



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

Distr.: General
31 January 2007

Original: English

**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 766th meeting (Chamber B)

Held at Headquarters, New York, on Tuesday, 23 January 2007, at 3 p.m.

Chairperson: Ms. Gaspard

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In the absence of Ms. Šimonović, Ms. Gaspard, Vice-Chairperson, took the chair.

The meeting was called to order at 3.05 p.m.

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

Sixth periodic report of Austria (continued)
(CEDAW/C/AUT/6, CEDAW/C/AUT/Q/6 and Add.1)

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

Articles 7 and 8 (continued)

2. **Ms. Kohl** (Austria), responding to the Committee's questions, said that the proportion of women holding public positions had remained stable at 40 per cent from 1999 to 2006. The Equal Treatment Act had made a clear impact on the situation in federal departments, where the proportion of women holding senior positions had risen from 18 per cent to 27 per cent over the past two years. In Federal Government, the proportion of women had risen from 20 per cent in 1987 to 40 per cent, the highest level ever. The proportion of women serving in the National Assembly had climbed from around 10 per cent in 1982, when Austria had ratified the Convention, to 31 per cent in 2006, reflecting the impact of the Convention and national legislation. In the Constitutional High Court, 30 per cent of judges and 77 per cent of court staff were women, while in the Administrative High Court, 18 per cent of judges and 47 per cent of court staff were women. Lastly, article 10 of the Federal Equal Treatment Act stipulated that there must be an equal number of men and women on public commissions.

3. **Ms. Smutny** (Austria) said that 48 per cent of Ministry of Justice staff and 10 out of 57 Supreme Court judges were women, and that in January 2007 a woman had been appointed as President of the Supreme Court for the first time.

4. **Ms. Kögler** (Austria) said that women accounted for 24 per cent of staff in decision-making positions at the Ministry of Foreign Affairs and 20 per cent of staff working in its foreign missions. The proportion of female ambassadors had risen from 9 per cent in 2003 to 17 per cent in 2005, and the current Foreign Minister, like her predecessor, was a woman. The

entrance examination for the Ministry of Foreign Affairs was divided into two parts — an anonymous written examination and an oral examination — and women had outperformed men in the most recent examination. Lastly, a woman had been appointed as Speaker of the National Parliament for the first time.

5. **Ms. Mukherjee-Cosmidis** (Austria) said that women accounted for 24 per cent of staff on university senate committees, 19 per cent of university rectorships, 29 per cent of staff on university councils, 36 per cent of deans of studies, 38 per cent of heads of administrative units and 27 per cent of vice-rectors. There were no female university heads, but that was not because of lack of regulations, since the 2002 University Act, which had entered into force in 2004, contained a separate section on gender equality and the advancement of women, and also explicitly and implicitly stipulated that guiding principle throughout. Moreover, the Federal Equal Treatment Act also applied to universities. Two new projects had been set up to monitor implementation of the law: a project on gender mainstreaming in university management and a project to assess the situation of women in universities. Based on the results of those projects, a special gender monitoring system would be set up by the Ministry of Health and Women, in cooperation with the universities.

6. **Ms. Kölbl** (Austria) said that there were no formal regulations for increasing the proportion of women in political parties and electoral lists. However, the Green Party had set a quota of around 50 per cent and the Socialist Party had set a quota of 40 per cent. The Austrian People's Party had made a commitment to increase the number of women, but had not set a specific quota, while the Freedom Party had made no such commitment. There were various mechanisms for promoting women's participation in political life, and their effects could be seen to varying degrees in local and provincial governments.

7. **Ms. Belmihoub-Zerdani**, noting that the Committee had been heartened to learn about the high proportion of women holding senior and public positions in Austria, asked whether the State party could indicate how many women had been elected as mayors at its recently held local elections.

8. **Ms. Gumede-Shelton** wished to know whether the various statistics provided by the State party referred to women holding full-time positions, and also

wished to know the overall percentages for women in part-time and full-time employment.

9. **Ms. Kohl** (Austria) said that Austria had not prepared separate statistics for women holding part-time and full-time positions.

10. **Mr. Trauttmansdorff** (Austria) said that data on the recent local elections were not yet available, but that he would forward them to the Committee in due course. Because no distinction was made between full- and part-time public service posts, part-time posts could be senior-level positions. Moreover, public service posts could be alternately full- and part-time.

Articles 10 to 14

11. **Ms. Patten** asked whether Austria was holding consultations on withdrawing its reservation to article 11 of the Convention, and, if so, at what level those consultations were being held. Austria's efforts to address issues concerning women's employment were very welcome. However, she wished to know the impact of the measures taken in the technology sector and to what extent the Government had succeeded in stimulating the diversification of women's occupational choices and promoting their career development and upward mobility. The State party should also indicate how it monitored the impact of section 11 of the Federal Equal Treatment Act, on pay criteria, and what mechanism was in place to ensure that job-grading systems, workplace agreements and collective agreements reflected its provisions.

12. She wished to know whether the machinery set up by the Federal Equal Treatment Commission had been evaluated, whether there were initiatives to strengthen the adjudication of matters relating to wage discrimination, and whether Austria's courts had handed down decisions concerning equal remuneration of men and women in the private and public sectors. In light of the increasing number of women part-time workers, she would be grateful to know how the Government addressed their remuneration and what efforts were being made by the State party to protect women working under atypical employment contracts.

13. The Austrian Government was to be commended for enacting the Law for the Protection of Mothers, but she wished to know what incentives were being provided for the use of parental leave by fathers. She was also interested in measures being taken to facilitate women's re-entry into the labour market following

parental leave, women's access to effective job training, retraining, counselling and training services not limited to traditional employment areas, and general programmes and services for women re-entering the labour market. Lastly, she would be grateful for information on the impact of the affirmative action measures introduced by the State party.

14. **Ms. Zou Xiaqiao** wished to know what was the highest post occupied by a part-time woman worker and whether provisions were made for part-time posts in many different areas. She also wished to know the reasons why women decided to convert their jobs from full-time to part-time posts, whether the State party had conducted research into the educational background and ethnicity of women who chose to do so, and whether the Government had provided them with vocational training. The Austrian Government had made great efforts to increase women's participation in the labour market, but she would welcome specific figures illustrating how women's employment prospects had been improved as a result of those efforts. She would be grateful to know whether women encountered any age or gender discrimination, either as job seekers or in the workplace, and whether any specific laws or mechanisms were in place to prevent and eradicate such discrimination. Finally, she wished to know whether legislation on family leave was universally applicable, whether women's prospects for promotion and training would be affected by maternity, and what measures were in place to prevent that situation from arising.

15. **Ms. Gumede Shelton** observed that according to the report the number of employed women had risen by one third between 1971 and 2001, whereas NGO reports indicated that their number had decreased. Also, she wondered if there was any difference between part-time employment and marginal part-time employment, what the part-time/full-time employment ratio was for women and what the Government was doing to make better jobs available to part-time workers, 85 per cent of whom were women, and to help migrant women to enter the labour market.

16. **Ms. Begum** expressed concern that women were still segregated in low-paying part-time jobs, with a concomitant lack of job security. More should be said about how the Government was attempting to reduce the pay gap and whether the gap existed in both formal and informal work. The lack of adequate day-care

facilities made it hard for women to re-enter the labour market after raising children. Since only 40 per cent of the available day-care centres were up to standard, action was needed to remedy the situation. It was not clear how many of the centres were Government-run and how many run by non-governmental organizations, and whether they were affordable for women working part-time. The delegation should also expand on what the Government had done to equalize pension and social security benefits, especially for single and divorced women, and to integrate migrant women into society and help them to find work.

17. **Ms. Holzer** (Austria) said that information about the partial withdrawal of Austria's reservation to article 11 of the Convention would be forwarded subsequently. The number of working women had definitely risen in Austria: 64 per cent of them had been employed in the fourth quarter of 2006, which meant that Austria had already reached the 2010 European Union target. Admittedly, the rise was due in part to an increase in part-time and other atypical kinds of work, and those areas definitely needed more attention.

18. Austria had adopted the "flexicurity" approach to employment issues being widely discussed throughout Europe: a comprehensive political strategy of coordinated measures to promote flexibility in the labour market as well as modernized working conditions and labour relations was being combined with job security guarantees and social protections that took into account vulnerable and disadvantaged groups like women. The Government also had a plan to train a qualified part-time workforce in the health and service sectors. A related issue, the quality of work, also needed to be emphasized.

19. The Government had set up a programme to reduce the gender pay gap and even though the statistics showed that Austria had in fact made advances in comparison with other European Union countries, the gap remained a challenge. The social partners were responsible for setting wage and employment policies. An important goal was to provide equal opportunities for women. Under the labour promotion scheme, women's share of total funding had climbed to 50 per cent. One way of furthering the advancement of women was to promote in-company training that would open up secure jobs and career opportunities. Attempts were being made to close the pay gap by combating stereotypes and encouraging

women to enter the civil service and commercial and technical fields. A 2006-2008 programme emphasized orientation, education and tutoring, and the qualification initiative for women launched early in 2001 sought to increase the numbers of women in the fields of research and technology. Also, in order to strengthen the negotiating power of individual women in the private sector, the Government's mentoring programme was being expanded. Equal treatment was a top European issue.

20. **Mr. Steiner** (Austria) said that the Government was planning to extend the social security scheme to cover all categories of jobs, and had recently raised the minimum wage — both of which were big advances for women.

21. Research on the reasons for the gender pay gap had shown that it was due equally to the number of hours worked and to the job level. In the past year, the percentage of children of working women in day care had risen, although not enough. The goal was to increase the available day-care places by 50,000 in the next few years.

22. The Government was aware that women were disadvantaged under the social security schemes and was following a dual approach in tackling the problem, seeking to improve women's position in society while compensating for the discrimination against them by amending the social security schemes. In the past seven years women had been given better access to social security pensions by allowing them to become vested after only seven years — rather than 15 years as previously — if they had been engaged in caring for children or dependent relatives. There was also better compensation for periods spent caring for children, with the monthly pension benefit raised by 50 euros per child, the pension assessment years reduced by three years per child, and the years during which earnings had been low — as during part-time work — excluded from the calculations. In 2007, the Government had achieved the very important goal of raising the minimum social security pension to above the poverty level, which favoured women, who represented 70 per cent of the beneficiaries of the minimum pension. The Government also intended to raise the minimum unemployment benefits and social assistance benefits, which would also be particularly advantageous to women.

23. **Ms. Nicolay-Leitner** (Austria) said that the Equal Treatment Commission could, when hearing complaints of discrimination in the private sector, ask enterprises to report on their pay and job evaluation systems. More often than not, however, private enterprises did not keep gender-disaggregated pay statistics or conduct formal job evaluations. It should be noted that most persons complaining of unequal pay — 80 per cent of them women — preferred to avoid court cases and applied rather for the informal negotiations by the Ombuds' Office for Equal Treatment. Of course, a successful court decision had great impact, as had the 1998 Supreme Court decision making it the employer's responsibility to provide equal pay for equal work and not the employee's burden to secure it.

24. Sexual harassment was deemed to be discrimination under the Equal Treatment Act. The Ombuds' Office had already received its first complaints of sexual harassment and was also hearing cases regarding gender and age discrimination.

25. **Mr. Steiner** (Austria) said that, in order to expand childcare benefits and give fathers more incentive to apply for them, the Government was planning to raise the earnings ceiling for the eligibility of both parents for childcare benefits, and was offering two options: a set benefit for 30 months, or twice that amount for 15 months.

26. **Ms. Holzer** (Austria) said that the new 2004 parental leave legislation (report, p. 15), negotiated in advance between the social partners, offered the possibility of taking parental leave until a child was seven years old, a good way of reconciling work and family life. The law currently applied only to enterprises with more than 20 employees, but would be amended in the future.

27. Statistics giving a part-time/full-time breakdown of jobs would be sent later, but no statistics were available on ethnic minority women in part-time jobs.

28. Much of the 50 per cent of the employment promotion budget set aside for women focused on occupational training, with emphasis on helping women to re-enter the labour market. Among the many special programmes for women was one in which they were matched with enterprises which agreed to hire them for a particular job if they successfully completed training for it, a very successful programme that would be replicated. There were also measures to attract

women into technological fields by giving them access to the new technologies. Women were in fact now applying for work in information technology, but the preparation had to start with the very earliest schooling of girls.

29. In 2006, Austria had the second-largest share of working-age foreigners in the European Union, about 11 per cent. Some recent amendments to the laws governing migrants had improved admission procedures for foreign workers and eased their access to the labour market, had restructured the provisions for the entry, stay and permanent immigration of foreign nationals, and had harmonized the legal provisions regarding permanent residence and permanent work permits. Special programmes had been instituted to increase the work opportunities for migrants, with emphasis on migrant women, including orientation and German language classes, basic training leading to secondary school diplomas, special technical courses as preparation for more skilled jobs, and job application assistance.

30. **Mr. Steiner** (Austria) said that the number of women working part-time and full-time — but exclusive of those doing marginal part-time work — had increased by about 30 per cent in the past 30 years.

31. **Ms. Tavares da Silva** said that, according to information received from NGOs, migrant women continued to depend on their husbands for a residence permit and work permit. That was particularly worrying in cases of domestic violence or divorce. While the law made some exceptions in cases of violence, such provisions were, she understood, difficult to implement. In his opening statement, the head of delegation had mentioned an action plan for the advancement of female immigrants. She would appreciate more information about the focus and priorities of that plan and the difficulties that had been raised.

32. She welcomed the changes made to the Asylum Act and the recognition of gender-related persecution. However, the Committee had learned that, since the entry into force of the so-called "alien package" on 1 January 2006, the administrative detention of asylum-seekers pending examination of their claim had significantly increased and, in some cases, women had been detained separately from their minor children. She was curious to know how many people had been detained, in what conditions and for how long; and

whether there were any alternatives to detention, particularly in the case of women who had suffered sexual or gender-based violence or were in a vulnerable situation.

33. The report stated very directly (p. 40) that, because asylum-seekers holding a temporary residence permit could now apply for a so-called “health-check card” allowing them to work as prostitutes, there had been a rise in the number of registered prostitutes. Were any measures in place to help such women, who were in a vulnerable situation and might currently have no choice but to go into prostitution?

34. Lastly, it would be interesting to know whether any assessment had been made of the situation and needs of women in Austria’s many ethnic communities.

35. **Ms. Belmihoub-Zerdani** said that, according to information received by the Committee, over 13 per cent of Austria’s population was threatened by poverty; over half of those people were women. Over 200,000 women lived in extreme poverty and 600,000 lived near the poverty line. Single parent families, which were headed mostly by women, were at particular risk. On average, women earned only two thirds of the amount earned by men, with female blue-collar workers particularly disadvantaged. Moreover, two thirds of the people receiving long-term social assistance were women. She was also concerned about the level of women in atypical employment (70 per cent), part-time employment (40 per cent) and marginal employment (167,000 in 2006 compared to 72,000 for men). Women’s pensions were also very low; four out of ten women would have no pension at all and those who did would receive only two thirds of the amount received by men. She was dismayed by those figures and urged the Government to improve the situation of Austrian women.

36. **Ms. Tan** said that she understood that 56 rural areas comprising over 1,000 municipalities, almost 47,000 km² and over 2 million people, were participating in the EU-Programme for the Community Initiative for Rural Development, LEADER+ Austria (report, p. 68). She wished to know how the situation of rural women living in those areas had changed as a result of the programme; whether the women’s networks built up in the different regions since 1999 (report, p. 68) were involved in the programme; how many participating municipalities had women in 30 per cent of decision-making positions; and whether any of

the programme’s budget was earmarked specifically for rural women.

37. The report also stated (p. 69) that the provinces offered educational training programmes for rural women. She was curious to know whether any progress had been made as a result of such programmes and, if so, in which areas.

38. According to the report (p. 70), as many as 41 per cent of all agricultural holdings were managed by women. It would be interesting to know how many holdings were owned by women and whether female owners received the same subsidies as their male counterparts. She also asked how many farmhands there were in Austria; whether they tended to be Austrian citizens or foreign nationals, male or female; how much they earned; and whether they had social security.

39. **Ms. Patten** wished to know whether the mother-child card scheme (report, p. 63) included immigrant and rural women; how the scheme was funded; what procedures it covered; and whether any statistics were available on disease reduction since its implementation.

40. It would also be interesting to know whether migrant women had health insurance or whether the Government subsidized their treatment. The report mentioned (p. 64) a women’s health centre targeted at migrant women that had been set up in a district with a high proportion of women migrants. Did the Government plan to set up such centres in other regions too?

41. The State party’s efforts to improve gynaecological screening and care for women with disabilities were to be commended. According to the report (p. 64), the Government was conducting two surveys, one on gynaecological screening and care, from the perspective of women with disabilities, and one on the treatment provided, from the perspective of gynaecologists. She asked what the results of the two surveys had been and what tailor-made improvements had ensued.

42. According to information obtained by the Committee, trafficking victims and prostitutes were not entitled to health-care services. Was that correct? She also wished to know how plans to reduce the burden of poverty on women’s health were being implemented.

43. Noting the impact of European Union agrarian policies on women's employment in rural areas, she asked what the Government had done to support agrarian policies that protected small farms in the interests of women and to address the gender impact of low agricultural prices. She also wished to know whether the Federal Ministry of Agriculture and Forestry, the Environment and Water Management was actively mainstreaming a gender perspective in all its policies and programmes. Lastly, in view of women's low participation in agrarian politics, she would be grateful for information on measures taken to ensure that women were given opportunities as designers and planners, and on women's participation in environmental decision-making.

44. **Ms. Westermayer** (Austria) said that immigrant women depended on their husband for a residence permit for five years. Exceptions were made in the event of the death of the husband and divorce. Some women, for example victims of domestic violence, had an independent right to residence.

45. Female asylum-seekers were not detained, but usually lived with their children in a normal house during the asylum process.

46. **Mr. Steiner** (Austria) said that there was currently no action plan for immigrant women, but the new Government's programme included such a plan, under the chapter on measures relating to women.

47. **Ms. Stamm** (Austria) said that, in 2004, an institution had been set up in Vienna which provided free medical examinations and counselling to anyone who did not have health insurance, whether they had a residence permit or not. Foreign prostitutes who had no health-check card or residence permit could, therefore, obtain health services.

48. **Ms. Weinke** (Austria), on the subject of health care for trafficking victims, said that doctors had a legal obligation to treat people in life-threatening situations. There had been a few cases where trafficking victims had required medical treatment. In some of those cases the Government had covered the costs. Such matters were decided on a case-by-case basis. Once a trafficking victim was granted a residence permit on humanitarian grounds, he or she was usually entitled to social benefits, including health insurance.

49. **Mr. Steiner** (Austria) said that Austria's poverty rate was below the European average. The new Government had made the fight against poverty one of its priorities, and was planning to introduce a minimum annual wage of €14,000 and to include all forms of employment, including atypical employment, in the social security scheme.

50. **Ms. Sucharipa** (Austria) said that a gender perspective had been incorporated into all agricultural programmes, including the LEADER+ programme. One of the aims of the programme was to promote job diversification and entrepreneurship so that farming women, in particular, could earn additional income. Some 37 per cent of the applicants for vocational training courses were women, which demonstrated that LEADER+ had been well received. The reason why a larger portion of the budget was allocated to women was that they tended to enrol in longer, more expensive courses. Approximately 30.15 million euros had been spent on adult education in rural areas between 2000-2006 and more than 5,000 women had taken advantage of the programmes.

51. Concerning the question on agricultural holdings and investment subsidies, the statistics referred to farm managers rather than farm owners, since it was the former who received the subsidies. In regard to the negative effects of European Union agrarian policies on small farms, about 50 per cent of the development subsidy was allocated to environmental measures and 25 per cent to mountain farmers and farmers in other disadvantaged areas.

52. **Ms. Westermayer** (Austria), in reply to the question on gender-based violence and the Asylum Act, said that women victims of violence were granted asylum on the grounds that they constituted a specific social group.

53. **Ms. Stamm** (Austria) said that Austria had instituted a maternal and infant health programme called the "mother-child health pass" in 1974. Under the programme, women received free regular check-ups and blood tests during pregnancy and children received free examinations until the age of five. Migrant women with health insurance were also entitled to the "mother-child health pass". In addition, Austria had a number of "migrant friendly" hospitals that offered special programmes for migrant women.

Articles 15 and 16

54. **Ms. Tan**, referring to article 16, said that she would like to receive data on the number of divorces granted by the courts during the previous three years, the proportion of marriages that ended in divorce and the amount of time it took for a divorce to be granted. She also wondered whether many victims of domestic violence had availed themselves of free legal aid during the previous three years and whether the courts issued restraining and protection orders immediately upon receiving divorce applications, in order to prevent further violence.

55. Referring to the table of statistics on the enforcement of the Act for Protection Against Domestic Violence, she would appreciate receiving further clarification regarding the orders prohibiting entry to the home, the nature of the administrative penalty procedures and the grounds on which certain cases had been repealed.

56. **Ms. Smutny** (Austria) said that free legal aid was available to low-income women. She was unable to provide statistics on the divorce rates for the previous three years but would submit them as soon as possible. Finally, it was indeed possible for women victims of domestic violence to request a restraining order upon filing for divorce. The usual procedure was that the police issued an initial restraining order, which was enforceable for 10 days. If the victim filed a request with the court, the order was extended to 20 days. If a divorce application was also filed, the order could be extended for the duration of the court proceedings.

57. **Ms. Weinke** (Austria), in reply to the request for clarification of the table on the enforcement of the Act for Protection Against Domestic Violence, said that the administrative penalty procedures were applied in cases where the perpetrator had violated the restraining order. The term “domestic conflict settlement” meant that the police had settled the conflict and no restraining order had been issued. The section entitled “repeal by the police” referred to cases where it was decided that the restraining order had been issued in error.

58. **The Chairperson** said that the Austrian Government would receive the Committee’s final conclusions in due course. In view of the fact that European Union countries often attached greater importance to European Union directives than to the

Convention, she urged the Government to disseminate the conclusions as widely as possible.

The meeting rose at 5.10 p.m.