sup>st</sup>, to February 2<sup>nd</sup>, 1985 (CEDAW/C/SR.51, 55, 56, 62).

The *second report* covered the period from 1983 to 1988 (supplementary final editing February 1989) and was dealt with and approved by the CEDAW meeting of February 1991 (CEDAW/C/13/Add.27; CEDAW/C/SR. 184).

The joint *third and fourth reports* contain a comprehensive survey of the period from January 1989 to December 1995, and were submitted in 1996

(CEDAW/C/AUT/3-4).

The *fifth report* described the period from 1996 to mid-1999 and was submitted to the CEDAW Committee in 2000 (CEDAW/C/AUT 5; CEDAW/C/SR. 471).

The *sixth report* gives a survey of the activities undertaken by Austria to combat discrimination against women, and describes the situation prevailing in the period from mid-1999 to the end of 2003. In line with the new guidelines for reporting (A/57/38 (Part II)) pursuant to Article 18 of the Convention which apply to all reports submitted from December 31<sup>st</sup>, 2002 onwards, the present report has been shortened to cover 70 pages. The first part of the report gives comments on the recommendations of the Committee, and the second part describes the measures taken to eliminate discrimination against women in accordance with the individual Articles of the Convention. Annexes 1 and 2 contain supplementary information on relevant projects, programmes, studies, publications and statistics.

### **1. Implementation of the Recommendations on the Third, Fourth and Fifth Austrian CEDAW Reports**

#### **Recommendation 219**

As of August 1, 2002, the EU Adjustment Act on Night Work (Federal Law Gazette I, No. 122/2002) entered into force, thus replacing the Act governing Night Work by Women. Under the new act, gender-neutral provisions applying equally to women and men were introduced in the Austrian legislation on working hours.

**The major points of the new Act are described below:**

- Legal definition of night work: work done between 10 p.m. and 5 a.m.
- Definition of the status of night workers (male and female)

- Night workers enjoy the right of transfer to a daytime workplace in the event that they encounter health hazards or have any obligation to care for children
- Legal entitlement to free medical examination every two years in order to determine the state of health of night workers; for older workers, this interval is one year
- Right to information.

#### **Recommendation 224**

See Part Two, Article Five and others.

#### **Recommendation 225**

With the amendment to the Federal Ministries Act of 2003, Federal Law Gazette I, No. 17/2003, the Federal Ministry of Health and Women's Issues was set up, which amongst other tasks performs the function of co-ordinating matters relating to women's policy and equality of women and men in the labour market. Please find more detailed information on the Inter-ministerial Coordinating Committee on Gender Mainstreaming in Article 4, Number 1.

#### **Recommendation 226**

##### **Gender Mainstreaming at the Federal Ministry of Finance**

At the Federal Ministry of Finance, an internal Working Group on "Gender Mainstreaming" comprising high-level female and male experts from the Ministry was set up in 2001. With the consent of the Minister of Finance, this Working Group, which studies options to implement the gender mainstreaming strategy at the Ministry of Finance, integrated the "Tax Reform Project" into its work programme.

The impact of legislative measures on gender mainstreaming is to be assessed with the aid of a checklist. The monitoring procedure was worked out in the context of a **study** entitled "**Is the Austrian tax system really gender-neutral?**"

This study analysed the redistributive effect of the wage and income tax system. The Income Tax Act which constitutes the basis of the system is couched in gender-neutral terms; nevertheless, at the end of the day, both wage and income taxes have varying impacts on women and men. The incomes of women in dependent employment average merely just over 60 per cent of those of men in dependent employment.

In summary, the study revealed the following: In general, the Austrian tax system has a compensatory effect on net incomes. The average gross incomes of men correspond to 160% of the average gross incomes of women. Due to the tax system, the higher net income levels of men are reduced to 152% of average net incomes of women. This result can be ascribed exclusively to the progressive nature of the income tax system. In contrast, social insurance contributions have a regressive impact, i.e. they widen the income gap between men and women.

The exemptions granted in the Income Tax Act which result in tax relief (i.e. sole earner's tax credit, privileged tax treatment of severance pay, lump-sum allowance for commuters) primarily benefit male tax-payers, with only a few exceptions.

A reduction of tax rates will not widen the income gap between women and men if it is limited to the lower tax rate bands and goes hand in hand with increased tax credits.

The tax system cannot fully compensate for existing income differentials. Gender mainstreaming, however, focuses on the question of the direction in which income tax will act: does it aggravate the differentials between women's and men's incomes or does it have a compensatory effect? The same question must also be asked when it comes to modifying the tax system. Will certain measures widen or narrow the gap between net incomes of women and men?

These questions are to be analysed with the aid of the aforementioned checklist when planning future tax reforms.

The notes of the "General Section" of the **Budget Implementation Act of 2003** – i.e. the section of the government bill dealing with tax issues – contain the following statements relating to the implementation of the gender mainstreaming project to date:

#### **"Gender Mainstreaming – Impact on Women and Men**

In the course of the tax reform, the effects of the reform measures on women's and men's incomes are to be continuously monitored. This monitoring has demonstrated that a tangible impact can be achieved if the income tax rate is lowered. Low incomes, in particular, will benefit from a reduction in the form of higher tax credits with modified transitional provisions as well as from higher tax-free ceilings for the 13<sup>th</sup> and 14<sup>th</sup> salaries. Accordingly, women will benefit more strongly from such arrangements than men. Of the total loss of tax revenues amounting to approximately €380 million, female wage-earners and salaried employees account for some €175 to €180 million. This implies an annual per-capita tax relief of approximately €55 to €60 for men and of approximately €70 for women."

The federal ministries, advisory councils and other bodies co-operate with non-governmental organisations in different forms, especially by giving financial support to institutions and projects (i.e. intervention centres, shelters for battered women, counselling centres, events). The Federal Chancellery co-operates with the Working Group "Women of the Federal Sports Organisation (BSO)"<sup>1</sup> with a view to increasing the share of women in all bodies of the umbrella and technical associations of the Sports Organisation.

#### **Recommendation 227**

The admission rules applicable at present do not show any indication of discrimination against **female asylum-seekers or female refugees**. Under the current legislation, and subject to the Act governing Employment of Foreign Nationals, all female asylum-seekers basically have **access to the labour market**. However, the granting of a work permit is contingent on an evaluation of the application on the basis of labour market requirements, in the course of which other legally resident third-country nationals and EU/EEA citizens (irrespective of their gender) will be given preference.

Under the Act governing Employment of Foreign Nationals and the Aliens' Act, female and male migrants in principle enjoy equal status with regard to entry, residence, and access to the labour market. Due to on-going integration efforts as well as legislative and administrative changes (the most

---

<sup>1</sup> [www.bso.or.at](http://www.bso.or.at)

recent change being the amendment to the Aliens' Act of 2002), the opportunities for resident female migrants to access the labour market are continuously being improved, resulting in facilitated access. Since June 2000, when the Federal Ministry for Economic Affairs and Labour issued the **integration decree**, both male and female migrants who have moved to Austria to join their spouses/families have enjoyed priority treatment in the granting of work permits.

Since early 2003, migrants and their spouses have been able to obtain a certificate of residence after having resided legally in Austria for five years. This document accords migrants the right to unrestricted access to the labour market and makes it easier for migrants to take up an employment, especially for those who have lived in Austria for quite some time and have not yet been employed. Moreover, the certificate of residence constitutes another important step towards harmonising residence and employment legislation.

Under the Regulation determining Maximum Numbers which may be exceeded, the maximum number of employment permits for foreigners applying throughout the Austrian territory may be exceeded in certain cases. One of these cases is domestic violence. In 1997 (Federal Law Gazette II, No. 256), this provision was introduced into the Regulation determining Maximum Numbers. The previous provisions aimed at safeguarding the gainful employment of female and male migrants exposed to domestic violence proved too stringent.

Therefore, in 2003, this Regulation was supplemented (Federal Law Gazette II, No. 249) so that now the reporting of a violent spouse by a law enforcement authority (previously a non-appealable conviction by a criminal court was required) or a divorce under foreign law (previously a divorce decree of guilty issued by a domestic court was required) or a report or confirmation of suspected domestic violence by competent persons or institutions, such as a doctor, a hospital, an intervention centre, a shelter for battered women or a youth welfare office, etc. will be deemed sufficient.

The Federal Ministry of Health and Women's Issues set up a separate department with the title "Women's Services and Integration of Female Migrants". This department devotes itself to fundamental research and project work benefiting women in the host country Austria. Special attention is focused on the socio-economic and cultural integration of female migrants. In the meantime, top priority concerns have emerged. These are: Equal treatment with regard to access to the labour market and to education (especially language coaching as well as the recognition of diplomas acquired in the country of origin) and health.

The **provinces** also launched initiatives, such as, for example, the setting up of integration offices, the launching of language programs, training and counselling on matters relating to the Aliens' Act for the staff of non-governmental organisations and easy-access women-specific health care services for female migrants.

### **Recommendation 228**

With a view to facilitating criminal prosecution of **trafficking in human beings/ trafficking in women**, amendments were made and new provisions added to the Austrian Penal Code and the Aliens' Act within the reporting period.

Section 104 of the Aliens' Act defines "smuggling of human beings" as the facilitation of the illegal entry of aliens into an EU Member State or one of Austria's neighbouring states, making it a punishable offence if such smuggling of human beings is carried out with the intent of acquiring monetary gain for oneself or others. This offence carries a penalty of up to 10 years' imprisonment. Aliens whose entry was facilitated through smuggling of human beings are not deemed punishable as accessories to the crime.

Section 105 of the Aliens' Act makes the exploitation of aliens who are illegally resident in the Austrian territory and find themselves in a position of specific dependency a punishable offence. In this context, exploitation is defined as obtaining continuous income from the activity of an alien. This crime is punishable by up to 10 years' imprisonment. Under this provision it is possible to take judicial action against exploitative behaviour even if a conviction for trafficking in human beings in accordance with the Austrian Penal Code does not appear feasible.

The operations of the Intervention Centre for Victims of Trafficking in Women, which was described in the Fifth CEDAW report, were carried on in the period under review. In addition, the Federal Ministry of Health and Women's Issues gives financial support to the association LEFÖ (Latin American Female Emigrants in Austria) which co-operates with the TAMPEP network (Transnational AIDS/STI Prevention Among Migrant Prostitutes in Europe). The network which operates at the EU level is committed to preserving the human rights of female migrants who are exploited as sex workers.

In December 2000, Austria signed the **UN Convention against Transnational Organised Crime**, which is supplemented by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

The Austrian Penal Code as amended in 2004 (Federal Law Gazette. I, No.15/2004, in force since May 1<sup>st</sup>, 2004) contains Section 104, Letter a, which added a new penal provision against trafficking in human beings that is not restricted to transborder trafficking of persons for the purpose of prostitution. The new statutory definition of this crime comprises trafficking in persons for the purpose of sexual exploitation, exploitation through the illegal removal of organs as well as exploitative employment. This provision serves the implementation of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, the Optional Protocol to the UN Convention on Children's Rights which deals with trafficking in children, child prostitution and child pornography as well as the Framework Decision to Combat Trafficking in Persons. Section 217 of the Austrian Penal Code, which had hitherto made the trafficking of women and children a punishable offence under the heading "trafficking in human beings", has remained unchanged with regard to its contents, but its heading has been changed to "Transborder Trafficking for the Purpose of Prostitution".

Austria intensified the co-operation between its law enforcement institutions and those of its neighbouring countries in Eastern and South-Eastern Europe, many of which are countries of origin of victims of trafficking. Training courses aimed at sensitising the staff of law enforcement units in the participating states were organised in Austria and elsewhere. One special focus of these training courses was the effort to integrate sensitisation to trafficking in human beings into the training programmes of the police and the judiciary of the entire region. In addition, the Austrian Ministry of Foreign Affairs actively supports victim protection facilities, such as the shelter for battered women in Belgrade (Serbia and Montenegro) (see Article 6).

## Recommendation 229

We expressly wish to stress that no legal or de-facto barriers exist to acknowledging gender-specific grounds for women seeking asylum in Austria. From the legal perspective and in accordance with the general legal opinion (including that of the UNHCR), the persecution of women (or men) falls within the category of persecution on the ground of membership in a social group.

As of May 1, 2004, an amendment to the **Asylum Act** entered into force which simplifies asylum procedures, especially those relevant to women:

A “family asylum procedure” was introduced which extends on application the protection enjoyed by one family member in Austria under the Asylum Act to family members already resident in Austria, without further investigations. The highest level of protection afforded to one family member is thus also afforded to the rest of the family. This rule covers (beginning with the highest level of protection) the granting of asylum, subsidiary protection and the statutory rights enjoyed by asylum seekers. Under this provision, it is possible for families to remain united which primarily offers advantages to women.

Furthermore, the asylum claims of family members are now processed jointly, with each individual claim being examined separately. This has an important consequence, especially for women, in that all claimants must be interrogated separately. As in different cultures the rape (or abuse) of a woman is regarded as a violation of the family’s honour, and as in most cases the woman, and not the perpetrator, is held responsible for this violation of honour, a separate interrogation of the woman concerned makes it easier in such cases for her to talk about her traumatic experience.

Furthermore it is planned that in the future, members of the family of individuals who were already granted asylum in Austria will be able to lodge an application for asylum with an Austrian embassy under the family asylum procedure. After a brief examination of the data by the Federal Asylum Office, an entry visa will be issued to the asylum seeker and the family asylum procedure will be initiated in Austria.

Members of families of individuals who enjoy subsidiary protection according to the Asylum Act may also lodge an asylum claim with the Austrian embassies in their countries. However, such claims can only be lodged three years, at the earliest, after subsidiary protection has been afforded.

In addition, the rule that has applied to date, namely that all asylum seekers who claim to have suffered from infringements of their right to sexual self-determination are to be interrogated by an officer of the same sex, has been extended. At their request, these asylum seekers may be interrogated by other persons and must be provably informed of this option (in appeal proceedings this wish must be expressed, at the latest, when the appeal is lodged). Furthermore, asylum seekers will have the right to demand that such procedures be conducted in camera.

With regard to **female genital mutilation** (which has always been defined as physical injury in accordance with the Austrian Penal Code, the Criminal Law Amendment Act of 2001 (in force since January 1, 2002) clearly states that under no circumstances can consent be given to this physical injury and that female genital mutilation is in any event a punishable offence (see also comments on Article Two).

In the event of suspicion of **any form of encroachment by staff on asylum seekers**, charges of an offence will be filed irrespective of any disciplinary measures instituted under the Civil Service Regulations of the public sector. Any suspicious case will be examined thoroughly by the competent bodies of the criminal investigation departments and the administration of criminal justice (public prosecutors and independent courts). The Federal Ministry of the Interior obviously has no influence on the findings of such examinations, which fall within the sphere of responsibility of the judiciary.

### **Recommendation 230**

#### **Work with perpetrators**

- 2002: Completion of work with male sexual abusers and publication of the findings in the brochure “The Vienna Social Therapeutic Programme for Male Sexual Abusers”. Of the 48 men involved in the model project, not a single one has become recidivist.
- 2002 to 2004: Research mandate awarded to the Department of Psychology at Vienna University for elaborating a diagnostic scheme for recidivism (preparation of diagnostic criteria and standards for expert opinions).
- 2003: Mandate awarded to the Vienna Counselling Service for Men to draw up a manual for victim-centred work with outpatient and hospitalised sexual abusers in Austria (currently being prepared).
- Planned for October 2004: International survey on “Work with Adolescent and Adult Male and Female Sexual Abusers”.

#### **Training measures for prison officers aimed at combating violence against women**

Further training programmes include instructions and support to prison officers dealing with female prison inmates with a view to preventing violent encroachments by male or female officers on inmates of prisons.

#### **Therapeutic measures**

The so-called “Appraisal Centre for Sexual Offenders” permits the application of suitable therapeutic measures to perpetrators convicted of sexual crimes. Targeted therapies can also be applied, which seek to counteract “disturbed behaviour” towards women.

In the course of the project “Further training for staff of institutions offering protection to women who have become victims of violence”, which was launched by the Federal Ministry of Health and Women’s Issues and covered the period from July 2002 to November 2003, 18 trainers were prepared for the training of members of the psycho-social and medical professions in dealing with clients and patients who had become victims of violence.

The staff of several women’s counselling centres which are supported by the Federal Ministry of Health and Women’s Issues are intercultural in nature, which allows them to offer improved assistance and care to migrant women. Furthermore, some state-subsidised institutions specialise in issues relating to female migrants, and the majority of them offer counselling to victims of violence. In addition, a two-day symposium was held in February 2002 on the subject of “Migration of Women

and Structural Violence”, which was partly funded by the Federal Ministry of Social Security and Generations.

With regard to the issue of violence directed at elderly women, we can report that a number of organisations specialising in violence against older persons are networking on the basis of the Platform against Domestic Violence. In 2002, the Platform against Domestic Violence organised a conference on the topic “Violence in the Domestic Context, Inter-Generational Co-habitation”.

In the Provinces of Vienna and Lower Austria, projects on the prevention of violence were carried out in hospitals. Detailed descriptions of the contents of these projects can be found in Annex One.

### **Expert psychosocial and legal counselling during court proceedings**

With a view to improving the situation of victims of domestic violence, expert psychosocial and legal counselling during court proceedings has been offered since 2002. This assistance is available from specialised counselling bodies, such as the Centres for the Protection of Children. For further details, please refer to the notes in Article Two.

The number of reported cases of sexual abuse (Section 206 of the Austrian Penal Code dealing with severe sexual abuse of minors and section 207 of the Austrian Penal Code dealing with sexual abuse of minors) has been slightly declining recently (from 722 reported cases in 2000 to 576 cases in 2001 and 558 in 2002). Of the 558 reported cases in 2002, 540 victims were under the age of 14, and 422 were girls (Source: Reporting Statistics of the Federal Ministry of the Interior).

### **Recommendation 231**

Please refer to the extensive notes and figures quoted under Articles 10 and 5.

### **Recommendation 232**

Please refer to the comments under Article 10.

In addition, it is worth noting that the Ombuds’ Office for Equal Treatment is a permanent member of the jury selecting the winner of the annual “Amazone” award, which is presented by “Springboard”, a counselling centre for girls, to companies which are role models for apprenticeship training of girls in the craft trades or in technology-oriented sectors. The regional unit of the Ombuds’ Office in Carinthia also participated in the campaign “Role Model – Girls Take Advantage of Opportunities” launched by the Carinthian Province Government. In this campaign, distinctions were awarded to female apprentices in innovative occupations and hitherto male-dominated domains of work.

Experts from the headquarters and regional units of the Ombuds’ Office provide regular information in vocational and academic schools and counselling centres for girls, such as Mafalda in Graz, on equal opportunities in the labour market, the Equal Treatment Act and its possible applications and the options for girls to choose an occupation or profession in a non-traditional field.

### **Affirmative action in order to raise the number of women in academic positions at all levels**

It is enshrined in the Act on Equal Treatment in the Federal Service of 1993 that women who apply for a higher-level position or function and have the same qualifications as the best qualified male competitor shall be given priority in appointment in accordance with the provisions of the Plan for the Advancement of Women to be issued by each central unit of the Federal Ministries and departments

until the share of women in high-level positions/functions corresponds to at least 40% of the number of individuals in such positions/functions.

In addition, the Act on Equal Treatment in the Federal Service stipulates that women have to be given priority admission to basic and further training programmes which will allow them to acquire the necessary skills for higher-level positions/functions, in accordance with the provisions of the Plan for the Advancement of Women.

For further information, see the comments under Article Four.

### **Recommendations 233 and 234**

The study “Earnings of Women and Men in Dependent Employment” (Federal Ministry for Economic Affairs and Labour, 2000) constitutes the basis for ongoing activities. Subsequently, the research project “Employment and Earnings of Women and Men” was carried out with a view to analysing varying opportunities for gainful employment under the impact of structural change and evaluating the National Action Plan for Employment. The findings of this project were published in 2002.

The causes of gender-specific pay differences are manifold, with the distribution of working hours on the basis of job profiles playing a crucial role. Women, even when in full-time employment, rank in the lowest four categories of the ten income brackets and thus occupy the less well-paid positions more frequently than men. Whereas, on average, men benefit from continuous increases in their earnings, the curve of female incomes shows a kink during the core periods of the working life which can primarily be explained by child-care periods; however, in addition the curve shows lower gains in the earnings of women with progressing age in general.

The bi-annual “General Income Report” constitutes a valuable source of data derived from evaluations of wage tax statistics (data on hourly wages are not yet available):

#### **Gross annual earnings of persons employed full-time during a year, without interruptions**

<b>Year</b>		<b>Women</b>	<b>Men</b>	<b>Differential</b>
2000	Average	€25.480	€35.530	28,3 %
2001	Average	€26.250	€36.480	28,0 %

Source: General Income Report of 2002, Court of Audit, Vienna

In the course of the research project “**Non-discriminatory Job Evaluation and Work Organisation**” the guidelines “Equal Pay for Equal Work and Work of Equal Value” were drawn up. The guidelines address the principle of equal pay for work of equal value and the ensuing issue of how to define work of equal value. It was considered important to inform and sensitise all agents dealing with this issue, which is why the guidelines were integrated into the National Action Plan for Employment of 2003.

Under the Directive 2002/73/EC Amending the Directive on Equal Treatment for men and women, the Member States of the European Union are under the obligation to actively pursue the goal of gender equality.

The Austrian Industrial Relations Act provides for optional plant agreements on programmes for the advancement of women (Section 97, paragraph 1, sub-paragraph 25 of the Industrial Relations Act). Accordingly, the social partners can make an active contribution to gender equality.

The “PEP-Project Equal Pay”, which was implemented from January 2002 to March 2003, focused on the question of what feasible in-plant and industry-wide options were available in order to contribute to closing the gender pay gap. In the project, the Ombuds’ Office for Equal Treatment participated as a partner of the Swedish sister organisation Jämställhdetsombudsmannen . The project was conducted under the “EU Programme relating to the Community Framework Strategy on Gender Equality (2001-2005)”.

Under this project, a comprehensive reform project was presented by the metal and textile workers’ union in the course of which a total of 39 collective agreements concluded in the period from early 2001 to the end of 2002 were analysed for gender neutrality. The project report contained a number of proposals for attaining the goal of equal pay for women and men. The findings of these studies are summarised in the **manual** entitled “Setting an Example -Gender Mainstreaming in Collective Agreements” and will be used in negotiations on wage standards.

### **Part-time employment**

With part-time employment rising continuously over the past twenty years, the number of part-timers in Austria today stands at more than half a million. The overwhelming majority of part-time employees, i.e. some 85%, are women.

The study “Part-time Employment and Quality in Work in Austria. Current Status and Potential (2003)” amongst other things revealed the following: 70% of the interviewed women who are currently in part-time jobs indicated that they worked part-time because of their family situations. In contrast, less than 10% of the interviewed men quoted this as the reason for working part-time. With male part-timers, basic and further education or training as well as the wish to have time off or the wish to be able to engage in other activities predominated (altogether 53% of the interviewees stated these reasons for working part-time). The findings of this study revealed a hitherto untapped potential of high quality part-time employment. It will be important to lessen the disadvantages often associated with part-time working and to improve the quality of jobs, especially those offered to women with children.

In June 2004, parliament adopted the government bill on the **Right of Parents to Part-Time Work**. It is hoped that this new act which has been in force since July 1<sup>st</sup>, 2004 will make essential contributions to improving the quality and structure of part-time jobs, facilitate the re-entry of women into the labour market, enhance the opportunities for men and women to reconcile work and family obligations and advance the career chances of mothers.

We also refer to the notes under Article 11, Number 2, and Article 12.

## **The Austrian Public Employment Service**

The Austrian Public Employment Service (AMS) defined explicit and quantifiable goals of attaining equal status for women and men. These concrete goals are integrated in the Longer-Term Plan and form part of the targets of labour market policies. These goals are:

- Aligning the labour force participation of women with that of men

Policies:

- Fostering the establishment of child-care facilities to support women with children
- Assisting women wishing to re-enter the labour market after having interrupted their careers for child-care
- Promoting participation of women and girls in education and training programmes and raising the level of professional/vocational training

- Raising the level of female employment and combating unemployment of women / assuring equal opportunities for women and men in the labour market.

Policies:

- Assisting women in their efforts to reconcile work and family obligations
- Advancing the professional/vocational (re)orientation of women
- Promoting the upskilling of women and creating jobs in future-oriented fields of occupation
- Searching for jobs with flexible working hours that will allow women to secure a means of livelihood

- Ensuring equal access to all occupations and professions and equal distribution of all positions between women and men with a view to reducing the pay gap between women and men.

Policies:

- Furthering the professional/occupational skills and qualifications of women
- Assisting women and girls in their choice of a profession/occupation/ training and widening the range of occupations in the different domains they choose
- Advancing the access of women to jobs securing a means of livelihood
- Promoting the access of women to in-company training programmes and professional or vocational upskilling schemes

According to the general target, 50% of participants in labour market support programmes must be women and 50% of the total programme spending must be spent for female participants.

Thanks to the consistent implementation of gender mainstreaming measures in its management and planning policies, the Austrian Public Employment Service has become a role model in Austria.

Furthermore, the Austrian Public Employment Service widened the range of its counselling services by offering career coaching to women wishing to re-enter the labour market and improved its career information and orientation programmes for girls.

### **Child-Care Facilities**

In the reporting period 2002/03, 12.073 children in Austria attended crèches, 209.584 children attended kindergartens, 38.580 were in day-care centres, and 7.328 in child-care facilities accommodating children of different age groups.

Thus the year 2002 saw a new record in the proportion of children in child-care facilities, i.e. the number of children enrolled in day-care centres expressed as a percentage of the total resident population of the same age group. Accordingly, 81,6% of three-to-five-year-olds attended child-care institutions in 2002, whereas five years earlier this proportion had been eight percentage points lower. In the three-year-old age group, the attendance rate showed a significant increase. Whereas five years earlier, 48,8%, i.e. close to half the number of children, were in child-care facilities, in 2002 this figure climbed to 61,6%.

In the age group under the age of two, children and school-age children attendance rates also rose dramatically. Five years earlier, only every 18<sup>th</sup> infant attended a kindergarten, as compared with every 11<sup>th</sup> infant in 2002. In the age bracket of six-to-ten-year-olds, every 15<sup>th</sup> child was enrolled in a day-care centre in 1997, as compared with every 12<sup>th</sup> child in 2002.

The shortage of child-care facilities in some Austrian regions was also drastically reduced over the past few years. In 2002, parents held the view that there was a shortage of 47.800 places in child-care facilities for children under the age of 15. The demand for additional places was most pressing for school-age children, with 27.100 places lacking. In the under-threes age group 14.700 additional places would be needed, and in the age band of three-to-six-year-olds there is a demand for 6.000 additional places. For 42.000 children who are enrolled in child-care facilities, parents would like to see additional, more flexible options.

Family competences: In September 2000, the project “Family Competences – The Key to Greater Success at the Workplace” was launched by the Federal Ministry of Social Security, Generations and Consumer Protection and has been offered by 15 family counselling offices since then. This programme gives mothers and fathers an opportunity to update their skills before re-entering the labour market. The core element of this programme is an analysis of the potential of every candidate, which reveals the key skills acquired through work in the family. The aim of this analysis of the potential of every candidate is to boost the self-assurance of persons intending to re-enter the labour market and thus give them an important competitive edge, which will benefit them when applying for a job or starting a new job.

Plans for the advancement of women adopted by the ministries, departments and institutions as well as the Provinces aim at furthering the career opportunities of women employed by the relevant bodies (see under Article Four).

**The provinces also took various initiatives aimed at improving the career opportunities of women.** In the following, a number of examples are described:

The **City of Vienna**, in its efforts to give additional support to girls and women in choosing a job, pays subsidies to women's associations which are engaged in career-guidance activities for girls and women or which assist women wishing to re-enter the labour market (i.e. "Springboard" in Vienna). In 1999, a Vienna Women's Barometer was prepared on the topic "The World of Work" and in 2000 another Women's Barometer focused on the subject "Health at the Workplace". The website [www.teilzeit.cc](http://www.teilzeit.cc) addresses itself to small and medium-sized enterprises and business consulting firms and seeks to encourage companies to create additional part-time jobs in highly qualified professional/vocational domains and managerial functions. The website [www.alleinerziehen.at](http://www.alleinerziehen.at) which is intended for single parents in Vienna provides specific information on a host of life situations, such as separation from a spouse, joint custody, allowances, child-care benefits, parental leave, job search, etc.

The Vienna Employee Promotion Fund "WAFF" acts as a provider of funds for numerous basic and advanced training programmes and employment schemes and implements projects aimed at the advancement of women and girls in the labour market, programmes for persons wishing to re-enter the labour market, IT literacy schemes, and the preparation of training syllabi meeting gender needs. In April 1999, the Vienna Business Agency (WWFF) set up the WWFF Women's Help Desk, a counselling centre for women intending to start a business. In 2002, women accounted for 35% of all business start-ups (Source: WKÖ).

**Deeds instead of Words** is an Austrian initiative which aims at improving the situation of women in the world of work by means of gender-appropriate measures. One highlight of this initiative is the annual contest "Top Pro-Women and Pro-Family Enterprises". The original plan was to implement this basic idea in the Province of Styria only, but "Deeds instead of Words" very soon met with great interest Austria-wide, so that regional committees were also set up in the Provinces of Vienna, Lower Austria, Burgenland, Carinthia and Vorarlberg.

The Business Start-up Centre for Women (**Styria**): The objective of this initiative was to make a contribution to the new culture of self-employment and promote entrepreneurial activities, especially among women, with a particular focus on young female entrepreneurs. This initiative centres on the competences of business- and person-related service enterprises, which are assisted in order to enable them to meet the challenges of the market more efficiently.

For further information, please read the comments under Articles 10 and 11.

### **Recommendation 235**

On the basis of the Fourth Amendment to the Equal Treatment Act (Federal Law Gazette No. 44/1998), regional centres of the Ombuds' Office for Equal Treatment were established in the period from 2000 to 2002, which resulted in much easier access to the Ombuds' Office. In 2000, a regional centre was founded in Styria, in 2001 a regional centre was opened in Carinthia, and in 2002 another regional centre was established in Upper Austria. All of these centres handle cases occurring in their respective provinces.

Accordingly, the Ombuds' Office for Equal Treatment now consists of the headquarters and four regional centres which allow it, to a great extent, to offer advice and support to individuals who feel discriminated against pursuant to the Equal Treatment Act, within a reasonable distance from their homes. With this offer of consultancy and support services within a reasonable distance from the

discriminated persons' homes, the number of cases handled by the Ombuds' Office skyrocketed: Whereas 850 new cases were recorded in the year 2000, this figure rose to 1.548 in 2001 and to 2.118 in 2002, as mirrored by the relevant statistics.

### **The Amendment to the Equal Treatment Act of 2001**

Before the Amendment to the Equal Treatment Act, the Chairwoman of the Equal Treatment Commission acted in an honorary capacity. With the amendment, Federal Law Gazette No. 129/2001, the provisions of the Act were modified to the effect that the Chairwoman of the Commission is now released from work in order to be able to perform her functions while receiving her regular income as a civil servant. In addition, the independence and freedom from instructions of the chairwoman were defined in law and the position of a deputy was created. As a result, the frequency of Equal Treatment Commission meetings increased, which contributed to the processing of more cases and a speedier termination of procedures.

### **The revision of, or major amendment to, the Equal Treatment Act**

In the reporting period, intensive preparatory work was done on a major amendment to the Equal Treatment Act. It is now planned to implement the Directive 2002/73/EC of the European Parliament and of the Council amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Equal Treatment Directive), which will have to be implemented by October 2005, as well as both of the two Anti-Discrimination Directives pursuant to Article 13 of the EU Treaty, i.e. Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Anti-Racism Directive) and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, which prohibits discrimination on account of religious faith or ideology, a disability, age or sexual orientation (Framework Directive on Equal Treatment).

With a view to assuring legal certainty and clarity, as well as readability, two acts will be passed: the currently applicable Equal Treatment Act will be renamed as the Federal Act Governing the Equal Treatment Commission and the Ombuds' Office for Equal Treatment (GBK/GAW-Gesetz), amended to meet the requirements of the EU directives, and will contain provisions on institutions and procedures. Furthermore, a Federal Act on Equal Treatment (GIBG) will be passed, which will take over the substantive provisions of the currently applicable Equal Treatment Act, which will be extended in order to comply with the relevant directives.

Plans are in progress for the restructuring of the Equal Treatment Commission. In the future it will consist of three senates, with Senate One being responsible for ensuring equal treatment of women and men in the workplace, Senate Two monitoring equal treatment in the world of work, irrespective of race, ethnic origin, religious faith, ideology, age, or sexual orientation, and Senate Three being responsible for assuring equal treatment irrespective of race and ethnic origin in other spheres. With this project, the powers of the Equal Treatment Commission, which were hitherto restricted to assuring equal treatment of women and men in working life, will be extended to include many more domains.

Amongst other things, it is envisaged to introduce a statutory definition of discrimination in the event of harassment (mobbing), as well as to alleviate the standards of proof (burden of proof requirements)

in court proceedings on discrimination, as well as to impose a ban on discrimination, i.e. on “disadvantaging” (related to complaints by the victims) as a measure to protect persons more efficiently against discrimination. Moreover, the scope of the Act will be extended to quasi-dependent employment, the term indirect discrimination will be defined, punitive sanctions will be imposed on employers violating the provision on gender-neutral job advertisements and damages in the event of violations of the equal treatment rule will be redefined. The bill was adopted by the Austrian Parliament and has been in force since July 1<sup>st</sup>, 2004.

The amendment to the Act on Equal Treatment in Federal Service which also entered into force on July 1<sup>st</sup>, 2004 implements the aforementioned EU directives and improves the enforcement of the law. These include:

1. Extension of the statutory elements of discrimination in the Act on Equal Treatment in Federal Service in order to implement the amended EU Equal Treatment Directive and the Anti-Discrimination Directives in accordance with Article 13 of the EC Treaty, excluding the statutory element of discrimination on the ground of a disability.
2. Extension of the scope of the Act to include persons under quasi-free-lance contracts with the Austrian state.
3. Adoption of an explicit definition of the terms “direct and indirect” discrimination.
4. Introduction of a statutory element of gender-related harassment as well as harassment on grounds of any element of discrimination as set forth in the two Anti-Discrimination Directives, and lowering the standards of proof for all of these forms of discrimination.
5. Determination of the objective of active equality between women and men.
6. Introduction of measures for law enforcement, including the rules for compensation, as required by the amended EU Equal Treatment Directive and the two Anti-Discrimination Directives.
7. Reducing the burden of proof requirements when asserting discrimination.
8. Introduction of provisions outlawing any adverse measures aimed at disadvantaging victims of discrimination as a reaction of the lodging a complaint in order to enhance the protection against discrimination (also for witnesses) implementing the amended EU Equal Treatment Directive and the two Anti-Discrimination Directives.

### **Recommendation 236**

In the reporting period, the **assessment of pension entitlements** was changed several times, as described below:

In the year 2000: Child-care periods were upgraded. From the year 2000 onwards, the assessment base for every month of child-care was raised to the amount corresponding to the statutory minimum pension benefit. Child-care periods up to the fourth birthday of a child are credited towards pension entitlements.

In the years 2001 and 2002: The option of obtaining continued social security cover at favourable terms was extended. Obtaining continued social security cover was facilitated for persons who drop out of the mandatory social security scheme because of caring: If this is in order to care for a near

relative entitled to nursing allowance of at least level 3 under the Federal Act on Nursing Allowances or the Province Nursing Allowance Acts, and if the persons devote all their energy to caring for the near relative at home, the fictitious employer's contribution to this insurance is now paid by the state. Accordingly, the person providing the care need not pay the full amount of 22,8% but a mere 10,25% of the assessment base as a contribution to social security. It is primarily women who benefit from this new arrangement, as they account for the lion's share of nursing work done in the family and sometimes are even prepared (or forced to) give up their jobs in order to be able to provide this care.

With the introduction of the child-care benefit the principle was enshrined in law that for each child, 18 months of the childcare period during which a mother receives child-care benefit establishes a pension entitlement for the mother (see Article 13, Letter a).

In 2003: Section 73 of the Budget Implementation Act of 2003 (Federal Law Gazette No. 71/2003):

- Improved crediting of child-care periods:  
As from January 1, 2004, the first 24 months after childbirth (six months more than under the previous legislation) constitute a period establishing pension entitlements if during such a period the mother claims child-care benefits (Section 236, paragraph 4, subparagraph a of the General Social Security Act).
- Increasing the assessment basis for child-care periods:  
The assessment basis for child-care periods is staggered with increments of 2% per calendar year so that from the year 2028 onwards it will correspond to 150% of the standard rate of compensatory allowance for singles (Section 239, paragraph one, and section 607, paragraph 6, of the General Social Security Act).

Also see Article 11, Number 1, Letter e.

### **Recommendation 237**

The women's health centres seek to mitigate the socially determined inequalities with regard to women's opportunities to preserve their health and are therefore subsidised by the Federal Ministry of Health and Women's Issues in accordance with the available budget. In addition to the four existing centres, two more women's health centres (the women's health centre in Carinthia and FEM Süd in Vienna) were opened in 1999.

In April 2001, a separate federal organisational unit for female health was set up with the objective of introducing the gender perspective into the public health sector. Based on the recommendation of the WHO to draw up national reports on women's health, the Austria-wide report on women's health was updated in accordance with the WHO guidelines. Furthermore, an information brochure was prepared on the topic of eating disorders among girls and young women.

The studies "Women in Poverty in Austria. Women and Public Health" (2002) and "Health and the Risk of Disease" (2003) analyse the socio-economic factors influencing women's health. Events focused on women's health addressed the issues of violence against women and women's health and centred on the development of new concepts for promoting women's health.

With regard to documentation in hospitals, all patient-related data as well as data on non-medical hospital staff were collected and broken down by sex.

**Recommendation 238**

As pointed out in the comments in Article 7, the share of women in political bodies was raised. In the reporting period, neither the applicable laws were amended nor new laws passed.

**Recommendation 239**

As a result of repeated contacts between the Ombuds' Office for Equal Treatment and the chairwoman of the Equal Treatment Commission with the Federal Ministry of Justice, the IT-assisted recording of all proceedings of the Austrian labour and social security tribunals involving cases arising under the Equal Treatment Act is currently being implemented. The first statistical evaluations of the data recorded for the period September 1, 2003 to January 31, 2004 have revealed three pending court proceedings dealing with equal treatment cases.

In line with the extension of the documentation on the administration of justice in accordance with the order issued by the Federal Ministry of Justice on December 18, 2002 (JMZ 6171/166-PR.5/2002), all non-appealable court decisions on cases involving violations of the Act on Equal Treatment in Federal Service or the Equal Treatment Act must be documented and recorded under the heading "EQUAL TREATMENT". This documentation can be accessed free of charge on the Internet (RIS = Rechtsinformation des Bundes, <http://ris.bka.intra.gv.at>). With the creation of the technical prerequisites, it is now possible in the administration of justice to record all cases and identify proceedings involving cases arising under the Act on Equal Treatment in Federal Service and the Equal Treatment Act.

Statistics Austria (Statistik Austria) has the task of providing scientific services in the field of federal statistics (Section 22 of the Federal Statistics Act of 2000). It conducts quarterly surveys in the form of the "Microcensus"<sup>2</sup>, the basic format of which provides important information on the Austrian population. Specific programmes deal with selected topics (for example issues relating to health, families, physical impairment and working life, care given to family members, managing a household, child care, life-long learning, information and communication technology, etc.). Gender-specific data are available from all of these surveys.

Further surveys/statistics have been mandated and (co)financed and contain valuable gender-specific data. These are the EU-SILC (community statistics on incomes and living conditions), the statistics on day-care centres for children, and ESSOS (social security statistics), social welfare statistics, consumer surveys and the income report).

Under a joint mandate from the Federal Ministry of Social Security and Generations and the Federal Ministry of Education, Science and Culture for the collection of gender-specific data, Statistics Austria drew up the report "Gender-specific Disparities" which was published in 2002. This report contains statistical analyses of gender-specific disparities in the following areas: demographic structures / ways of life, education, gainful activity, incomes/living standards, health, leisure time activities, division of labour within the family, support by institutions, and EU comparison. This publication (including a CD-ROM) is available free of charge and can also be accessed on the Internet<sup>3</sup>).

---

<sup>2</sup> <http://www.statistik.at/mikrozensus/gratis.shtml>

<sup>3</sup> <http://www.statistik.at/neuererscheinungen/geschlechtdisparit.shtml>

Within the framework of the programme “femtech (Women in Research and Technology)” a database of female experts is being built up. The database will comprise the names and addresses of national and international experts in scientific and technological fields, thus heightening the visibility of women, and will permit a gender-balanced appointment of experts to juries, panels, fora, etc.

#### **Recommendation 240**

The Women and Technology Project (follow-up project), described in Article 10, Letter c, should, after its completion, act as a self-supporting network that will offer women improved career opportunities in the IT sector.

A number of the 25 measures proposed in the “White Book for the Advancement of Women in Science” were implemented in the reporting period (see under Article 10, Letter c).

The studies “Earnings of Women and Men in Dependent Employment” and “Non-discriminatory Job Evaluation and Work Organisation” supplied the data on the basis of which a comprehensive reform project was elaborated by the trade union of metal and textile workers (see Recommendations 233 and 234).

#### **Recommendation 241**

In line with the educational principle of “civics education”, the Service Centre for Human Rights Education assists teachers in all Austrian schools in teaching the topic of human rights. Alongside personal counselling, the range of information and services is continuously widened. The newsletter “Teaching Human Rights” is published quarterly; one issue (no. 5/2000) dealt specifically with the human rights of women.

**Focus on the Human Rights of Women during the Austrian Presidency of the Human Security Network:** Austria actively supports the commitment of the international community to this area. The rights of women must be respected in all fields of politics and society in order to assure their effective protection. In this context, human rights education is of crucial importance. During the Austrian Presidency of the Human Security Network (HSN) in the period 2002 and 2003, a manual on human rights education entitled “Understanding Human Rights” was prepared and adopted by the ministers co-operating in the network. This manual, which can be used worldwide, consists of thirteen modules, one of which deals with the human rights of women. The manual, which is currently being translated into the world’s major languages, was recommended to the international community of states by the UN Secretary-General as well as by all international organisations involved in various aspects of human rights education.

Another activity specifically related to the human rights of women during the Austrian Presidency of the HSN was the preparation of a political paper for the protection of children in armed conflicts, which also addresses the involvement of girls and young women in efforts to build lasting peace in post-conflict situations.

#### **Recommendation 243**

With a view to disseminating the contents of the Convention on the Elimination of All Forms of Discrimination against Women, the attached Optional Protocol and the Beijing Platform for Action, relevant information is provided on the website of the Women’s Department of the Federal Ministry

of Health and Women's Issues. Austria's Third, Fourth and Fifth National Reports including the recommendations of the CEDAW Committee, were also published on the Women's Department's website during the reporting period. The printed reports were made available to the general public free of charge and could be obtained from the competent ministry upon request.

In addition, the Federal Minister for Women's Issues, in her report to the Council of Ministers on June 20<sup>th</sup>, 2000, informed the Austrian federal government about the conduct and contents of the audit of Austria at the 23<sup>rd</sup> CEDAW Committee meeting.

## **2. Implementation of the Convention**

### **Article 2**

Austria's reservations in respect of Articles 5 and 7 of the Convention were withdrawn (see comments on Recommendation 219). Furthermore, in the year 2000 the Republic of Austria ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women and implemented in national legislation (Federal Law Gazette III No. 206/2000).

Reference is made to the preceding reports, and in particular to the information they contain on the constitutional and legal situation in Austria. The **reporting obligation** (Report to the Parliament on the Status and Development of Equal Treatment in Austria, every five years, pursuant to section 10a of the Equal Treatment Act; Federal Government Report on the Elimination of Discrimination Against Women, Federal Law Gazette No. 837/1992; Federal Government Equal Opportunities Report on Progress Made in the Achievement of Equal Treatment and the Advancement of Women in the Federal Service, legal basis: Section 53, paragraph 4, BGBG, Federal Law Gazette No. 100/1993 as amended by 16/1994, 43/1995, 522/1995 and 375/1996, as well as the regulation enacted by the Federal Minister of Women's Issues (Federal Law Gazette No. 774/1993); Joint Report on the Enforcement of the Equal Treatment Act (Federal Law Gazette 108/1979), esp. regarding the business, activities and observations of the Ombud's Office for Equal Treatment, proceedings brought before the Commission and other activities of the Commission pursuant to section 10a of the Equal Treatment Act) ensures that the status of implementation of the gender equality policy is evaluated on a regular basis.

Besides taking special **affirmative action** (see also Plans for the Advancement of Women, Article 4), Austria is also focussing on **gender mainstreaming** as a strategy for realising gender equality. By resolution of the Council of Ministers on July 11<sup>th</sup>, 2000, the federal government committed itself to the integration of gender mainstreaming into all policy-making areas. In the meantime, all Province Governments have also adopted the principle of gender mainstreaming in all areas of province policy-making (see further details under Article 4).

By adoption of a motion submitted to the Council of Ministers on May 2<sup>nd</sup>, 2001, the federal government resolved that special attention is to be given to the **gender-sensitive use of language** in all ministries and departments. The programme of the Austrian federal government for the current legislative period provides for the gender-sensitive use of language in public documents.

Furthermore, in the wording of the latest amendment to the Vienna Youth Welfare Act of 1990, Province of Vienna Law Gazette No. 35/2001, the feminine form was deliberately chosen for all personal designations as a symbol of the equality of women in the drafting of laws.

## **Article 2, Letter a**

Reference is made to the Equal Treatment Act and the Act on Equal Treatment in Federal Service, the Equal Treatment Commissions, the Ombuds Office for Equal Treatment and the Equal Treatment Officers described in previous reports (see also comments on Recommendation 235).

The provisions with constitutional law status applicable to the universities (**Section 39, paragraph 2 of the Federal Act Governing the Organisation of the Universities, UOG of 1993**, which provides for the adoption of temporary special measures aimed at accelerating de facto equality between women and men) stipulated that such temporary special measures shall not be deemed as unequal treatment within the meaning of Article 7, paragraph 1 of the Federal Constitution.

With the amendment to the Federal Constitution by Federal Law Gazette I No. 68/1998, the following provision was incorporated into the Federal Constitution as Article 7 paragraph 2: “The Federation, the provinces and the Communities commit themselves to de facto equality of women and men. Measures aimed at promoting the de facto equality of women and men, particularly through the elimination of any inequalities that actually exist, shall be admissible.”

The above amendment to the Federal Constitution by Federal Law Gazette I No. 68/1998 thus removed the necessity for special provisions in university law regulating temporary special measures aimed at accelerating de facto equality; however, the provisions with constitutional law status contained in the UOG of 1993 will remain in force until further notice.

The Federal Act on the Organisation of Universities and University Studies (University Act 2002) enacted a new legal framework for the universities that replaced the existing legislation (details under Article 10).

### **Amendments to province legislation on equal treatment**

- With the 2<sup>nd</sup> Amendment to the Province of Lower Austria Equal Treatment Act, Province Law Gazette 2060, in March 2002, the burden of proof in Labour Tribunal proceedings was shifted to the employer, and other provisions were adopted.
- The Amendment to the Province of Carinthia Equal Treatment Act No. 56/1994, Province Law Gazette No. 62/2001 came into effect in September 2001.
- The Province of Upper Austria Equal Treatment Act for women employed by the local authorities has been in effect since January 1<sup>st</sup>, 2000, and that for women employed by the province already since 1995.
- The 3<sup>rd</sup> Amendment (Province of Vienna Law Gazette No. 21/2001) to the Province of Vienna Equal Treatment Act (W-GBG, Province of Vienna Law Gazette No. 18/1996) stipulates that women are deemed to be under-represented in a public service department if their percentage share of the total number of staff in higher-grade posts (functions) in a particular service category in that department is less than 50% (previously 40%). In such cases the Act provides for an indication in the text of the job advertisement that applications from women are particularly welcome.
- With the 15<sup>th</sup> Amendment to the Service Code of 1994 (Province of Vienna Law Gazette No. 37/2003), victims of sexual harassment were accorded the following new rights: presence during

questioning of a person enjoying the victim's confidence, abolition of the general compensation ceiling for damage claims, extension of the period allowed for lodging of a damage claim from six months to three years, protection against dismissal, redundancy and transfer for women acting as Equal Opportunities Contact Persons.

- The 6<sup>th</sup> Amendment to the Province of Vienna Equal Treatment Act, Province of Vienna Law Gazette No. 38/2003, created special equal opportunities bodies for teachers employed by the Province of Vienna (Equal Treatment Commission, Equal Treatment Officers and Equal Opportunities Contact Persons).

### **Article 2, Letters b to f**

In addition to the measures already detailed in Austria's Fifth Periodic Report to the Committee on the Elimination of All Forms of Discrimination against Women, the **Amendment to the Act on Equal Treatment in Federal Service, Federal Law Gazette I, No.132/1999**, which came into effect on January 1<sup>st</sup>, 2000, provided for further measures aimed at more effective elimination of discrimination and the further advancement of women.

The most important amendments pertained to the following:

- Widening of the scope of application of the Act on Equal Treatment in Federal Service to include certain staff members of the universities and universities of the arts who are not employed by the federal service (university applicants and students; university lecturers who are not employed in this function by the federal service, university assistants and guest lecturers).
- Introduction of compulsory nationwide advertisement of all functions and posts entailing career advancement.
- Targeted invitations encouraging women to apply for vacant positions, including jobs that do not have to be advertised in accordance with the Advertisement of Vacancies Act.
- Clarification that sexual harassment of an employee by a third party in connection with his or her employment or training and without fault of the employer unequivocally constitutes discrimination on grounds of gender and therefore falls within the competence of the Equal Treatment Commission.
- Definition of the compulsory requirement that the proportion of women appointed to Public Service Regulations Commissions shall in any case correspond to the percentage of women in the respective public authority, and that women's representatives shall be allowed to participate in an advisory capacity in the event that no woman can be appointed despite the proportionality rule.
- Provision for sanctions in line with the EU legislation through abolition of the compensation ceilings for damage claims due to discrimination on grounds of gender in recruitment or career advancement.
- Reduction of the burden of proof (*prima facie* evidence suffices) in cases brought before the Equal Treatment Commission, including cases of alleged sexual harassment.
- Removal of the restriction that official secrecy controverts the obligation to provide information.

- Expansion of further training opportunities for Equal Treatment Officers, members of working groups and Equal Opportunities Contact Persons.

### **Implementation of European law**

- A draft government bill for the implementation of Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions has been brought before parliament (see under Recommendation 235).
- The planned recodification of the Act on Equal Treatment in Federal Service likewise contains measures that take account of women's specific needs, especially with regard to the implementation of the mentioned EU Directive and improvement of instruments for enforcing rights under this Act (see under Recommendation 235).
- EU Directive 2001/19/EC is to be implemented by means of the part-time-working rules for trainee doctors in hospitals provided for in the 5<sup>th</sup> Amendment to the Federal Act on the Medical Profession (Federal Law Gazette No. 140/2003) (see Article 12)
- EU Directive 96/34/EC was implemented in the Amendment to the Maternity Protection Act and the Parental Leave Act (Federal Law Gazette I No. 153/1999) (see Article 11, Number 2).
- The preparatory work for a new EU Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services, as set forth in Article 13 of the EC Treaty, will be carried out in 2004 in an EU Council working group.

### **Article 2, Letter e**

Since 1 July 2003 the **Federal Act Governing Public Contract Awards 2002** (Federal Law Gazette No.99/2002) has set forth uniform provisions for the awarding of public contracts in Austria and can thus also be seen as a tool for promoting the employment of women. As a "general principle of the award procedure" this Act explicitly states that the "employment of women" and "measures for the implementation of other socio-political concerns" can be taken into account in the awarding of public contracts. The Act goes on to specify in detail that this can be effected "in particular" by incorporating measures "of this kind", i.e. inter alia measures taking account of women's specific needs, in the description of services to be rendered, in the definition of technical specifications, in the definition of concrete award criteria (with specific reference to women) or in the definition of contractual conditions.

The Federal Act Governing Public Contract Awards further contains a number of options and/or obligations aimed at integrating women specific aspects at specific stages of the award procedure. With regard to evaluating the reliability of enterprises, section 51 number 4 provides for compulsory exclusion of companies that have committed a severe violation in the pursuit of their business activities, especially in the field of labour and social law. The Act also makes compliance with the provisions of labour and social law a compulsory requirement when performing services in Austria (cf. also the catalogue of compulsorily applicable ILO Conventions in section 71) and creates the possibility of defining specific conditions for the advancement of women in the performance contract

(cf. section 80, paragraph 1, number 14). These legal options and/or obligations apply to all contracts within the scope of application of the Federal Act Governing Public Contract Awards (i.e. irrespective of the threshold values defined under EU law).

### **Article 2, Letter g**

#### **Penal law and proceedings relating to sexual offences**

With the **Criminal Law Amendment Act 2001** (Federal Law Gazette I No. 130/2001), rape and severe sexual abuse of minors were made punishable by life imprisonment if with lethal consequences and otherwise by a prison sentence of 10-20 years (see below).

The reform of Austrian penal law relating to sexual offences was continued with the **Criminal Law Amendment Act 2004** (StRÄG 2004; Federal Law Gazette I No. 15/2004; see below and under Recommendation 228). This Act attaches particular importance to the protection of minors against sexual exploitation and provides for broadening of the scope of offences relating to child pornography and abuse of a position of authority as well as penal provisions against encouraging the prostitution of minors and the involvement of minors in the production of pornographic materials.

Further important changes particularly affecting women are the new regulation on the offence of trafficking in human beings (see also the comments on Recommendation 228), the equal treatment under the law of rape and sexual coercion both inside and outside marriage and the creation of a new criminal offence of sexual harassment.

#### **Support for victims during criminal proceedings**

The field of psychosocial and legal counselling during criminal proceedings was further developed in the reporting period. The model project “Giving Psychological and Legal Support to Sexually Abused Girls, Boys and Adolescents throughout Criminal Proceedings” was completed in 2000. Since the end of 2000, psychosocial and legal counselling during criminal proceedings for children, adolescents and women affected by physical or sexual violence has been financed from public funds.

In 2001 an inter-ministerial working group (IMAG) on support for victims during criminal proceedings was set up at the Federal Ministry of Social Security and Generations. The working group is elaborating uniform standards for the provision of support to victims during criminal proceedings – one set for children and adolescents and one set for women – and developing a concept for a structured, Austria-wide victim support system. Furthermore, public funding was provided for the training of victim support counsellors, interdisciplinary seminars and the establishment of cooperation structures.

#### **Federal Act on Protection Against Violence in the Family**

The Federal Act on Protection Against Violence in the Family came into force on May 1<sup>st</sup>, 1997. The scope of application of this Act was already described comprehensively in Austria’s Fifth Periodic Report to the Committee.

With the 2003 Amendment to the Execution Act (EO-Nov 2003, Federal Law Gazette I No. 31/2003), which came into effect on January 1<sup>st</sup>, 2004, the provisions regarding injunctions for protection against domestic violence (Section 382, letters b) and d) EO) have also been improved, based on the experiences made with the existing legislation.

In accordance with the new legal situation the protection accorded under section 382b EO now extends to all persons who live or have lived with the (potential) perpetrator in a family or family-like relationship (hitherto this protection only applied to a specifically listed circle of persons and only if the latter were living with the (potential) perpetrator in a common household within the last three months preceding the application for injunction).

The general paraphrasing of the term “near relatives” introduced under the new amendment primarily aims at extending the protected circle of persons, especially beyond the narrow definition of live-in partner. The abolition of the three-month time limit was based on the consideration that the emotions between formerly cohabiting persons cannot be expected to have cooled down within three months, and aims to guarantee protection against violence irrespective of court deadlines, especially in cases in which a permanent involvement is likely, e.g. due to common children.

Furthermore, in order to ensure improved and more efficient enforcement of injunctions served in accordance with section 382b, paragraph 2 EO, which prohibit a perpetrator from staying in or visiting certain locations (barring order, “inviolable precincts”), EO-Nov 2003 provides that these injunctions can also be executed by the public law enforcement agencies in future.

#### Section 90 Austrian Penal Code: **Genital mutilation**

In accordance with section 90, paragraph 1 of the Austrian Penal Code, the consent of the wounded or endangered party precludes the unlawfulness of an act of bodily harm or endangerment of bodily security inflicted upon him/her, provided that the wounding or endangerment as such does not constitute an offence against public morals and decency.

However, paragraph 3 added by the **Criminal Law Amendment Act 2001** states that consent cannot be given to a mutilation or other wounding of the genitals that is intended to bring about a permanent impairment of sexual sensation. Any consent to the wounding practices widely summarised under the term “**(female) genital mutilation**” is therefore always unlawful. By ruling out justification on grounds of consent, the new paragraph made it unequivocally clear that such wounding of the genitals in any case constitutes an offence against public morals and decency and is therefore punishable by law (see also under Recommendation 229).

#### **Tougher penalties for sexual offences**

In view of the fact that approximately 96 % of rape victims and around 79 % of victims of child sexual abuse were women or girls according to the Crime Report of the Federal Ministry of the Interior for 2002, penal provisions against rape and child sexual abuse in particular can be viewed as provisions for the protection of persons of the female gender against both violence and discrimination. In the reporting period, the Criminal Law Amendment Act of 2001 already increased the penalties for rape and severe sexual abuse of children with lethal consequences in so far as persons convicted of either of these offences may now be sentenced to life imprisonment (as has always been the case for robbery with lethal consequences).

#### **Criminal Law Amendment Act 2004 – Marital rape**

Reflecting the recent pronounced increase in sensibility towards the personality of the individual and his/her right to sexual self-determination, the privileged treatment previously applicable to rape and sexual coercion inside marriage/cohabitation was completely abolished.

Further measures implemented in connection with the above-mentioned Criminal Law Amendment Act 2004 to widen the scope of offences and/or introduce more severe penalties include:

Gender-neutral wording of the provision set forth in section 100 of the Penal Code (“abduction of an unwilling or defenceless woman”) and abolition of subsequent marriage as grounds for impunity.

- Abolition of the distinction between rape with use of extreme force and/or with serious threat of danger to life and limb on the one hand and rape with other use of force, false imprisonment and/or threat of danger to life and limb on the other hand through amalgamation of paragraphs 1 and 2 of section 201 of the Penal Code as amended.
- Raising of the penalty for sexual coercion pursuant to Section 202 of the Penal Code from three to five years’ imprisonment.
- Creation of an explicit provision against sexual harassment (Section 218 of the Penal Code as amended by the Criminal Law Amendment Act 2004) to protect against undesired acts of a sexual nature, with no stipulation that the perpetrator must have used violence nor that the offence must have been committed in public.

Finally, in respect of the Criminal Law Amendment Act 2001 it could further be mentioned that the decriminalization of the offence of abandonment of a child in accordance with section 197 of the Penal Code has made it possible for use to be made of facilities such as “baby banks” or “safe havens” for abandoned infants without fear of prosecution.

### **Article 3**

#### **Legislation**

In the reporting period the Austrian representatives co-participated on behalf of the Republic of Austria in proceedings before the European Court of Human Rights as well as in working groups under the auspices of the Council of Europe, the European Communities and the United Nations, thus also making a contribution towards the further development of **human rights standards**.

Several **media laws** that were (re-)enacted in the reporting period prohibit discrimination on grounds of gender: both the Federal Act on the Austrian Broadcasting Corporation (ORF Act) (Federal Law Gazette I No. 397/1984 as amended by Federal Law Gazette I No. 83/2001 resp. 100/2002; section 10, paragraph 2) and the Private Radio Broadcasting Act (Federal Law Gazette I No. 20/2001 as amended by Federal Law Gazette I No. 136/2001; section 16, paragraph 4) as well as the Private Television Act (Section 31, paragraph 2) stipulate that programmes must not incite others to hatred on grounds of gender, inter alia, and that programmes must respect the human dignity and fundamental rights of others with regard to presentation and content. With specific regard to advertising, section 14, paragraph 1, number 2 of the ORF Act and section 37 number 2 of the Private Television Act (Federal Law Gazette I No. 84/2001 as amended by Federal Law Gazette I No. 71/2003) contain the provision that advertising and teleshopping programmes shall not include any discrimination, inter alia on grounds of gender.

#### **The arts**

To improve the social situation of freelance women artists a substitute payment for parental leave allowance was introduced in 1990 and a payment similar to parental leave allowance made available

from the Artists' Aid Fund. This funding model expired with the introduction of the childcare allowance on 1 January 2002, for which artists are also eligible.

### **Grants and subsidies for women artists**

The legal basis for **funding of the arts** is the **Federal Arts Grants Act 1988** (Federal Law Gazette No. 146/1988 as amended by Federal Law Gazette I No. 95/1997 and Federal Law Gazette I No. 132/2000), which stipulates that federal funds must be made available to promote artistic creativity in Austria and its mediation. Grants are awarded for exemplary and innovative projects and projects of supraregional interest, and projects are primarily selected in accordance with qualitative criteria. Something of an exception is the funding programme of the Cultural Initiatives Department of the Federal Chancellery, which was set up on the basis of an all-party motion carried in 1990 to promote arts and cultural activities that were not given sufficient emphasis in the other sectors of federal arts funding. In this funding sector special importance is attached to projects aimed at integrating socially disadvantaged groups, including women; grants and subsidies are provided for women's cultural projects with the aim of promoting women's cultural self-realisation, communicating women's agendas and strengthening their participation in social and cultural life.

An analysis of gender-specific allocation of funding carried out in 1997 (see Federal Art Report 1997) showed that approximately 50 % of grants and subsidies were directly assignable according to gender (grants to individuals, gender-specific funding of associations), and that women accounted for 20 % of these. In monetary terms, however, the funding directly allocated to women accounted for only 2,3 % of the total budget. Although more recent data are unavailable at present, it can be assumed on the basis of experience that the 1997 figures also reflect the trend in the reporting period.

In addition to the grants awarded to individuals, the **financial support for women's cultural associations** can be highlighted here as another example of funding specifically targeted at women artists. Under the publishing grants scheme support is given to the Milena Verlag, an Austrian women's publishing house which publishes books by Austrian women writers as well as books on specific women's issues.

Under the funding programme for **cultural initiatives financial support** is given to various women's cultural projects and thus to initiatives aimed at raising the profile of women artists, such as cultural projects, seminars and workshops that can contribute to the upskilling of women.

### **Women experts in the selection procedure**

As an expression of official recognition and an indirect measure to promote women in the arts, greater numbers of **women experts** are being appointed as curators for international awards and as **members of juries and advisory boards**. In the period 2001–2003 the average proportion of women members in such advisory bodies was 53 %.

### **“Award of the Käthe Leichter Prize 2000”**

This Austrian national prize for the history of the women in the labour movement is awarded in honour of special achievements in the field of women's studies and educational activities relating to women in the labour movement and the history of women's labour and the women's movement. In 2000 five women were awarded with Käthe Leichter Prizes.

## Spatial planning and regional policy

In 2003 a study on “**Fundamental Principles of Gender-sensitive Regional Development**” was completed on behalf of the Federal Chancellery by a team of scientists and academics from the fields of geography and regional studies, agricultural economics and sociology<sup>4</sup>. A study on “**Gender Mainstreaming in the EU’s Regional Objective 1 and 2 Programmes**” is currently being carried out on behalf of the Austrian Conference on Spatial Planning - ÖROK.

## Measures for the advancement of women in Austrian development cooperation

In the reporting period, gender mainstreaming was incorporated as an integral component at all stages of the development cooperation programme cycle. Gender aspects and other cross-cutting themes are integrated throughout the entire planning phase right from the outset. The principle of gender equality is thus already enshrined in the Austrian Development Cooperation country programmes for the priority and partner countries.

The mainstreaming approach has already been actively integrated into the elaboration of sector policies for water supply and sanitation, the development of micro, small and medium-sized enterprises and rural development. In order to further consolidate these gender-sensitive anti-poverty approaches and policies in Austrian Development Cooperation activities, guidelines for mainstreaming the gender approach in projects and programmes were defined in 2000 and practical instructions for individual thematic areas were produced on the basis of existing material.

In 2002, the **share of projects** under the Austrian Development Cooperation programme which actively address **gender issues** and fulfil the gender equality criteria increased to **49,89 %**, compared with 44,61 % in 2001, 31,18 % in 2000 and 39,55 % in 1999. Gender training and increased expertise in project planning and implementation further contributed to sensitising staff in the field to gender issues.

In addition to integrating the gender mainstreaming approach in all Austrian Development Cooperation programmes and projects, support was also given to measures that directly benefit women and strengthen their rights and decision-making competence. These measures include **training courses for female community representatives** in Uganda and South Africa, **gender-sensitive legal counselling and legal education** in Namibia, funding for **women’s shelters and campaigns to prevent violence against women**, in which a growing number of men are also participating. With the scope of its **human rights education** programme the Austrian Development Cooperation financed a series of training videos entitled “Women Hold up the Sky” and the accompanying CEDAW handbook “Between their Stories and our Realities”, which were produced by grass roots movements in Africa, Latin America and Asia under the aegis of the international NGO “People’s Movement for Human Rights Education”.

The Austrian Development Cooperation plays an active role in the “Gender Equality and Women’s Empowerment” working group of the OECD Development Assistance Committee (DAC) as well as in the European Union’s gender experts group. A major theme was the implementation of Security

---

<sup>4</sup> [http://www.bka.gv.at/bka/regionalpolitik/aufhauser\\_kurzfassung.pdf](http://www.bka.gv.at/bka/regionalpolitik/aufhauser_kurzfassung.pdf)  
[http://www.bka.gv.at/bka/regionalpolitik/aufhauser\\_summary.pdf](http://www.bka.gv.at/bka/regionalpolitik/aufhauser_summary.pdf)

Council Resolution 1325 of 31 October 2000, which among other things underlines the important role of women in the resolution and prevention of conflicts.

In the new **Development Cooperation Act of 2002** (Federal Law Gazette I No. 49/2002), amended in 2003 (Federal Law Gazette I No. 65/2003), **gender equality** was embodied as **a principle of Austrian development policy**. The implementation of this principle remains a challenge, not only for the Austrian Development Cooperation but also with regard to measures taken by the Austrian federal government that have a potential impact on developing countries.

In the reporting period **bilateral contacts** were established with Hungary, Slovakia, the Czech Republic, Belarus, Poland, Malta, Bulgaria and Serbia, which served the exchange of information and examples of best practice on the subjects of violence and gender equality measures by means of twinning projects, seminars and conferences.

The grants made available to the organisations representing the various ethnic groups under the **ethnic groups funding programme** are not in principle allocated on a gender-specific basis. Generally speaking, however, the funding allocated to the ethnic groups also allows the ethnic minority organisations to organise many activities in the cultural field which are inspired by women, appeal to women, and furthermore enable women to participate actively and equally in social life.

#### **Affirmative action in the provinces**

- There are **women's advice centres** offering information and counselling on health, legal matters, the labour market, securing a livelihood and re-entering the labour market in all provinces, and Burgenland even has one in every district.
- The provinces provide funding for various women's projects. Vienna (besides financing the four Vienna women's refuges and providing funds totalling €1,390.000 for further women's associations in 2003) has newly created the possibility for grants of up to €5.100 to be awarded for individual projects and events from the so-called "small projects fund" of the Municipal Department No 57, the Office for Women's Issues of the City of Vienna. The broad spectrum of associations applying for such funding covers the following fields: **women migrants, health and social matters, violence against women, projects aimed at girls and young women, and new technologies and the labour market**. Since 2002, longer-established women's associations in Vienna who have been receiving support for some time have had the opportunity to apply for three-year subsidies instead of the previous one-year grants. The Province of Salzburg (besides women's advice centres and three women's refuges) also financed individual projects aimed at the emancipation of women and improved the grant award process and its related objectives and evaluation criteria to make them more transparent and customer-oriented.
- **International networking activities** are carried out in several provinces.

(For further activities see Annex 1)

## Article 4

### Article 4, Number 1

#### **Plans for the Advancement of Women**

On the basis of the Act on Equal Treatment in Federal Service, all federal ministries and other institutions covered by this law enact **Plans for the Advancement of Women**. Giving preference to female applicants in areas where they are under-represented within the meaning of section 40 paragraph 2 of the Act on Equal Treatment in Federal Service (B-GBG) providing they are not less well qualified than the best-qualified male competitor (until such time as the conditions set forth in section 42 and 43 B-GBG are met), measures to protect the dignity of women in the workplace, increasing the proportion of women participants in training and further training programmes, promoting women's career advancement and re-entry and measures to facilitate reconciliation of work and family obligations, for example, are essential cornerstones of the current Plans of the Federal Chancellery and other government ministries.

An example is the **Plan for the Advancement of Women of the Federal Ministry of Agriculture and Forestry, the Environment and Water Management**, which was enacted by regulation in 2003.

The aims of the Plan include, inter alia, eliminating existing forms of discrimination against women caused by the traditional division of labour in today's society, facilitating the reconciliation of work and family obligations, raising the proportion of women until a quota of 40 per cent women is achieved, raising the proportion of women in managerial positions, and enshrining of the gender mainstreaming strategy. The Plan further provides for measures to protect the dignity of women in the workplace. Women are to be given priority admission to training and further training courses until a quota of 40 % women is achieved, and female part-time staff are also to be permitted to participate in such courses. Superiors are to motivate qualified female staff to apply for managerial positions and put their names forward for inclusion in a pool of potential future managers.

#### **Reconciliation of work and family obligations**

In addition, part-time employment is also supported: the employer is obliged to comply with an employee's request for part-time employment providing this does not interfere with the maintenance of orderly service operations. Furthermore, an organisational framework is to be created to give part-time employees better access to managerial positions. In line with the regulation on the Plan for the Advancement of Women, the number of teleworking and part-time jobs at the Federal Ministry of Agriculture and Forestry, the Environment and Water Management was increased, the latter in particular being predominantly taken up by women.

**Part-time and teleworking jobs at the Federal Ministry of Agriculture and Forestry, the Environment and Water Management and subordinate agencies, as of 1 July 2003**

	Employees		Total
	Women	Men	
Part-time jobs	18	12	30
Teleworking jobs	409	196	605

A “reconciliation of work and family obligations” audit was performed at the ministry, which was preliminarily awarded a basic “family-friendly” certification until 3 November 2005. The ministry also participates in a workshop tasked with elaborating proposals for further government work in this field.

The proportions of male and female employees at the ministry are more or less equal, yet women are still under-represented in managerial positions. Although binding provisions are in place to increase the proportion of women in such positions, the restrictive recruitment policy in the federal service prescribed by the government for cost-saving reasons over the last few years makes it very difficult to raise the proportion of women. However, it is possible to discern a slow but nevertheless continuous trend towards a growing presence of women in managerial functions.

**Proportion of women in higher-grade posts (functions)**

	Female	Proportion of women	Male	Proportion of men	Total
2000	48	15,5 %	261	84,5 %	309
2002	43	18,1 %	194	81,9 %	237

**Gender mainstreaming strategies**

On 11 July 2000 an Inter-ministerial Coordinating Committee on Gender Mainstreaming (IMAG GM) was set up by resolution of the Ministerial Council to meet Austria’s political and legal obligations with regard to the implementation of gender mainstreaming at national level.

This Committee, which is chaired by the Federal Minister of Health and Women’s Issues, contains representatives of all federal ministries, the Constitutional Court, the Appellate Administrative Court, the Court of Audit and the Ombudsman’s Office, as well as the Parliamentary Administration and the public service trade union. The aim of the IMAG GM is to support and facilitate the process of gender mainstreaming in all government departments and at all political levels (see also under Recommendation 226).

The essential tasks of the Committee include exchanging information and details of exemplary initiatives in the ministries as well as examples of best practice from Austria and abroad, developing criteria for the implementation of the gender mainstreaming strategy, and supporting and evaluating

ongoing projects, measures and legislation relating to the application of gender mainstreaming. In accordance with the rules of procedure, meetings of the IMAG GM are held at least twice a year.

In 2001, the IMAG GM, in three working groups devoted to “projects and guidelines”, “structuring, resources, representation” and “information, awareness-raising, sensitisation”, elaborated recommendations for the creation of preconditions and frameworks with a view to effective implementation of gender mainstreaming. These recommendations formed the basis for a Ministerial Council resolution of 3 March 2002 adopting a gender mainstreaming work programme with concrete measures for all federal ministries.

On March 9<sup>th</sup>, 2004, a **3<sup>rd</sup> Ministerial Council resolution on Gender Mainstreaming (GM)** was adopted, which follows on from the previous resolutions and contains provisions for targeted implementation of GM at the federal level, e.g. all federal ministries have committed themselves to setting up internal GM working groups and/or steering committees and to carrying out one internal GM project per federal ministry in the sphere of human resources policy plus one further internal or external GM project per federal ministry.

### **Ministry-specific training in gender mainstreaming**

In the first half of 2002, seven half-days of gender mainstreaming training were organised for five federal ministries, the Federal Chancellery and the Ombudsman’s Office, the aim being to familiarise interested staff with the concept and contents of GM and provide an opportunity for the discussion of concrete ministry-specific questions.

The **Inter-ministerial Coordinating Committee on Gender Mainstreaming** also set up a **website: [www.imag-gendermainstreaming.at](http://www.imag-gendermainstreaming.at)** which has been online since 1 May 2002 and offers comprehensive information on gender mainstreaming.

Reference is also made to the details given under Article 5, Letter a) regarding the educational principle of “gender equality”.

### **Measures taken by the provinces**

Plans and measures for the advancement of women are also in place for the staff of the province and local authorities. The following are cited as examples:

- On the basis of the province and local authority Equal Treatment Acts that have been in effect since 1996 and 1998, the annual Conference of Austrian Province and Local Authority Equal Treatment Officers was founded on the initiative of the **Province of Salzburg** and convenes in a different place each year. The Conference serves the mutual exchange of experience and know-how in the field of equal opportunities law as well as assisting the integration of developments in international and national legislation into the Equal Treatment Acts of the provinces.

With the drawing up and implementation of the **Plans for the Advancement of Women** for staff of the province authority and the regional hospitals, public servants in Salzburg are being sensitized to build support for temporary special measures.

The integration of the principle of gender mainstreaming at both legislative and administrative level (resolutions of the province parliament and the province government) was accompanied by

informative events on the subject organised by the Office for Women's Issues and Equal Opportunities.

- On the basis of the **Lower Austrian Equal Treatment Act**, 15 Plans for the Advancement of Women (for staff of the province authority and 14 local authorities) were put into effect in the reporting period in order to implement appropriate measures to raise the proportion of women in all staff categories and service grades. In 2003 the Lower Austrian Province authority launched a time-limited pilot project introducing mentoring as an affirmative action measure on the basis of its Plan.
- The proportion of women among public service staff in the **Province of Burgenland** is rising annually thanks to consistent affirmative action: the overall quota of women (civil servants and contract staff) has risen from 38,3 % (31 December 1999) to 40,9 % (30 September 2003), i.e. by 2,6 percentage points.
- Gender mainstreaming in **Vienna**: the gender aspect is taken into account in the planning, housing construction, healthcare and cultural fields in particular, but also within the context of the funds endowed by the City of Vienna, such as the Vienna Integration Fund (WIF), the Vienna Business Agency (WWFF) and the Vienna Employee Promotion Fund (WAFF), which explicitly mentions gender mainstreaming in its rules of procedure. In addition to the "Coordination Office for Planning and Construction Geared to the Requirements of Daily Life and the Specific Needs of Women", which was set up in 1998, the Women's Health Officer of the City of Vienna was appointed in 1999 and a Women's Help Desk installed at the Vienna Business Agency.
- The Plan for the Advancement of Women for staff of the **Province of Tyrol** was adopted on 15 August 2002 and aims inter alia at achieving a quota of at least 40 % women in all functions.
- By resolution of 10 June 2002 the government of the **Province of Styria** committed itself to implementing the gender mainstreaming strategy and to the establishment of an inter-departmental steering group to elaborate strategic objectives for gender mainstreaming.

## Article 5

### Article 5, Letter a

#### **Overcoming stereotyped roles for men and women**

The **educational principle of "gender equality"** (also to be seen as a temporary special measure within the meaning of Article 4) which was introduced in 1995 has been successively integrated into the curricula of the various types of schools. Teaching materials have now been produced for use in primary schools, all further years of compulsory school and vocational schools to facilitate and accelerate the implementation of this principle in the various curriculum subjects. A special research project was carried out to evaluate awareness of this educational principle and its implementation in schools, and several further training courses on the subject were held for teaching staff.

In **Salzburg** the work with girls already undertaken previously was stepped up in 2002 with the appointment of a special Officer for Girls' Issues and the launch of the "make it" initiative for the promotion of girls, which takes many different measures (some of which are listed in Annex 1) aimed at eliminating gender-stereotyping of girls and gender-stereotyped behaviour in girls.

### **Equal sharing of unremunerated work in the family**

As the results of the special microcensus programme “Household management – Childcare – Caring for relatives”<sup>5</sup> show, equal sharing of unremunerated work in the family is not yet a reality. In order to obtain more detailed findings on the share and type of unremunerated work in the family performed by women and men respectively, it would be necessary to carry out a repeat “time budget survey” (last done in 1992). However, to date it has not been possible to obtain the funding for such a survey.

After Equal Opportunities Year in 2002, a campaign by the Office for Women’s Issues was run in **Upper Austria** in autumn 2003 to sensitise the public to equal sharing of unremunerated work in the family ([www.chancengleichheit.at](http://www.chancengleichheit.at)).

### **Combating domestic violence**

#### **Victim protection and Intervention Centres**

Since 1999 there has been an Intervention Centre in every province, plus one regional branch office each in Upper Austria and Lower Austria since 2001. The continuity of the work of the Intervention Centres was safeguarded by the conclusion of a five-year commissioning contract, based on section 25, paragraph 3 of the Police Act (SPG) and coming into effect in 2001, between the Federal Ministry of the Interior and the Federal Ministry of Health and Women’s Issues and the Intervention Centres.

The budget is agreed annually and furthermore has been substantially increased every year to date in order to keep pace with the constantly growing need for staff and premises. Thanks to increasing public awareness of the Federal Act on Protection Against Violence in the Family and the support services provided by the Intervention Centres, the number of barring orders served and with it the number of cases handled is increasing year by year; according to Federal Ministry of the Interior statistics, 3.076 barring orders were served in 1999, and the figure had already risen to 4.180 by 2003.

In addition, six further women’s refuges and/or emergency accommodation units for women were set up in the reporting period (bringing the total to 27); a further women’s refuge was opened at the beginning of 2004, and another is under construction.

#### **Legal amendment regarding mandatory reporting for physicians**

The 2nd Amendment to the Federal Act on the Medical Profession, Federal Law Gazette I No. 110/2001, partially amended the **provision governing mandatory reporting for physicians**, which is now worded as follows pursuant to section 54, paragraph 4 of the Federal Act on the Medical Profession 1998:

“Section 54. (4) In the event that a physician, in practising his or her profession, should have reason to believe that death or serious bodily harm was caused by a criminal offence, the physician, unless otherwise provided under paragraph 5, shall report the case immediately to the law enforcement authority. The same applies should a physician have reason to believe that an adult person lacking sufficient capacity to manage his or her own affairs is the victim of neglect or physical, sexual or emotional abuse.”

---

<sup>5</sup> <http://www.statistik.at/mikrozensus/gratis.shtml>

This provision makes the physician's duty of mandatory reporting without further delay a legally binding norm in the case of death of or serious bodily harm to an adult victim.

### **Awareness-raising and training measures**

Since September 1999 the Federal Ministry of Health and Women's Issues has financed a total of 27 training seminars on the subject of "violence against women". On the one hand these were training and further training seminars for the staff of women's support facilities, and on the other hand interdisciplinary seminars aimed at improving cooperation between occupational and professional groups involved in cases of violence against women (inter alia police officers, judges) as well as at the further development of an effective network.

### **Information and public relations work**

In 2001 the information brochure "Women Have Rights" was published, addressed at women affected by violence. The brochure contains details of key legislation and information about victim support facilities and is sent out free of charge to all interested women. 2001 also saw the publication of a report on "Domestic Violence" which firstly deals with the extent, causes and consequences of domestic violence – with special chapters on children/women/men/elderly people/people with disabilities – and secondly points to the remedial measures needed to address the problem, thus representing a comprehensive reference work on this issue.

In November 2001 funding was provided for a study entitled "The Impact of Violence on Women's Health – Violence Makes You Ill" (for further details see Annex 1).

### **Anti-violence campaigns 1999 and 2000**

The anti-violence campaign launched at the end of 1998 was continued with the "Stop the Violence" information campaign of June and July 1999, which focussed on raising awareness of the newly established helpline among women affected by violence as well as the general public. This 24-hour nationwide toll-free helpline is an emergency contact point for victims of violence and people in their social environment; its operation was assigned to a central clearing office staffed by women experts as of 1 June 1999 and continued throughout the entire reporting period.

## **Article 5, Letter b**

### **Joint custody**

Custody is the right and duty to care for and rear a child on a day-to-day basis, to act as his/her legal representative and administer his/her assets. Under the law both parents share joint custody of their legitimate children until they reach the age of majority. The 2001 Child Law Amendment Act (KindRÄG; Federal Law Gazette I No. 135/2000 and Federal Law Gazette I No. 29/2003) gave parents the possibility to agree on joint custody for both parents following the divorce, annulment or dissolution of their marriage. In the case of joint custody, the custody rights of one parent may also be restricted to specific matters. An agreement must be submitted to the court stipulating which parent the child will reside with most of the time, and this parent must always be entrusted with full custody. The court is obliged to approve the parents' agreement if it is deemed to be in the interests of the child.

### **The child's right to both parents**

In 2001, the Department of Men's Policy Research was set up at the Federal Ministry of Social Security and Generations with the aim of conducting public relations work and basic research addressing traditional men's and boys' role stereotypes. In view of the importance of developing new perceptions of the father role and new role models to replace the traditional stereotypes, the research project "Father-Child Lifeworlds, Positive Father Relationships and Male Identity" was commissioned in 2003 and is currently still in progress.

### **Article 6**

For information on combating trafficking in women see under Recommendation 228.

**Prostitution in Vienna:** In 2003 there were 531 **registered** female prostitutes in Vienna (as against 12 men). In the preceding years the figures had been declining (to a low of 474 in 2002), but in 2003 they began to rise again for the first time. This might be due to the fact that at the end of 2002 agreement was reached with the Aliens' Police that asylum seekers holding a temporary residence permit may apply for a so-called "health-check card" allowing them to work as prostitutes. This led to a rise in the number of registrations, especially among black African women.

**Non-registered prostitutes:** approximately 3.000 women regularly work as clandestine prostitutes, an estimated 80% of whom are non-Austrians.

(Source: Statistics and estimates of the Federal Ministry of the Interior).

### **Measures to prevent the sexual exploitation of children**

In line with the new regulations regarding sexual abuse of juveniles introduced by the Criminal Law Amendment Act of 2002 (Federal Law Gazette I No. 134/2002), the offence of remunerated sexual contact with minors now also carries a prison sentence of up to three years.

For changes introduced by the Criminal Law Amendment Act of 2004, see the detailed information under Article 2, Letter g), Criminal law and proceedings relating to sexual offences.

As regards the provinces, the **Province of Upper Austria** provides funding for the women's associations PIA, MAIZ and LENA, whose work focuses on the issues of prostitution and trafficking in women.

### **Article 7**

#### **Article 7, Letter a**

#### **Women in political and public functions**

The proportion of **women in political functions** in December 2003 differs from the figures given in the 5th Country Report. As in 1999, three women currently hold office as Federal Ministers, and one as a State Secretary. Due to an increase in the number of government offices to include two additional state secretaryships, the relative proportion of women members of government, at 22,2 %, is currently somewhat lower than the 1999 percentage (25 %). In the Parliament the overall proportion of women MPs has risen from 28 % (1999) to 33,9 % today, the percentages within the political parties ranging between 27,7 % (Freedom Party) and 58,8 % (Green Party).

In terms of its number of female Members of the European Parliament, Austria boasts one of the highest percentages of all EU Member States. The proportion of women among the Austrian MEPs (38,1 %) has remained unchanged since 1999, since the next elections will not take place until 2004.

There has been a strong rise in **political participation of women at province level** in virtually all the provinces:

Carinthia currently brings up the rear with just 16,7 % women in the Province Parliament, though this is still a higher figure than the lowest reported in 1999, namely 6 % in Burgenland. Burgenland has since succeeded in raising the proportion of women in its Province Parliament to 19,4 %. Upper Austria currently boasts the highest proportion of women in a Province Parliament with 37,5 %, closely followed by Salzburg (36,1 %), Vienna (35 %), Vorarlberg (33,3 %) and Tyrol (30,6 %). Vienna boasts the highest proportion of women in a Province Government with 46,7 %, followed by Lower Austria with 44,4 % and Tyrol with 37,5 %, though the lowest proportion of women in a Province Government (11,1 %) is to be found in Upper Austria. For further data please see Annex 2.

### **Activities of the provinces aimed at increasing the proportion of women in political offices**

Since 2001 five women in politics courses have been held in **Tyrol**, and follow-up seminars have been on offer since 2003.

**Upper Austria** organised its 1st policy-making training course for women in 2000, and the 4th is currently in progress. Furthermore, the “Powerful Girls Go Politics” workshop for girls aged 15 -18 is currently being held for the third time.

The mentoring programme run by **Vorarlberg Province Government** aims at encouraging women to consider the possibility of a political career.

The Province of **Lower Austria** developed and implemented the one-week politics course “Girls4politics”.

In **Styria** two mentoring projects for women – “Future plc: Women on the Fast Track” – were initiated, offering women targeted support in career planning and political participation.

### **Article 7, Letter b**

Activities aimed at increasing the **proportions of women in the public administration, especially in higher-grade posts**, are provided for by law in the Act on Equal Treatment in the Federal Service and the equal treatment legislation of the provinces and are reported on in detail every two years in the Equal Opportunities Reports (see also Articles 2 and 4).

### **Women in the Austrian armed forces**

The National Defence Act of 2001, Federal Law Gazette I No. 146/2001, expanded open access for women to public offices in the Austrian Federal Army. Women who successfully complete their basic training are now also entitled to enlist for **active military service** (Section 39 of the Federal Armed Forces Act 2001).

Both after completing their basic training as well as after completing a time-limited military service contract, women may continue their training as a commissioned or non-commissioned officer within

the framework of military activities geared towards active duty, i.e. by participation in voluntary weapons exercises and voluntary military manoeuvres.

Since 1 July 2001, pursuant to section 2, paragraph 2, number 2 of the 2001 **Act on Dispatching of Soldiers for Assistance Abroad**, Federal Law Gazette I No. 55/2001, women who are completing or have completed their basic training may also serve on active military duty abroad.

### **Gender mainstreaming and urban administration**

In the course of the modernisation of the public administration in Vienna, contract management was introduced as a central strategic management instrument. In cooperation with the Executive Office for Management and Controlling, which was responsible for the project, Municipal Department 57–Office for Women’s Issues of the City of Vienna dealt intensively with the question of how far gender mainstreaming can be implemented as an overall strategy within the new management concepts.

In December 2001, Municipal Department 18 – Urban Development and Planning initiated a workshop on “Gender Mainstreaming in Urban Planning”. The workshop’s findings were published in October 2002 together with an analysis of current gender mainstreaming projects in the urban planning field in Vienna and other European cities.

In autumn 2003 a series of events based on the planning game “Gender City” were held at the Vienna Planning Workshop. These one-day events were aimed at sensitising the participating district chairpersons, Viennese citizens, planners, teachers, schoolchildren, students and local authority staff to the issue of gender mainstreaming in urban planning.

Ongoing appraisal of planned housing projects submitted for public subsidies: In 1995 the City of Vienna introduced quality competitions for public housing developments. The Coordination Office for Planning and Construction Geared to the Requirements of Daily Life and the Specific Needs of Women carried out evaluation and quality control, appraising all housing construction projects submitted for public funding in terms of their fulfilment of the functional requirements of household and family tasks, compliance with safety aspects, architectural features supporting good neighbourly relations and the design of circulation areas and open spaces. Between 1995 and the end of June 2003, around 7.200 dwelling units were evaluated within the context of 13 competitions for developers and 368 projects containing approximately 33.000 dwelling units were recommended for funding and assessed by the Real Estate Advisory Board.

Following the great success of the model project Frauen-Werk-Stadt I (1992 to 1997), the City of Vienna initiated a follow-up project - Frauen-Werk-Stadt II - as a consistent further development of the concept, focussing on “assisted living and planning geared to the requirements of daily life and the specific needs of women”. The project was started in August 2002 and is due for completion in summer 2004.

Under the Strategic Plan for Vienna (adopted in spring 2000), the strategic project “Gender-sensitive Play Areas, Sports Facilities and Parks for Children and Young People in Vienna’s Municipal Districts” was initiated with the aim of constructing and/or refurbishing public spaces in line with this principle. In spring 1999, the planned new layout of two parks was used as a pilot project to test the approach of gender-sensitive park design. The redesign of the parks was completed in spring 2001.

A design analysis project commissioned in 2000 and carried out by an experienced team of landscape planners covered 14 parks and squares in Vienna that had been refurbished or redesigned over the past few years. Based on a list of relevant criteria, the design concepts implemented were analysed to assess the extent to which gender-specific space appropriation and behavioural patterns had been taken into account.

Another approach tested by the City of Vienna in 2000 was the involvement of girls in the planning and design of parks.

## Article 8

### Representation of women at the international level including international organisations

On 1 August 2003, 49 (=20 %) of the 245 leading positions in the Austrian Foreign Service, both at home and abroad, were held by women. **76 male ambassadors** and **7 female ambassadors** (6,5 %) were in office either at bilateral embassies or at permanent representations with international organisations. Of the remaining 25 positions as head of office abroad (general consuls, heads of Austrian Cultural Forums, etc.), 12 (20 %) are currently occupied by women.

The Federal Ministry for Foreign Affairs is fully aware that these percentages are still well below the quota of 40% provided for under Austrian law. It therefore expressly invites all female members of staff to **apply for vacant leading positions**. Unfortunately, past traditions still makes themselves felt as the share of women in higher service grades of the Foreign Ministry is still disproportionately low. In its efforts to increase the percentage of women (see Article 4, Plans for the Advancement of Women pursuant to the Act on Equal Treatment in Federal Service), the Federal Ministry for Foreign Affairs, in its promotional events on the Foreign Service, encourages women in particular to apply for admission to higher-grade service. In 2003, the overall share of female contract staff in higher-grade and senior service was already 43 %. However, it is only in the longer term that this current admission policy will be reflected in appointments to leading positions.

### International sport

In February 2001 the meeting of the **European Women and Sport (EWS)**<sup>6</sup> Steering Group was held in Vienna, organised by the Federal Chancellery. Besides focussing on the topic of “women in decision-making positions in sport”, the meeting discussed issues to be addressed at the conference in Tallinn.

At the EWS Open Meeting held in Dubrovnik in September 2003<sup>7</sup>, Austria was elected chair of the EWS international steering group for the years 2004 to 2006. The highlight of Austria’s two-year chair will be the international **EWS Women in Sport Conference of 2006**, which will be attended by around 300 delegates.

## Article 10

### Educational attainment of women

From the 1960s onwards Austria saw a general rise in the level of educational attainment in all sectors of the population, whereby the educational level of women rose more sharply than that of men.

<sup>6</sup> <http://www.ews-online.com/en/>

<sup>7</sup> <http://www.prosvjeta.hinet.hr/mips/najavljujemo/dubrovnik/index.asp>

Although the percentage of the population with no education beyond the compulsory level declined rapidly from 1971 onwards (according to the census results, for data see Annex 2), the 2001 census showed that women, with 43,6 % (in 1971 the figure was still as high as 73 %), were more severely affected than men (2001: 27,0 %; 1971: 48,9 %). This still clear gap in educational attainment between men and women is above all attributable to the older generation of women, many of whom are only educated to compulsory level, as well as to the fact that in general fewer girls than boys complete an apprenticeship. Currently, 29 % of women aged 20 – 24 are attending a school, college, university or other educational institution, compared with 23 % of men in the same age group.

There has been a particularly strong rise in the percentage of girls in upper secondary and post-secondary non-tertiary education: in the school year 2002/2003, 54 % of pupils at the academic secondary schools, 51 % at the upper secondary technical and vocational schools and 96 % at the post-secondary colleges for teacher training and non-school pedagogical occupations were female.

(Source: Federal Ministry of Education, Science and Culture [www.bmbwk.gv.at](http://www.bmbwk.gv.at)).

Although all vocational training courses are open to both sexes, a clear gender-specific segregation is discernible in the vocational schools and apprenticeship programmes. Numerous initiatives by the Federal Ministry of Education, Science and Culture and other institutions are therefore aimed at counteracting these gender-specific disparities in the choice of training and career, and priority has been given to promoting “Girls and Women in Technical Occupations” (see under Article 10, Letter c).

In 2000, 51 % of boys and 52 % of girls who passed the Higher Education Entrance Exam (Matura) in that year started a degree course at a scientific or technical university within five semesters. Since 1999 the proportion of women among Austrian and foreign ordinary students enrolled at Austrian universities has risen to 53 %, and at universities of the arts to 58 %. The percentage of women among new entrants is currently 57 % at universities and 53 % at universities of the arts, and in the academic year 2000/01 the proportion of women among new graduates reached 50% for the first time. The tendency towards gender-specific behaviour in the choice of a degree course is reinforced by prior education in a relevant field at upper secondary or post-secondary non-tertiary level. Although women are still under-represented on degree courses in engineering, technology and the natural sciences with a proportion of 18 %, an increase by three percentage points was achieved in the years 1999 to 2001. This trend is being supported by a programme of measures to promote “Women in Research and Technology” (see under Article 10, Letter c).

On study courses at the universities of applied sciences, an educational sector which was introduced in 1994 and is still in the process of development, the proportion of women students still varies widely depending on the respective course focus. Whereas 71 % of students on tourism courses and 58 % on humanities courses are women, the proportion of female students on courses in the business studies and economics field amounts to 51 % and in the technical field to 22 %. However, these figures should be relativised in so far as 54% of all courses at the universities of applied sciences are in the technical field and the proportion of women on such courses increased from 11 % in the winter semester 1999 to 22 % in the winter semester 2002.

Measures are under discussion to allow the introduction of training courses for the advanced paramedical professions and for midwives at the universities of applied sciences.

The teacher training academies, the training academies for social workers and the training colleges for the paramedical and non-medical healthcare professions (e.g. nurses and other healthcare workers, midwives, medico-technical occupations, etc.) are a female domain. Three-quarters of the students at these institutions are women, a figure that has remained unchanged for the past 15 years.

### **Article 10, Letters a, b and d**

The **legal prerequisites** to ensure women equal rights with men and the same conditions for career and vocational guidance, access to education and study, achievement of diplomas and access to scholarships, study grants, etc. are formally fulfilled within the framework of Austrian law. (This also applies for other paragraphs of Article 10.) Deficits occurring despite this, such as, for example, the differences between girls and boys with regard to choice of school type, are primarily attributable to societal barriers such as prejudices, old-fashioned gender-stereotyped roles, etc. and can only be eliminated by means of a modification of teaching practice and targeted public awareness-raising and sensitization campaigns.

### **Article 10, Letter c**

Following the **World Conference on Women in Beijing** and the **ratification of the Treaty of Amsterdam**, the issue of **gender mainstreaming** has also become a key agenda at the Federal Ministry of Education, Science and Culture. (Declaration of Beijing, item 38: “We hereby adopt and commit ourselves as Governments to implement the following Platform of Action, ensuring that a gender perspective is reflected in all our policies and programmes.”)

To implement this strategy within the Ministry, the Gender Mainstreaming Working Group was set up to advise and support the Minister of Education with the objective of providing information, enhancing sensitization and advising and supporting the decision-makers in the implementation of the top-down gender mainstreaming approach. Special attention is being devoted to the implementation of a gender-sensitive use of language, for which purpose two brochures on gender-sensitive use of language and a relevant manual for project leaders have been published. Practically all data are already collected and available on a sex-disaggregated basis.

The following projects have been launched to realise the gender mainstreaming agendas throughout the entire education system: “Gender Mainstreaming and School Development” follows a pro-active approach at classroom level with the objective of initiating whole-school development processes and enabling gender-sensitive frameworks and options for action. The “Gender Mainstreaming in the Academies” project is concerned with the field of teacher training, the objectives being to apply the principle of gender mainstreaming in study curricula, lectures and teaching and research projects and achieve a balanced gender ratio in appointments to official bodies, as well as implementing information and sensitization activities.

To support these agendas and increase awareness of gender mainstreaming issues two seminars were held; one for gender coordinators at teacher training institutions and one for teaching staff at secondary colleges for engineering (see under Article 2).

In the past two years the principal aims were to promote women’s participation in research, to promote the integration of women’s issues and areas of interest in research and to foster awareness of gender-specific themes in research and dissemination. The objectives of integrating gender-specific

approaches and increasing the proportion of women in research, especially as project leaders and coordinators, have in some cases already been implemented in the awarding of grants for research projects. Research programmes which were gender-sensitive in design were successful with this strategy: e.g. the “Cultural Landscape Research” programme, in which the proportion of women was increased to 50% by means of an ingenious bonus system; or the >node< programme, in which 40% of the projects are headed by women and all projects include a gender aspect in their research.

Measures for the advancement of women are being implemented in funding procedures for non-university research institutions with the aim of increasing the proportion of women in research and promoting women-friendly working conditions.

Awarding guidelines are being implemented for the funding of events with the objective of increasing the visibility of women researchers and gender-specific research findings (e.g. by increasing the proportion of women among keynote speakers / lecturers / moderators, greater integration of gender-specific issues into symposia, workshops, etc.).

Following on from “Action Plan 2000” (99 Measures for the Advancement of Equality in Schools and Adult Education), which was in effect from 1997 until the end of 2000, “**Action Plan 2003 – Gender Mainstreaming and Advancement of Women in Schools and Adult Education**” (valid until the end of 2003) came into force in 2001 with the priorities “school quality and equality of opportunity”, “gender-sensitive careers guidance and girls and technology”, “development of networks”, “equal treatment and advancement of women” and “adult education – women and new technologies”. In line with the principle of gender mainstreaming, this Action Plan involves the entire Ministry of Education and represents a comprehensive approach to realising gender equality based on the Declaration and Platform for Action adopted at the 4th UN Conference on Women in Beijing, as well as the intergovernmental agreement (March 2003) and the experiences gained from the “Action Plan 2000”.

The priority “**gender-sensitive careers guidance and girls and technology**” in particular has given rise to a whole series of initiatives. Women and girls still tend to make traditional gender-stereotyped choices with regard to vocational training and occupation; the proportion of girls in purely technical schools is rising only very slowly and currently lies just under the 10 % mark. Numerous projects are now aimed at widening the spectrum of career choice and motivating girls to train for non-traditional occupations.

The “**MiT – Girls/Women in Technical Occupations**” campaign, which has been running in lower and upper secondary technical schools and colleges since 1998, aims to sensitise teaching staff, parents and male and female pupils to gender equality, dismantle gender stereotyping and prejudices and strengthen the position of girls (as a minority) in these schools. (Measures include informative events, poster campaigns, taster courses, courses in public speaking and presentation techniques, etc.).

Another project aimed at increasing the proportion of women in technical occupations is “**FIT – Women into Technical Occupations**” (information and taster days for 16- to 19-year-old girls). The project was expanded in 2001 and now takes place annually at six universities, providing counselling and advice to 8,000 – 9,000 female secondary school pupils every year. The project’s objectives are to inform young women about technical degree courses at higher education institutions, to provide young women with new role models through contacts with women in technical occupations and to help dismantle the barriers that discourage girls from studying for technical degrees.

The “**READY**” project (for girls in school years 7–9 in rural areas) is integrated into school careers guidance classes and aims at improving girls’ prospects in the labour market, widening their career perspectives, guiding them in their choice of career and boosting their self-confidence.

“**MUT – Girls and Technology**” is a large-scale project that aims to improve the prospects of young women in future-oriented occupations (technology/new media) by organising workshops focussing on crafts and technology. Among other things, the measures include developing innovative models aimed at motivating girls to try out technically-oriented occupations, activities to raise awareness among multipliers, building of cooperations with regional opinion leaders and know-how transfer in the further training of teachers and in schools. The long-term objective is to enhance the competitiveness of Austrian enterprises by utilising the potentials of girls and women.

Other vocational orientation activities under the project include the provision of financial support for associations or initiatives offering gender-sensitive careers guidance and courses in the fields of technology, crafts or IT, the aim being to counteract girls’ tendency to make gender-stereotyped career choices as a result of socialisation. In order to sensitise a wider public to this project, relevant information materials have been published and annual further training seminars are held for teaching staff.

#### **Initiatives by the provinces for the advancement of girls and young women:**

The MUT, FIT and READY projects are also implemented in the **provinces**, and the MUT project is coordinated by the Province of Salzburg. Furthermore, annual “Take Our Daughters to Work Days” were and will be held in the provinces ([www.jobs4girls](http://www.jobs4girls)).

#### **Principle of “purposeful coeducation”**

The **principle of “purposeful coeducation”** was incorporated into the curriculum for the general and academic secondary schools (years 5-8) for the first time in the school year 2000/2001, with the intention of encouraging girls and boys to reject gender-stereotyped roles in the planning of their lifepaths and careers. The didactic principles of this new curriculum advise that: “Coeducation is not restricted to the simultaneous teaching of girls and boys. Much rather, it implies consciously addressing gender-specific stereotypes and prejudices. It is essential to select teaching content that appeals equally to girls and boys, to design lessons in such a way that they accommodate the needs of both girls and boys, to create a (learning) environment of mutual respect and to reflect upon teachers’ expectations of and interactions with both girls and boys.” Schools are now called upon to actively promote equality of opportunity for girls and boys and develop a corresponding school programme and profile.

As an orientation aid for the production and evaluation of **school textbooks, educational films and other teaching materials**, “Guidelines on the Representation of Women and Men in Teaching Materials” were published in 1999 and distributed to authors and publishing houses. The proportion of women on the panels of experts who appraise school textbooks, who also regularly draw attention to gender equality issues, currently amounts to 43 %.

Information brochures were published to sensitise girls to gender issues and encourage them to opt for non-traditional occupations (see Annex 1).

## **fFORTE – Women in Research and Technology**

In 2002 special attention was also devoted to the field of **research and technology**. Women are still clearly under-represented in this important and future-oriented occupational segment. On the recommendation of the Council for Research and Technology Development the fFORTE programme was therefore launched as a joint initiative by the Federal Ministry of Education, Science and Culture and the Federal Ministry of Transport, Innovation and Technology to support women in research and technology.

fFORTE is a comprehensive programme for the promotion of women in the natural sciences and technical fields, co-financed with funding from the European Social Fund. The programme will run from 2002 to 2006, its aims being to facilitate women's access to study and training in the natural sciences and technology, to support women entering careers in the natural sciences and technical fields and enhance career options for women in science and technology, to make research funding and research infrastructures more accessible to women, to sensitise key persons to gender issues and to carry out accompanying research and implement interdisciplinary research programmes.

The programme includes training and sensitization measures and stimulates process-related research to underpin a sustainable gender equality policy as well as social and cultural science research in the field of gender and technology ("Gender IT! – What has technology got to do with gender?"). Furthermore, within the framework of this research programme special coaching sessions will be offered and interdisciplinary fellowships set up for the further upskilling of young scientists.

### **Package of measures constituting a technology programme for women, run in 1999 and 2000, and a follow-up technology project for women**

The "Technology Programme for Women" was a pilot project run in 1999 with the support of the Federal Minister of Women's Issues, the Federal Ministry for Economic Affairs and Labour, the Province of Carinthia and the City of Villach. As a sequel, the Research Centre for Technology, Labour and Culture at the University of Graz was commissioned to conduct a research study on the "Package of measures constituting a technology programme for women". A case study on framework conditions was carried out in the Villach region in cooperation with educational institutions and enterprises, and a manual was produced containing cross-institutional proposals as well as practical guidance for the implementation of measures designed to increase the proportion of women in secondary technical and vocational colleges, polytechnic colleges and highly-skilled technical occupations in other regions of Austria. The research study was presented in the spring of 2000.

In order to enlarge and deepen this project, a follow-up project was launched on the topic of "Women and New Technologies" (which was completed in December 2003). This project focussed on elaborating and implementing measures designed to increase the proportion of women in the field of new technologies (in particular IT) by running a number of pilot projects in cooperation with selected partner enterprises. Women were to be enabled to seize the opportunities offered by IT in terms of income, upward mobility and career planning.

### **Gender studies**

Gender studies and/or gender studies and feminist research were included in the university syllabi throughout Austria under the University Studies Act of 1997. Gender studies are now offered as

optional courses at all the universities (with the exception of the “Montanuniversität Leoben”, the University of Mining, Metallurgy and Materials in Leoben). The coordination desks for gender studies and feminist research at the individual universities are in charge of coordinating and organising women-specific teaching and research.

In 2001, the first Institute for Gender Studies and Feminist Research was opened at the University of Linz. “Gend up”, an Institute for Gender Studies and Feminist Research, was set up at the University of Salzburg in 2002. Every semester, the institute offers a series of lectures on women-specific topics.

In the meantime, several guest professorships for specialist areas of gender studies and feminist research have been established at the Austrian universities.

Gender-specific research and teaching received contextual support through the introduction of a post-secondary diploma course in gender studies at the University of Vienna in 2000. It is taught by an inter-disciplinary faculty and attended by graduate students writing dissertations and theses on interdisciplinary research topics. The Vienna University of Economics extended its syllabus to include a new area of competence termed “Gender and Diversity in Organisations”.

### **Advancement of women in science and research**

The “White Paper on the Advancement of Women in Science”, published in 1999, is a programmatic document produced by the federal ministry containing 25 proposals for specific measures relating to academic studies, raising the profile of women in science and the arts, so-called cross-cutting matters such as the allocation of funds at universities and the funding of research, child care, networking of university and non-university academic communities, improvements in services and, finally, the promotion of feminist research and gender studies (see also Recommendation 240).

In the following, some of the principal measures implemented in the period under review:

#### **1. Structural measures**

In the period under review, Coordination Desks for Gender Studies and Feminist Research were set up at all the universities and have meanwhile become firmly established as university institutions. They have been entrusted with the tasks of clustering women-specific agendas at the universities, coordinating gender studies and informing and counselling students and women scientists in all matters of women-specific research and teaching.

#### **2. Measures facilitating the reconciliation of work and family obligations**

In the period under review, “Child-care Contact Points” were set up at four Austrian universities (Graz, Vienna, Linz and Salzburg) and tasked with providing information and counselling as well as finding child-care places. Moreover, a nation-wide web portal on child-care was installed at [www.unikid.at](http://www.unikid.at).

#### **3. Upskilling measures**

In the period under review, existing upskilling measures for people wishing to embark on academic careers were expanded and new ones put in place.

The “**Hertha Firnberg Programme**” was set up in 1998 with a view to integrating qualified women scientists into university teaching and research. In 2003, the Federal Ministry of Education, Science

and Culture committed funds for ten new posts per year, which will be subsidised for three years each (an increase of 100%). A total of 51 posts were allocated in the period under review.

Both the “**Charlotte Bühler Programme**” and the post-doc programme “**APART – Austrian Programme for Advanced Research and Technology**” are designed to promote post-doctoral research and have been in place for ten years. In the period under review, 51 scholarships were awarded under the Charlotte Bühler Programme and 21 posts were allocated to women under the APART programme.

The **APART extra** programme was newly created in the period under review for women researchers with doctorates and research experience who have had to interrupt their careers to perform parental duties, or women academics following alternative educational paths. The specific target group of this programme are women who are not eligible for research grants under standard conditions (age limit of 35 for those writing post-doctoral theses and 40 for those with post-doctoral qualifications), because they have started families and brought up children. So far, the three-year grants under this programme have been awarded to five people, four of them women.

In 2003, **DOC-fFORTE** was set up as a new programme specially designed for young women scientists in the areas of technology, natural sciences, medicine, life sciences and mathematics (see also fFORTE Programme). The target group includes highly qualified graduates writing their doctoral theses in technology and the natural sciences, graduates writing their dissertations in the life sciences and mathematics as well as female students holding study grants who have reached the third stage of the study programme in medicine. Currently, five scholarships are available under this programme.

#### **4. Awareness raising and PR work**

**Awarding of prizes:** Since 1997, the “Gabriele Possanner State Prize” and two promotion prizes of the same name have been awarded every two years for academic achievements promoting gender democracy. In 2003, the prize was awarded for the fourth time.

**Publications, studies:** The publication series “Materials for the Advancement of Women in Science” was launched in 1992. So far, sixteen volumes have been published, six of them in the period under review. The purpose of the series is to make the situation of women in science visible and to raise awareness of the need for strategic solutions.

Moreover, the Federal Ministry of Education, Science and Culture set up a special **website** [www.bmbwk.gv.at/womenscience](http://www.bmbwk.gv.at/womenscience) which provides information about measures for the advancement of women in science and research.

#### **5. Strengthening the professional position of women in science and research**

In the period under review, the proportion of women among professors, university assistants and other academic staff has increased by one percentage point respectively (see Annex 2, Table: Full time equivalents (staff) by universities and universities of the arts and music).

Since 1999, the Federal Ministry of Education, Science and Culture has stepped up its efforts to implement measures designed to strengthen the professional position of women in science and research. In 1999, the European Social Fund (Objective 3) included a programme entitled “Women and Science” in its planning document and earmarked a grant of €4,1 million for this purpose.

The programme provides the resources required to implement measures for the advancement of women in science and research at universities, including, for example, a programme for reducing the under-representation of women and/or for establishing a symmetrical gender culture at the University of Graz; a mentoring programme for women graduates writing their dissertations and for women writing their post-doctoral theses at the University of Vienna, and human resources development programmes, known as “Career links”, at the Universities of Linz and Salzburg which are designed to promote young academic staff and encourage career planning in line with gender mainstreaming principles.

In 2002, a five-year post-graduate course in internet technologies for women scientists was set up at the Vienna University of Technology. This is a singular dissertation programme which combines top-level scientific and technological research with measures to foster the careers of women students and young women scientists and to implement a relevant communications infrastructure.

Other measures run under the same programme are targeted at women graduates from universities of the arts. Under the “Premiere” project, for example, assistance is given to young women artists wishing to set up their own businesses.

### **Statutory measures designed to achieve de-facto equality of women and men at universities**

A reform of Austria’s university system was launched as early as the nineties. In subsequent years, the country’s universities were consistently transformed from state-controlled into autonomous, self-responsible and efficient institutions. In 2002, the Federal Act on the Organisation of Universities and University Studies (**University Act 2002**) was adopted, that entered fully into force on 1 January 2004.

When comparing previous provisions with those in force since 1 January 2004, account has to be taken of the fact that state institutions are on the way to becoming fully autonomous public law entities to which some of the previous procedures are no longer applicable. The (previous) provisions aimed at expediting the achievement of de-facto equality of women and men will remain in force for the time being; however, the prescribed procedures have been adjusted to the new statutory provisions governing fully autonomous universities, while maintaining previous standards.

An analysis of the status quo at universities has revealed that women academics (artists) and university teachers are still underrepresented, particularly in leading positions. The scientific and academic professions remain male dominated. Hence, gender equality must remain one of the principal aims on the agenda of university reform. Affirmative action and the adoption of affirmative action programmes will thus remain a must at universities.

The significance of this issue is reflected in the rule on the consistent use of gender-appropriate language and in the fact that the new University Act of 2002 for the first time contains a separate section devoted to the equality of women and men (Part I, section 3 “Equality of Women and Men”).

In analogy to the 1993 University Organisation Act and the Federal Act on the Organisation of Universities of the Arts, the new University Act stipulates the establishment of a working party on equality issues – endowed with wide-ranging rights to information, participation and monitoring in equality and personnel matters. One of the working party’s primary tasks is to counteract discrimination by university bodies on grounds of gender and to give advice and support to university

members and bodies on issues relating to the equality of women and men and the advancement of women, in compliance with the principle of gender mainstreaming which forms part of the guiding principles (see section 2, number 9) and the tasks of universities (see section 3, number 9).

In compliance with the full autonomy of the universities, final decisions in complaint proceedings will no longer be taken by the federal minister, but at university level. Moreover, serious conflicts at universities are to be primarily settled through mediation. To this end, section 43 of the University Act 2002 provides for an arbitration commission to be set up at each university. These commissions will be collegial bodies endowed with decision-making powers and not bound by instructions.

Under section 44 of the University Act 2002, the Act on Equal Treatment in Federal Service is to be applicable to all university members and to persons applying to universities for employment or for admittance as students. As regards affirmative action plans for women, universities will have to include in their statutes pertinent objectives which must not fall below previous standards. The affirmative action plans for women which have to be enshrined in the university statutes have the nature of implementing regulations pertaining to section 41 of the Act on Equal Treatment in Federal Service, and consequently may not define quotas of women that are lower than those stipulated in this Act. On the other hand, universities are free to agree more favourable affirmative-action provisions.

#### **Establishment of a women's policy advisory council for the universities**

The council was set up in 2003 and entrusted with the task of informing the federal minister about structural shortcomings and advising her on possible remedies in all matters concerning the advancement of women at universities. The ultimate aim is to ensure compliance with the provisions for the advancement of women and against their discrimination laid down in the University Act of 2002.

**Adult learning in Vienna:** In the past two years, the Vienna Association of Adult Learning Centres has started to implement gender mainstreaming: a project designed to make gender mainstreaming mandatory for the Public Employment Service, was presented in 2002 at a conference on "Adult Learning Centres and Gender Mainstreaming". In addition, the Association made gender mainstreaming part of the further training of its own staff and course directors.

In 1999, the Association set up the Rosa Mayreder College – an educational institution managed by women for women. The college offers tertiary courses with an international bias in the areas of critical art, science and education.

#### **Article 10, Letter e**

Under its adult learning agenda, the Federal Ministry of Education, Science and Culture supports functional **literacy** programmes. These are mainly addressed to migrants, who are prepared for courses leading to the lower-secondary school leaving exam. These courses are open to women and men alike. A special training course for literacy teachers was offered for the first time in the autumn of 2003.

Reducing the number of pupils with reading difficulties is another important task. Reading difficulties prevent people from properly participating in key societal areas. In 2002, a nationwide scheme (Fit to read) was put in place which comprises, inter alia, school and out-of-school support programmes for pupils with reading difficulties, in-service training courses for teachers, the development of teaching

aids, a counselling centre (Reading made easy), and a screening process for reading skills. All the programmes and courses on offer are devised with an eye to gender-specific aspects.

### **Educational provision for female migrants**

Female migrants are multiply disadvantaged and threatened by social marginalisation. Traditional value judgements, gender-specific role allocation, family duties and few opportunities for education and training prevent their social inclusion. Households of female migrants are at high risk of falling below the poverty line. Measures are intended to facilitate the access of female migrants to initial and further education and training and boost their chances in the labour market by helping them acquire key skills. Preconditions for the full integration of women migrants are, first and foremost, language competence, basic IT skills and key skills such as self-directed learning. Courses are being offered in all these areas.

School counselling desks have been set up, and special remedial teaching in the German language is provided for pupils from migrant families in all the provinces.

### **Article 10, Letter f**

One of the principal purposes of adult learning is to obtain **secondary-school-based qualifications later in life**. With this in mind, the Federal Ministry of Education, Science and Culture has put measures in place to facilitate so-called second-chance education. Courses leading to the lower-secondary school leaving exam are part of this scheme (see also Article 10, Letter e). As regards higher education, second-chance students can either take an examination giving access to specific study courses, or the university entrance examination for external students and/or the university entrance examination for people having completed their vocational training, which provide access to higher education in general, i.e. to universities, university-level institutions, polytechnic courses, academies and diploma courses. Adult learning centres offer preparatory courses for these exams. (Under an amendment to the School Instruction Act, pupils who have failed to complete lower secondary school or the pre-vocational year can, as of the school year 2003/2004, acquire the compulsory-school leaving exam free of charge in a 10th and/or 11th year of schooling. The number of pupils in question will be approximately 300 per year.)

Cross-sectional studies<sup>8</sup> revealed that in the academic year 1999/2000 the success rate of female students completing their studies at universities and polytechnic colleges was 56% as compared with 57% for male students. In the academic year 2000/01, the success rate for women was 64%, that for men 62%. In the academic year 2001/02, on the other hand, the success rate of women was 62%, that of men 64%. These figures fluctuate within a standard range and cannot be taken as indicators of a declining success rate of women.

**A study on “The internet as an upskilling medium with special reference to the (gender-specific) perspective of unemployed young people”** explored the opportunities open to the severely socially disadvantaged group of unemployed adolescents to become integrated into the information society,

<sup>8</sup> Cross-sectional studies: A group of graduates, entered as the numerator, and a group of university entrants, entered as the denominator, equal the success rate.

As a rule, the time span between the cohorts of graduates and those of entrants will correspond to the average period of study.

taking special account of gender-specific aspects. The idea was to analyse gender-specific needs with a view to preventing a male bias in allocating support and imparting knowledge.

### **Article 10, Letter g**

The compulsory curriculum subject “**physical exercise and sports**” is designed to provide compensatory exercise and stimulate motor activity. In addition, 270.000 pupils receive more intensive coaching in both summer and winter sports disciplines on annual one-week school sports trips. In physical education, the elimination of discrimination against women is addressed under the curricular headings relating to social aspects, the process of self-development, etc..

### **Article 10, Letter h**

**Health and sex education** is provided for in the curricula of all types of school as a so-called ‘educational principle’, the idea being to improve the coordination of cross-subject matter (which will be taught, for instance, in biology, domestic science and nutrition, physical exercise and sports). In addition, optional subjects, optional practical courses and projects (e.g. a video and radio contest for young people on HIV/AIDS in 2000) foster pupils’ personal skills, strengthen communication structures and network schools with their environment.

As regards human rights – women’s rights see Recommendation 241.

### **Article 11**

The results of a recent census corroborate that, in terms of their employment participation, women have made up a lot of lost ground in the past three decades. Between 1971 and 2001, the number of gainfully employed women, marginal part-timers excluded, has risen by almost precisely one third; since 1991, by 10% (for men the increase between 1971 and 2001 was 6%). In 2001, the employment participation rate of women was 61,8%, that of men 80,0% (excluding marginal part-timers who work up to 11 hours per week). In 2003, the rise in the number of gainfully employed women continued – remaining steeper in relative terms.

Dependent employment of women continued to rise between 1999 and 2003, the rise in part-time employment being particularly sharp. In 2003, women accounted for 44% of employment requiring the payment of social security contributions or standard employment (1,352.784 women, 1,717.585 men, excluding persons drawing parental leave benefits and military service conscripts). By international comparison female unemployment is low, even though it has been on the increase since 2001. Taking the annual average, 100.362 women and 139.717 men were registered as unemployed in 2003. Currently, over one third of women work part-time, while the percentage for men is less than 5% (1 – 35 hours per week, 2002).

For more details on the incomes earned by women, on measures designed to improve their career opportunities and on equality measures taken by the Public Employment Service, see Recommendations 233 and 234. Gender equality is one of the priorities in the **National Employment Action Plan** and in the steps it contains for implementing the European Employment Strategy (<http://bmwa.gv.at/BMWA/default.htm>).

## **Article 11, Number 1, Letter a**

### **Safeguarding women's right to work**

Concentration and segregation in the labour market imply that women are grossly underrepresented in certain positions, occupations, professions and sectors (which, on average, are those that generate higher incomes). Access to the relevant jobs is particularly difficult for women, so that comprehensive measures need to be taken to change the prevailing situation.

In this context reference is made to the comments on Article 10 and in Recommendation 232, which relate, inter alia, to measures for the advancement of women in non-traditional occupations, in technology and in the natural sciences. Other examples: The **“femtech” project** is aimed at markedly increasing the proportion of women taking part in, leading and evaluating technology programmes run by the Federal Ministry of Transport, Innovation and Technology.

The **study “Women and Technology”** analysed the situation of women in highly subsidised research and development programmes and conceived measures (such as mentoring programmes, creation of family-friendly conditions) designed to increase the number of female participants and their incomes, enhance their upward mobility and support their involvement (particularly in leading positions, such as coordinators) in the planning of research and development.

**“Women in Technology and Research”** is an initiative launched to put the findings of the study into practice. The overall objective is to strengthen the presence of women in executive and responsible positions in the field of science and technology and in the corporate sector, as well as in non-university research. There are plans for setting up a task force and a platform composed of personalities from public administration, science, research, represented interests and the public employment service, as well as from training and further training institutions. Progress towards the set objective will be evaluated and ensured by built-in monitoring; the operative implementation will be entrusted to a centre of excellence.

**“Women in Environmental Technology”**, a prize awarded by the Austrian Society for Environment and Technology: This prize is sponsored by the Federal Ministry of Transport, Innovation and Technology, and has been awarded since 2001 to women for outstanding achievements in the field of environmental technology.

As to the measures listed in Austria's fifth periodic report in the context of promoting part-time employment in the public sector, it ought to be mentioned that in the meantime all **public-sector employees** (previously civil servants only) have a legal claim to part-time work until their children start school.

Under an **amendment to Section 50b of the Public Service Act 1979**, which entered into force on 1 January 2004 (Federal Law Gazette I No. 130/2003), civil servants who have applied for and receive child care benefit shall during the benefit period, but not longer than up to and including the child's 36th month of life, be granted a reduction in their weekly working hours, even if their working time falls below one half of the standard number of hours worked in a full-time job. In private-law employment contracts under the Contract Staff Act of 1948, working hours can be freely agreed. However, the Act only applies to contracts, if the number of hours worked exceeds one third of the standard working time in a full-time job.

### **Team assistants project**

The introduction of the 'electronic file' and the changes in the national accounting system implied fundamental changes in the job profiles of clerical staff. In the course of 2002, the occupational profile of 'team assistant' was designed at the Federal Chancellery and added to the range of civil service profiles. Team assistants perform coordinating tasks at the interface between senior officials and officials in charge of specific spheres of activity. Compared with the job profile of a clerical worker, the job profile of the team assistant includes new, specialised activities in addition to typing, correspondence, scheduling, etc.. Especially for clerical staff, most of whom are women, this project will open up the opportunity to attain a higher, future-oriented level of training, to be put in charge of a greater variety of tasks, to be better motivated to face the constantly changing challenges and strains of their day-to-day working lives and, ultimately, to improve their occupational and income status.

Since the project was launched in November 2002, 30 women have been trained as team assistants. As a result, 29 of them had their jobs upgraded and earned higher salaries. Another 14 women were trained in 2003 and their jobs now carry higher incomes. There are plans to extend the project to other ministries.

In its Initial Training Ordinance 2003 (Federal Law Gazette I No. 7/2003) the Federal Chancellery included gender mainstreaming as a separate module.

### **Women with disabilities in the labour market**

The nationwide **labour market programme for persons with disabilities** stipulates stepped-up efforts to integrate women with disabilities into the labour market.

As part of the government's employment promotion campaign, funds (the so-called "**billion for people with disabilities**") have been earmarked for upskilling measures (e.g. apprenticeship, on-the-job training, etc.) and for measures designed to raise the recruitment level (e.g. in the restaurant and catering trades and in the service sector), with a view to the long-term placement of women with disabilities in the labour market. In close cooperation with the organisations in charge of individual projects, efforts will be made to provide integrative vocational training and/or vocational preparation, especially for young people. Older working women with disabilities are to be re-trained for jobs with better prospects (e.g. occupations in the IT sector).

In 2002, a study entitled "Being a woman – unhampered by barriers" was conducted with a view to tailoring measures for women with disabilities even more precisely to their needs. Upon completion of the study, the findings will be input in the promotion of occupational integration.

As part of the federal government's employment drive, persons with disabilities were supported of which 40% Austria-wide were women both in 2001 and 2002. The proportion of women among those tangibly benefiting from the campaign was 38% in each of the two years.

### **Participation in EU projects**

EQUAL is a Community initiative that was launched for the purpose of finding new ways to implement the employment policy and counteract discrimination, inequalities and exclusion. The **Government of Burgenland** has set up two development partnerships under the EQUAL initiative

with the objective of devising and implementing measures that will help to reduce gender-specific segregation in the labour market.

The development partnership entitled “Advancement of women and gender mainstreaming” is aimed primarily at upskilling and continuing education as well as at disseminating specialised knowledge on gender mainstreaming. The second development partnership is known as “Women and the new information and communication technologies in Burgenland” and is to devise and implement strategies that will, on the one hand, give women access to new technologies and, on the other hand, encourage them to put such access to good use. Another objective is to induce a lasting change in the attitudes of women and girls vis-à-vis non-traditional occupations.

The commissioner for women’s issues for the Province of **Salzburg** is involved in several EU projects and programmes designed to reduce discrimination against women and promote equality of opportunity in the world of work. A few examples include: ‘Equal Salzburg’, an equal opportunities development partnership (2002 – 2005); the MAP project on mentoring as an instrument of human resources development; an interregional project under Interreg III A for women and small and medium-sized enterprises in Austria’s border regions with Germany, Switzerland and the Czech Republic aimed at promoting equal opportunities for working women through upskilling and mentoring programmes and at encouraging regional development.

For further projects see Annex 1.

#### **Article 11, Number 1, Letter b**

##### **The amendment to the Equal Treatment Act 2001**

In the period under review, the Equal Treatment Act was twice amended; the Amendment Federal Law Gazette I No. 129/2001 (see notes under Recommendation 235) is the one containing modifications relating to the Convention. For the amendment/re-enactment of the Equal Treatment Act see Recommendation 235.

#### **Article 11, Number 1, Letter c**

##### **Educational leave**

Pursuant to the Amendment Federal Law Gazette I No. 179/1999, the provision in section 11 of the Employment Contracts Adjustment Act on the minimum length of educational leave was amended, the minimum period of six months being reduced to three months. It is expected that this amendment will encourage employers to grant educational leave, as it is usually easier to make arrangements for shorter periods of absence. The provision applies to both male and female workers, but is also an indirect incentive for the upskilling of women employees.

##### **Initiatives in the provinces**

There is a whole range of activities in the provinces for the advancement of women in the labour market: mentoring projects, projects on girls’ attitudes to technology and on reconciling job and family obligations, new training courses, girls’ days, and information on sexual harassment at the workplace. The following are just a few examples:

In **Salzburg**, women were for the first time given access to the occupation of train conductor; computer literacy courses with child-care provision for women in rural areas were organised in **Carinthia**; NOEL – a project dealing with equality of opportunity in the labour market of the future – was run in **Lower Austria**; upskilling measures for women in the regions were provided in **Upper Austria**; a function-related pay system was introduced with a view to the advancement of women working in the province administration in **Vorarlberg**; a mentoring project was launched for public service staff of the Province of **Tyrol**; and the Province of **Vienna** initiated DARING – a programme for low-skilled women and women over 40 who wish or have to change jobs - and GO UP – a one-year drive designed to sensitise companies in Vienna to the idea of equality-oriented management (see the manual “7 Steps to Equality” and [www.gleichstellung.info](http://www.gleichstellung.info)).

(See also Recommendations 233 and 234.)

#### **Article 11, Number 1, Letter d**

See comments under Recommendations 233 and 234.

#### **Article 11, Number 1, Letter e**

##### **Pensions**

Under the statutory pension scheme the median monthly pensions (old-age and invalidity) plus equalisation supplements drawn by first-time pensioners in 2002 amounted to €1.400 for men and to as little as €655 (excluding partial pensions under international agreements) for women. Equalisation supplements top up pensions to a minimum reference rate, depending on other income drawn by the pensioner or her/his partner. For 2003, the reference rates were set at €643,54 for singles and €965,53 for married couples. Approximately 70% of equalisation supplements are drawn by women. In 2002, the median monthly unemployment benefit was €625 for women and €734 for men (including family supplements).

Owing to career breaks (mainly for family reasons) women retirees usually acquire fewer insurance years than men. Now that credits for childcare periods have been upgraded, this gap has been evened out to a certain extent. However, the pension system does not compensate for the lower incomes earned by women in the course of their working lives.

For more details on pensions see the comments on Recommendation 236. As regards health insurance it ought to be mentioned that under the new provisions governing non-contributory co-insurance, which became effective on 1 January 2001, relatives drawing at least grade-4 long-term care benefit, or relatives caring for a person drawing such benefit, will remain co-insured without paying contributions.

#### **Article 11, Number 1, Letter f**

Pursuant to a revision of the ordinance governing bans and/or restrictions on the employment of women, only those rules will be retained that are required on grounds of gender differences and upheld by scientific findings. Cases in point are underground mining (with certain exceptions), lead exposure exceeding a limit value of 0.02 mg/m<sup>3</sup> and work involving particular physical strain.

Certain government departments and ministries take preventive measures beyond those prescribed by law in order to protect the health of their employees. The personnel department at the Federal

Chancellery, for example, reports pregnancies of employees not only to the labour inspectorate but also to the occupational health officer. Upon such notification, the workplace of the woman concerned will be inspected for its suitability and/or the need for modifications. The health promoting programmes (e.g. for breaking nicotine addiction, non-residential fasting cures and healthy eating in the workplace) offered to employees in cooperation with the occupational health officer are mostly taken up by women.

### **Article 11, Number 2**

#### **Act on Maternity Protection and Act on Paternity Leave (previously Act on Parental Leave)**

Two major amendments were enacted in the period under review: the amendment to the Act on Maternity Protection and the Act on Parental Leave, Federal Law Gazette I No. 153/1999, implemented the EU Directive 96/34/EC on parental leave into Austrian law, and provided for **more flexibility for the benefit of the employees**:

- the time limits for notification are more flexible
- parental leave can be split twice between mother and father
- when childcare duties are first swapped, mother and father are entitled to one month's joint leave
- three months of parental leave can be carried forward and taken any time up until the 7th birthday of the child, or even beyond that if the child's school entry is delayed
- rules governing part-time work upon the birth of a child are more flexible
- fathers are entitled to parental leave irrespective of the mother's entitlement.

Moreover, the amendment establishes the right of the mother or the father on parental leave to be informed by the employer about all major in-company developments, such as restructuring and further training measures.

These new regulations apply to the parents of children born on or after 1 January 2000. They encourage the sharing of childcare duties in a spirit of partnership and have a beneficial effect on working women.

In analogy, the Province of Vienna has introduced split and deferred parental leave as well as a more flexible part-time scheme for its employees (Province of Vienna Law Gazette No. 51/2000).

The amendment to the Maternity Protection Act and/or Parental Leave Act - renamed as the Paternity Leave Act - coincided with the introduction of the **child-care benefit** on 1 January 2002, the principal objective of which was to improve conditions for reconciling job and family obligations (see Federal Law Gazette I No. 103/2001). Additional measures were taken, inter alia, to ensure continued contact with the company and to facilitate reintegration upon termination of the maternity/paternity leave.

Mothers and fathers can now perform **marginal part-time work** during leave, both under the employment contract establishing their right to maternity/paternity leave and for other employers. The monthly remuneration must not exceed the **limit set for marginal part-time work** (2003: €309,38). Under the employment contract establishing maternity/paternity leave, they may also perform work in excess of this limit for a maximum of 13 weeks per calendar year (e.g. relief work during holidays or sick-leave). Like any marginal part-time work, such work will be performed under a separate contract.

If maternity/paternity leave is not taken for a full calendar year, such work can only be performed on a pro-rata basis. Subject to the consent of the employer who is party to the contract establishing the right to maternity/paternity leave, work in excess of the marginal part-time limit may also be performed for another employer.

**Further amendments** to be mentioned: the pertinent term “Karenzurlaub” was replaced by “Karenz”; the element “being primarily responsible for taking care of the child” has ceased to be a prerequisite for the entitlement to maternity/paternity leave. All other labour-law provisions pertaining to maternity/paternity leave – such as start and length of leave, time limit for notification, splitting of the leave entitlement – and to part-time work upon the birth of a child **remain unchanged**.

### **Part-time work for parents**

The **right of parents to part-time work was laid down in the Act Concerning Parental Part Time Work** facilitating the reconciliation of job and family obligations. The Act entered into force on 1 July 2004.

In principle the Act entitles parents to part-time work until the child’s 7th birthday or until the child enters school. This applies to parents with at least three years’ continuous service in an enterprise with a minimum labour force of 20. The specific terms of part-time employment, i.e. start, length, working hours and work-time scheduling, have to be agreed with the employer. If no agreement and/or settlement in court is reached, the employer has to bring the case before the labour and social court having jurisdiction in the matter, failing which the employee may start working on a part-time schedule as intended. The court then will eventually have to balance the interests of the parties and issues a final decision on the terms of part-time work.

In principle, special protection from dismissal/redundancy becomes effective when the employer is notified that the employee intends to exercise her/his right to part-time work, but at the earliest four months before the commencement of part-time work. Dismissal protection will cease to be effective, at the latest, four weeks after the child’s fourth birthday, upon which date it is replaced by protection from dismissal/redundancy for having exercised the right to part-time work. Employees are also entitled to return to full-time work.

In smaller enterprises, or if the criterion of three years’ continuous service is not met, opting for part-time work remains subject to an agreement with the employer. Part-time employment cannot be extended beyond the child’s 4th birthday. If no agreement is reached, the employee can sue the employer to obtain consent to part-time employment.

A new subsidy under the labour market support scheme aims to serve as an incentive to small-sized enterprises with no more than 20 employees to offer parents of small children the option of part-time work. The subsidy is intended to compensate for additional expenditure accruing from the introduction of part-time work.

### **Family hospice leave**

Since 1 July 2002, amendments to the Employment Contracts Adjustment Act, the Act on Paid Holidays and the Act on Unemployment Insurance of 1977, Federal Law Gazette I No. 89/2002, have **guaranteed insurance cover under labour and social security law** to persons **giving palliative care** and to persons **taking care of seriously ill children**. Employees have the option to change their

working times or to take a period of leave in order to give palliative care to dying relatives (accompaniment of the terminally ill) or to take care of their seriously ill children. During this period they are protected from dismissal.

During the period in which employees are caring for their dying relatives or seriously ill children, their health and pension insurance contributions will be paid from the unemployment insurance fund. Ancillary measures under the Act on Nursing Allowances and the Act on Family Burdens Equalisation are designed to ensure that family members who take leave to give palliative care or take care of their seriously ill children will not get into financial difficulties or fall below the poverty line. These provisions under labour and social security law represent one more step towards facilitating the reconciliation of job and family obligations, since women in particular are given the opportunity to take care of close relatives for a certain period of time without having to give up their jobs and without losing their health and pension insurance cover.

Family hospice leave has also been granted to people in Federal service (Federal Law Gazette I No. 87/2002) and in province service.

For more details on care-giving relatives see Recommendation 236.

### **New severance pay scheme**

Act governing Employee Retirement and Severance Pay Provisions, Federal Law Gazette I No. 100/2002: payment of contributions through periods in which payment of wages/salaries is discontinued while the employment relationship remains effective: during periods in which they draw child-care benefit, employees are entitled under section 7 paragraphs 4 and 5 of the Act governing Employee Retirement and Severance Pay Provisions to have contribution payments in the amount of 1,53% of the child-care benefit made into the Employee Retirement and Severance Pay Fund. The statutory health insurance institutions which disburse the contributions are reimbursed by the Family Burdens Equalisation Fund. This new severance-pay provision ensures that periods of maternity/paternity leave will also count towards the calculation of severance pay. The same applies to employees taking family hospice leave.

In contrast to previous severance pay provisions, the periods of maternity/paternity leave in which child-care benefit is drawn under the Maternity Protection Act (and/or the Paternity Leave Act), are now credited to the three contribution years required for severance payments to be made under the Act governing Employee Retirement and Severance Pay Provisions. As a result, women taking maternity leave are no longer disadvantaged as regards their entitlement to severance pay.

### **Article 11, Number 2, Letter c**

#### **Provision of social services and child-care facilities**

Child-care facilities are the responsibility of the provinces. However, in the period under review a number of **federal initiatives** were launched, such as the **pilot project** for setting up cross-community child-care facilities meeting the regional requirements of three Austrian regions. Thanks to this pilot project, the funding of cross-community child-care facilities was included as a priority objective in the guidelines for 1999/2000, drafted in 1997 in accordance with section 22, paragraph 1, subparagraph 3 of the Redistribution of Revenues Act (governs i.a. the allocation of revenues to the various levels of government – federal, province and municipality - and sets out how the revenues are

shared among them). The purpose of the project was to take stock of the status quo and input the findings obtained into the planning and provision of child-care facilities in the communities concerned, which would be funded by the local authorities or by the province.

### **Best practice in province provision of child-care facilities**

Currently, the Province of **Burgenland** has 191 kindergartens. Compared with 1999, 2000 and 2001 the number has decreased, but so has the number of children. The Province of Burgenland has the highest attendance rate of all the Provinces for children aged between three and six.

Since 2002, the Province of **Vorarlberg** has helped to increase the female employment rate through measures targeted at the labour market and the school sector, which were designed to facilitate the combination of family obligations with work responsibilities. This development partnership works at three levels: the company level, the individual level (seminars, courses for women and men on parental leave, a mentoring programme) and the regional level, where efforts are focussed on influencing public opinion. In 2003, Province funding of child-care facilities was raised to 50% of the expenditure on child-care staff. In addition, the child-care facilities receive investment subsidies. Since September 2003, the province has provided grants to schools covering 50% of their expenditure on staff taking care of pupils. In January 2003, an information and service desk (Family Point) was set up for parents, local authorities, child-care facilities and companies.

The Province of **Lower Austria** has a well-developed network of province kindergartens for approximately 43.000 children. Moreover, the province supports efforts targeted at the flexible combination of job and family obligations. Currently, 1.500 childminders take care of approximately 5.500 children; day care centres cater for approximately 2.200 children and after-school day care centres for approximately 6.550 children.

The Province of **Upper Austria** provides financial support to summer kindergartens (see also Annex 1). For more details on childcare see Recommendations 233 and 234.

### **Article 12**

The provision of high-quality medical care to all citizens, irrespective of income, age and gender, is enshrined as a priority objective in the current Government Programme. The access of women to health care is guaranteed on the same terms as that of men.

### **Medical professions – reconciliation of job and family obligations**

In compliance with the provisions governing part-time work laid down in Directive 2001/19/EC, the 5th Amendment to the Medical Profession Act 1998 (Sections 9, paragraph 7, 10, paragraph 8, 11, paragraph 7, 12, paragraph 4, 12a, paragraph 6 and 13, paragraph 7), Federal Law Gazette I No. 140/2003, extended the option of part-time work to doctors who are training for general medical practice or undergoing specialised training.

Previously, the criterion for part-time work was the need to take care of a child; now, practically any reason can be given. However, the trainee doctor has to enter into a contractual agreement with the hospital authority or the owner of the teaching surgery, medical centre or outpatient clinic. Doctors undergoing specialised training have to furnish proof that they are unable to carry out their training on a full-time basis.

In the given context, **palliative care** or care for a seriously ill child were among the principal reasons considered. The phrase “the need to take care of a child” has been deleted without prejudice to any entitlements under the Maternity Protection Act and the Act on Paternity Leave or to the statutory provisions governing the training of physicians (cf. Article 11, Number 2).

Under the **58th Amendment to the General Social Security Act**, Federal Law Gazette I No. 99/2001, the provision governing contracts between doctors and statutory health insurance institutions was supplemented by a regulation delegating the power of issuing legal instruments to the federal minister. Pursuant to section 343, paragraph 1 of the Act, the selection of panel doctors and medical centres and the conclusion of individual contracts between the statutory health insurance institution and the doctor or the medical centre is subject to the provisions of the covering contract and is effected in agreement with the responsible medical board. To this end, the responsible federal minister will, at the proposal of the medical board, issue an ordinance containing binding criteria for the ranking of applicants for individual contracts. Such criteria have to take account of the qualifications and aptitude of applicants and the chronological order of applications; in addition, the ranking criteria have to be in compliance with the principles of freedom of gainful activity and freedom of settlement as well as with the pertinent EU legislation. The Association of Social Insurance Institutions has to be consulted prior to the enactment of the ordinance.

**The Ordinance on Ranking Criteria** was enacted and promulgated on 20 December 2002, Federal Law Gazette II No. 487/2002. The ordinance is consistent in using gender-appropriate language and takes account of the special situation of women as follows:

1. Pursuant to section 2, paragraph 2 of the Ordinance, “the completion of maternity protection periods under the Maternity Protection Act 1979 and of maternity/paternity leave periods” are criteria to be considered in the ranking.
2. Pursuant to section 3, paragraph 3 of the Ordinance, the qualification score shall decide between applicants of equal ranking. If candidates have the same qualification scores, a hearing shall decide on the ranking. The proportion of women within the geographical area serviced has to be taken into consideration.

Since the deadline for the implementation of the Ordinance, which has to be met by the parties to the covering agreement, is 31 December 2005, no information can as yet be given on the impact of the Ordinance provisions.

### **Mother-child care**

The mandatory medical check-ups under the mother-child card scheme were expanded as of 1 January 2002. The incentive of a bonus payment conditional on compliance with the care plan prescribed by the mother-child card has been replaced by the extended payment of the child-care benefit (for more details on the child-care benefit see Article 13).

### **In vitro fertilisation**

Since 1992, the Act on Reproductive Medicine has regulated medically assisted reproduction. An act on co-financing, adopted on 1 January 2000, provides for 70% of the costs of treatment to be covered from a public fund. An amendment to the act extended the circle of eligible persons.

A few examples of the diverse women's health initiatives launched by the provinces are given below (see also Recommendation 237).

### **Vienna**

**Women migrants:** Women migrants, who are multiply disadvantaged, must be given access on equal terms to all health facilities, and measures are to be taken to compensate for their lack of information as well as their language difficulties. The following measures were taken to achieve these ends:

Native-language information meetings were arranged on cancer risks, heart attacks, infectious diseases (hepatitis B, STD and AIDS) and contraception, and brochures on issues relating to women's health were issued in several languages.

A women's health centre ("FEM-Süd"), set up in a district with a high proportion of women migrants, focuses on health promoting measures targeted at migrant women.

A special counselling desk on female genital mutilation (FGM) was set up in the surgery of a woman gynaecologist who is versed in both the cultural and the medical background of FGM.

**Women with disabilities:** Easier access to gynaecological check-ups: The purpose of the "no barriers" project is to improve gynaecological screening and care for women with disabilities. The project is focussed on identifying conditions and measures designed to make regular gynaecological screening and care available, "attractive" and easy of access for the women concerned. Two surveys are being conducted, the first to take stock of the status quo and assess previous experience and current needs concerning gynaecological screening and care from the viewpoint of women with disabilities, and the second to take stock of the treatment provided from the gynaecologists' perspective. The data and information generated will be analysed and will provide the basis for a catalogue of tailor-made improvements.

"Fem Vital", the Vienna health days for women, were run for the fourth time, addressing a wide range of issues related to health, well-being and life design. ('Health checkpoints' providing free check-ups, extensive counselling covering everything from contraception and sexuality to psychological and legal advice, as well as specialist lectures are all on offer under one roof.)

In 2000, the comprehensive health report of the Province of **Salzburg** was published, which gave an account of the health care for women provided in the province and contained recommendations for improvements. It also mentioned the preventive healthcare provided by the ISIS health centre and the 'first-love outpatient clinics' at the regional hospitals.

Since 2000, violence against women has been the subject of in-service training courses for the medical professions throughout the Province of **Lower Austria**. The Lower Austrian report on women's health, issued in 1999, was devoted to this issue. In the Province of **Tyrol** women's health projects have been run since 1995. In 2002, a twenty-four-hour service was set up at the gynaecology ward of Dornbirn hospital in the Province of **Vorarlberg**, where women who have been victims of abuse can see and be examined by female gynaecologists. The Province of **Upper Austria** organised seminars on stress reduction. (For more details see Annex 1.)

## Article 13

### Article 13, Letter a

#### **Family benefits**

The child's mother has priority entitlement.

In the period under review, the family benefit, the multiple-child bonus and the bonus for children with disabilities were repeatedly increased. Owing to the additional increment when the child reaches the age of three (age increment), the improvements made in 2003 alone have generated an increase in family incomes of approximately €130 million annually; the higher increment for severely disabled children has generated an annual increase of approximately €5 million. Effective from 1 January 2003, the family benefit due upon the birth of a child has amounted to €105,40; from the child's third birthday to €112,70, from the 10th birthday to €130,90, and from the 19th birthday to €152,70; the bonus for each severely disabled child is €138,30. If family benefit is drawn for two children, the total monthly family benefit is increased by €12,80; for families with more than three children, the monthly increase per child is €25,50.

Every taxpayer drawing family benefit is entitled to a tax credit for children. This is yet another instrument designed to reduce the burden of maintenance; it is disbursed in cash to those paying little or no tax. The tax credit is due to the parent drawing the family benefit, which is usually the mother.

The provinces grant various supplements to needy families.

#### **Child-care benefit**

##### **1. General comments**

For children born before 31 December 2001, entitlement to parental leave benefit in Austria was conditional on independent employment and on the acquisition of the pertinent rights and claims. When maternity leave benefit was introduced in 1961, it was paid under the unemployment insurance scheme to replace the income loss incurred during child-care periods. From 1974 onwards, the amount of the benefit was no longer determined by the income earned, but was disbursed at a flat rate. Women farmers and self-employed women were entitled to part-time support, which amounted to one half of the parental leave benefit. Over the years, the parental leave benefits came to be paid mainly from the Family Burdens Equalisation Fund.

For children born on or after 1 January 2002, the previous parental leave benefit and/or part-time support (Federal Law Gazette I No. 103/2001) have been replaced by the child-care benefit. The child-care benefit is due to all parents, irrespective of previous gainful employment or compulsory insurance. Hence, the circle of those entitled to the benefit has been widened to include housewives, students, self-employed people, women farmers and farmers, marginal part-timers and quasi-freelancers. The child-care benefit is a means of recognising and partly compensating the child-care services provided by the parents. Child-care benefits are funded from the Family Burdens Equalisation Fund. The daily amount is €14,53 (2003), and the money is disbursed by the relevant health insurance fund. Child-care benefit is due for the youngest child only, and is also payable for foster children and adopted children.

Lone parents and low-income families are entitled to a supplement of €6,06 per day, which has to be paid back as soon as the income of the recipient exceeds a certain limit.

As of 1 January 2004, the child-care benefit was increased by 50% for multiple births, starting with the second multiple child.

This provision applies to children born on or after 1 January 2004, and it will also benefit parents whose **multiple children** were born between 31 December 2001 and 1 January 2004, who have only drawn the standard child-care benefit. As of 1 January 2004, they will receive the increased amount for the remaining benefit period.

Child-care benefit is a **family benefit** within the meaning of Regulation (EEC) No. 1408/71.

## **2. Eligibility requirements**

In principle, payment of child-care benefit is conditional on either one or both parents being entitled to family benefit and sharing a common household with the child. If neither parent is entitled to family allowance, they will still receive child-care benefit if they have accrued a certain insurance period based on gainful employment.

In order to draw child-care benefit in the full amount and for the entire benefit period, ten (free) medical check-ups are required under the mother-child card scheme (five during pregnancy, five after the birth). If this care plan is not complied with by the end of the child's 18th month of life at the latest, the daily amount disbursed will be halved (€7,27) as of the child's 21<sup>st</sup> month of life.

Total income while drawing child-care benefit is another eligibility criterion (for details see below under Income options).

## **3. Benefit period**

One of the parents is entitled to child-care benefit up to the completion of the child's 30th month of life. If the parents alternate in drawing child-care benefit, the benefit period can be extended up to the completion of the child's 36th month of life. Parents can swap twice, so that the total period can be divided into three parts of a minimum of three months each.

Child-care benefit can be drawn for the youngest child only. In the case of multiple births, only one child-care benefit is payable.

## **4. Income options**

The "additional income ceiling" for the parent drawing the child-care benefit is €14.600 per calendar year. The income of the other parent is not taken into account. In principle, the amount is computed on the basis of all types of income under the Income Tax Act (including income from capital, rentals, etc.). If the aggregate amount exceeds the statutory limit in any given year, the child-care benefit drawn for that year has to be paid back. In special hardship cases reimbursement can be waived, or delayed payment or payment by instalments can be granted as an alternative. The claim to child-care benefit can be waived in advance for certain calendar months, whereby the income drawn during the waiver period is not taken into account.

## 5. Background social legislation

Health insurance: Anybody drawing child-care benefit is covered by health insurance.

Pension insurance: Previously, child-care periods were treated as fictitious qualifying periods. Under the new arrangements, the period in which child-care benefit is drawn for a child born on or after 1 January 2002 is considered as a period of contribution towards a pension entitlement. As of 1 January 2004, this period was extended to 24 months. The months remaining until the child's fourth birthday are counted as fictitious qualifying periods.

Unemployment insurance: Unemployment benefit and unemployment assistance can be drawn subsequent to child-care benefit and also during the period of drawing the benefit, if the eligibility criteria are met (unemployment, ability to work, willingness to work). Eligibility is limited to persons "available for work without major restrictions", which would apply to persons drawing child-care benefit who can furnish proof that the child will be taken care of by a relative, at a child-care facility (crèche, kindergarten) or by a child-minder.

### Article 13, Letter c

#### Sports

##### Advancement of women in high-performance sports

Since the mid-nineties, the sports budget has included a special heading termed "advancement of women", under which €218.000 annually are granted to between five and eight top women athletes from diverse sports disciplines. In addition, the Austrian society for the advancement of athletes, chaired by the sports minister, allocates special grants to women athletes.

In November 2002, the federal sports assembly of the **Federal Sports Organisation**, which is subsidised with state funds, undertook to introduce **gender mainstreaming**. The objective is to ensure the participation of women and men in sports on a basis of equality. The Working Party for Women is currently drafting implementation measures.

To lay the groundwork for sports policy in Austria, the Federal Chancellery has commissioned two **studies**: "Life contexts of top women athletes" and "Girls stay on the ball – motivational structures in girls' sports activities".

#### Events/Meetings

The **workshop "Women in Sports"** (1999) dealt with the status quo of women's advancement and the proportion of women officials. In 1997, a women's department was enshrined in the statutes of the Austrian Sports Federation, and in 1999 the Working Party for Sports and Physical Education – another mass sports umbrella organisation – followed suit.

Under the motto "Life for sports – life after sports", the Working Party for Women of the Federal Sports Organisation and the Federal Chancellery organised a joint meeting in October 2000 with the focus on recruiting more women as sports officials. Under a **mentoring project**, which was launched early in 2003 and ended in March 2004, six women who play leading roles in sports policy-making worked as mentors with eight mentees with the objective of facilitating their integration into sports structures.

The **Platform for Women in Sports** – an independent initiative with no links to parties or clubs – devoted a conference, convened to mark the occasion of its 5th anniversary, to the concerns of women in sports, with the aim of finding solutions together with representatives of the sports community.

At the seminar “**Girls Participating in Sports**” (2001), participants from Germany, the United Kingdom, Slovenia, Sweden and Spain exchanged experience they had gathered in the fields of health (anorexia and bulimia), political involvement, sexual abuse, leisure time activities and active lifestyles.

At the “**Sports Cristall Gala**” of the Federal Sports Organisation<sup>9</sup> where personalities from the world of sport are honoured, the “Women Power of the Year” prize was first awarded in 2003 to a personality who had lobbied for more girls and women in sports.

**Gender mainstreaming – more opportunities for women in sports** – a conference held in 2001, marked the introduction of gender mainstreaming into organised club sports.

“**women.sports.culture: walking new paths**”, a conference held in 2003, was aimed at encouraging girls and women to participate in sports.

## **Article 14**

### **Article 14, Number 2, Letter a**

When the Austrian Programme for the Development of Rural Areas was drawn up, attention was given to the role of women in these areas, and a concept for equal opportunity issues devised.

The EU-Programme for the Community Initiative for Rural Development, LEADER+ Austria, also concentrates on the main areas of gender mainstreaming and equal opportunities of women and men. The different regions had to draw up development plans themselves in preparation of the “LEADER+ regions”; compliance with the principles of gender mainstreaming was an indispensable prerequisite for the drawing up of such plans. Compliance with the principles was not only checked during the selection procedures for the “LEADER+ regions”, but is also constantly monitored in the course of financial audits.

Every second year, a chapter “Women in Agriculture” containing specific data is integrated into the Report on the State of Agriculture (the Green Report) which is approved by Parliament.

### **Special activities in the provinces**

In the Großes Walsertal (Voralberg) a plan for the advancement of women was drawn up in 2003, which aims at eliminating discrimination against women in rural areas.

Since 1999, women’s networks have been built up in the different regions, which are co-ordinated by a supranational network of spokeswomen from the regions.

Together with regional bodies, women devise strategies for solving problems specifically affecting women.

The “International Day of Rural Women”: The **Lower Austrian** Women’s Department participates in the information campaign of the United Nations. Every year a meeting with international guests is

---

<sup>9</sup> <http://wswin.nextra.at/chrha2892/main.asp?kat1=40&kat2=145&kat3=129&vid=1>

held on the occasion of the International Day of Rural Women; the website [www.landfrauen.at](http://www.landfrauen.at) networks Lower Austrian women's initiatives with the international community of women in rural areas and permits a virtual exchange of information.

The project "Gender-Sensitive Transborder Co-operation" seeks to improve the environment in which people in the Lower Austrian border regions live and work and focuses especially on women. The project also aims at integrating women more strongly into regional decision-making bodies and at implementing the principle of gender mainstreaming in a regional and transborder context.

The **Upper Austrian** province government co-operating with women's associations, conducted a series of studies on the situation of women in rural areas and carried out a number of training and upskilling programmes.

The Province of **Tyrol** gave support to the organisation and conduct of courses and seminars, i.e. a course for politicians in East Tyrol as well as a course on transborder co-operation between Außerfern and Bavaria, and initiated and furthered a number of studies (see Annex One).

The Province of **Salzburg** advanced the cause of women in rural areas by setting up offices of female project managers for equal opportunity in the districts Pinzgau and Lungau and by its participating in several EU projects.

#### **Article 14, Number 2, Letter c**

For further details on child-care benefits see Article 13.

#### **Article 14, Number 2, Letter d**

Currently a study on the **educational situation** of women in rural areas mandated by the Federal Ministry of Agriculture and Forestry, the Environment and Water Management is being conducted. In 2000, a brochure for female farmers and farmers' wives was published in German and English. A number of **research projects** dealing with the role of women in rural areas were funded or co-funded and focussed on such topics as developing and testing innovative further training programmes for women holding managerial positions in agricultural and horticultural enterprises as a contribution to the Europeanisation of education (the goal is to support women in managerial or executive positions); educational and training work and women in rural areas (survey on training offers and the participation of women); options to humanise forest work done by women (the objective is to determine all stress and strain to which women are exposed in forest work with a view to improving the working environment of female forest workers and allowing them to reconcile their work and family obligations).

In addition, a number of **further education training and upskilling programmes** were conducted, such as, for example, a "Seminar for Women Farmers and Farmer's Wives"; "School at the Farm"; computer courses; "The Farm as a Family Enterprise – Achieving more Together". Jointly with the Rural Further-Education Institute, the provinces carry out educational training programmes. Female farmers and farmers' wives have access to all training programmes which are destined to empower them to build up new independent and diverse branches of activities which, it is hoped, will have a positive impact on the income of farmers' families. Education is considered as the key to success.

**IT training offers for women in rural areas:** In line with the IT further training campaign launched by the Federal Ministry of Education, Science and Culture, training programmes and training courses for women in rural areas are furthered with a view to giving women in peripheral regions easier access to basic and advanced training. A learning environment specifically geared to women's needs is to lower barriers to access to information and communication technologies. In line with the life-long learning concept, key skills and well-grounded IT qualifications are taught which significantly improve women's chances in the labour market.

**Article 14, Number 2, Letter e**

The formation of self-support groups and the building up of networks are promoted both by the Austrian Programme for Rural Development (especially through efforts to adjust and develop rural areas) and by LEADER+. Within the LEADER+ network, a working group on gender mainstreaming was established which is headed by a female gender mainstreaming expert as project manager. Under the LEADER+ programme, the creation of innovative jobs is intensively supported. In addition, the network's service point for LEADER+ offers interested individuals counselling on gender mainstreaming issues free of charge, which alongside general counselling comprises the working out of guidelines for a gender-sensitive conceptualisation of projects.

**Article 14, Number 2, Letter g**

In Austria, today as many as 41% of all agricultural holdings (natural persons) are managed by women. This high percentage of farms managed by women can in part be explained by the fact that investment subsidies are exclusively granted to full-time farmers. As a result, more and more women have acted as managers of farm holdings, which in reality corresponds to the actual division of labour on farms. Thus, on the one hand, the work of women on the farms is made more visible, and this position of manager gives women in agriculture an important legal status, on the other.

Statistics show that the overwhelming majority of small farms are managed by women. With holdings up to 20 hectares, the share of female managers comes to 40% whereas with those of more than 100 hectares, a mere 16% of the managers are women. 37% of the hillside alpine farms and organic farming enterprises are managed by women. Of the sum-total of investment subsidies, roughly one third were paid to farms managed by women. Women accounted for approximately 19% of the total of bonuses paid to young farmers for establishing a farm (the so-called establishment bonuses). In vocational training courses, 40% of participants are women managing farms, the largest single category of participants. This shows that training measures directed at women were well received. Training programmes for the advancement of women are intended as opportunities for the development of women in rural areas. Diversification efforts resulting in multi-functional activities of farm holdings were primarily made by women (see Annex 2).

In the recording of project-specific subsidies (monitoring), gender-specific data are collected to the greatest possible extent. Recipients of subsidies in principle must comply with the provisions of the Equal Treatment Act. Non-compliance results in the discontinuation of subsidies. The impact of individual projects on equal opportunities for women and men is assessed for each individual project, in particular, under the Community Initiative LEADER+. A negative assessment results in exclusion from the subsidies.

**Article 14, Number 2, Letter h**

**The Pötsching Community Bus Project:** In this project, the traffic phenomenon “accompanying traffic flows” was analysed and practical measures were undertaken on the basis of the findings of the analysis. It could be demonstrated that thanks to specific measures (making the public short-distance passenger transport system more attractive by adjusting it to the needs of the main user categories) not only the utilisation rate of the public short-distance transport system was raised (and thus one of the major objectives of traffic policy was attained) but also the quality of mobility for women was improved which allowed women to better reconcile job and family obligations. This pilot project received the Austrian Environment Award.

**Setting up a Women’s Expert Advisory Council for Transport Policy:** It is the function of this Council to heighten the visibility of women’s needs in transport policy and to take into account ideas and practical proposals of women in all projects relevant to transport. It is the aim to familiarise the general public with the need to address women’s issues in the diverse political spheres as this is the prerequisite for genuine socio-political equality of women and men.

**Article 15**

See Recommendation 227.

**Article 16**

Starting in 1999, the Office for Women’s Issues and Equality in **Salzburg** has built up a legal counselling centre for women, which offers its services free of charge and in the meantime serves all districts. A team of four legal experts holds one to two counselling days in Salzburg every month. In addition, a counselling hot line was established on which a female legal expert gives advice two hours a week. Moreover, a discussion forum entitled “Forum Women and Law” is organised jointly with Salzburg University once a year and deals with recent amendments to marriage and family law. Readily comprehensible publications on marriage and family law were made available to the population.

Furthermore, we refer you to the preceding CEDAW reports by the Republic of Austria. With regard to the option of joint custody of children after divorce, please see Article 5, Letter b.

Annex 1

Projects/programmes/studies/publications

Note: Annex 1 will be made available to members of the Committee in the language in which it was received.