



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

Distr.: General  
9 June 2011

Original: English

**ADVANCE UNEDITED VERSION**

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**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**

**Combined seventh and eighth periodic reports of States  
parties**

**Austria\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

## **I. Introduction**

1. 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 maximum intervals of four years on obstacles encountered, measures undertaken and progress achieved in the implementation of CEDAW. Accordingly, Austria drew up its first report in 1983. The present combined Seventh and Eighth Austrian Report follows up the comments of the Sixth CEDAW report and gives a survey of the most important measures taken, projects launched and laws passed with a view to eliminating discrimination against women in social, cultural and economic life in the period from January 2004 to December 2010. The Federal Minister for Women and the Civil Service co-ordinated the preparation of this report. Government authorities and the Federal Provinces were involved in this process, and in November 2010 a structured dialogue was conducted with civil society. As a result of the new reporting guidelines<sup>1</sup> applying to all reports submitted from 2010 onwards, the present report was condensed to forty pages.

2. The first part of this report contains comments on the recommendations of the Committee while the second provides information on the individual articles of the Convention. In addition, a survey of statistics and projects, events, studies and publications is given in the two Annexes.

## **II. Implementation of the recommendations on the sixth Austrian report to the Committee (CEDAW/C/AUT/CO/6)**

### **Response to concluding comments made in paragraph 4 of the concluding comments**

3. As a consequence of the amendment to the regulation governing employment bans and restrictions for female workers, only those special provisions for female workers were retained, which are required on account of gender-specific differences and based on scientific evidence: underground mining work (with a few exceptions), work involving exposure to lead exceeding the maximum permissible value of 0.02 mg/m<sup>3</sup> and work requiring extreme physical effort. These provisions serve to protect women's health and contain individual bans, depending on the type of strain or stress caused by such work.

### **Response to concluding comments made in paragraphs 11 and 12 The equal treatment legislation and income reports**

4. Within the meaning of CEDAW, equal treatment is an inter-disciplinary matter. The Federal Government sought to create a uniform law encompassing all equal treatment provisions to the greatest possible extent. Supplementary special regulations apply to individual areas. In the course of drafting amendments, inter-ministerial discussions are conducted on a regular basis so as to ensure a co-ordinated approach. With regard to the protection against discrimination, please also see the response to paragraphs 29 and 30 of the concluding comments.

5. The amendment to the Equal Treatment Act of 2008 and the Federal Act on the Equal Treatment Commission and the Ombud for Equal Treatment (the GBK/GAW Act of

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<sup>1</sup> HRI/GEN/2/Rev.5, 29 May 2008

2008)<sup>2</sup> have extended the principle of equal treatment between women and men to the access to, and supply of goods and services. With this amendment, the Council Directive 2004/113/EU of December 13, 2004 was transposed at the national level and improvements going beyond these provisions were made. The spheres of the media and of advertising continue to be expressly and generally excluded from the equal treatment principle. With regard to insurance contracts, the Insurance Law Amendment Act of 2006<sup>3</sup> transposed the directive at the national level.

6. In the course of the transposition of the directive, the discrimination cases harassment and sexual harassment as well as law enforcement measures including indemnification rules and a prohibition of less favourable treatment, also of witnesses, were legislated. If multiple discrimination has occurred, this fact has to be taken into account in the assessment of indemnifications. Improvements were also made with regard to protection against discrimination in the event of termination of employment (choice between contesting the dismissal or accepting indemnification), minimum indemnification, clarifications, statutory limitation periods, and proceedings. Senate III of the Equal Treatment Commission is now also responsible for equal treatment of women and men with regard to the access to, and supply of goods and services. Accordingly, the scope of responsibilities of the Ombud for Equal Treatment was also extended.

7. The amendment to the Equal Treatment Act, which entered into force on March 1, 2011<sup>4</sup>, constituted an especially important step. It contains a graduated plan for the implementation of the obligation imposed on companies over a certain size to draw up staff income reports every two years. This provision aims at creating pay transparency: from 2011 onwards, companies with more than 1,000 employees, from 2012 companies with over 500 employees, from 2013 onwards companies with more than 250 employees, and from 2014 onwards companies with more than 150 employees will be required to submit such reports. The requirement to draw up and submit such a report can be enforced by courts within a period of three years. In addition, employers when advertising vacancies have to indicate the collectively bargained minimum wage and state how much more they would be prepared to pay. Should this rule be violated for the first time, the district authority will issue a warning, and if the employer does not comply, a fine of up to euro 360 will be imposed. The Ombud for Equal Treatment and the senates of the Equal Treatment Commission may, in individual cases of presumed wage discrimination, obtain data relating to the wages of comparable employees from the competent social insurance institution. The minimum indemnification for (sexual) harassment now amounts to euro 1,000 instead of euro 720 as in the past. Protection against discrimination has also been extended to persons who, on account of their close relations with an individual requiring special protection, are put at a disadvantage (discrimination by association).

8. The Ombud for Equal Treatment was closely involved in the preparatory work for the amendment of the Equal Treatment Act, which will also improve the Ombud's quality of counselling. Whenever problems arise with regard to direct or indirect income discrimination, counselling on individual law enforcement is highly complex. The establishment of facts constitutes a particularly difficult process, as the required information is often not accessible to complainants, the overwhelming majority of whom are women.

9. The Federal Equal Treatment Act defines the equal treatment intended by the Convention for federal civil service. Of the amendments that have been made since 2005, the following points deserve special mention: the women's quota set forth in the provisions governing affirmative action for women was raised from 40 per cent to 45 per cent; the

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<sup>2</sup> Federal Law Gazette 1 no. 98/2008

<sup>3</sup> Federal Law Gazette 1 no. 95/2006

<sup>4</sup> Federal Law Gazette 1 no. 7/2011

definition of (sexual) harassment was adjusted to the provisions of EU legislation; and the period for lodging a claim for sexual harassment was extended from one to three years. Improvements that are similar to those achieved through the amendment to the Equal Treatment Act were introduced, i.e. concerning multiple discrimination, and the choice between contesting dismissal or accepting indemnification in cases of a discriminatory termination of employment. The rule that gender-neutral language must be used in advertising jobs and in all correspondence relating to human resources matters was also introduced. The provision concerning the composition of Civil Service Commissions was modified so as to be able to draw on the experience of women. The right of women to participate in the work of commissions was defined more clearly. The rule governing interest representation by bodies or NGOs in proceedings before the Federal Equal Treatment Commission was extended to cases of discrimination on account of gender.

10. The Federal Equal Treatment Commission conducts its work in two Senates: Senate One is responsible for equal treatment of women and men, and Senate Two safeguards equal treatment irrespective of ethnic origin, religion or belief, age or sexual orientation. The equal treatment officers in the federal ministries, the supreme administrative bodies and divested enterprises that still have to comply with the provisions of the Federal Equal Treatment Act are thus responsible for dealing with all cases of discrimination.

11. Since March 1st, 2011, an amendment to the Federal Equal Treatment Act<sup>5</sup> has been in force under which the Federal Government is required to draw up annual income reports and publish these forthwith on the homepage of the Federal Chancellery. It is the aim of this amendment to eliminate gender-specific pay disparities in federal civil service. Although the income gap between women and men in civil service is not as wide as in the private sector, it still amounts to 16 per cent. Indemnification for (sexual) harassment has been increased to euro 1,000.

12. The practical experience gained in the implementation of the equal treatment legislation, and that of bodies representing interests, constitute the basis of a continuous evaluation process. This also includes the report on the implementation of the Equal Treatment Act (the Equal Treatment Report for the Private Sector) which is submitted to Parliament every two years. The last such report dates from 2010<sup>6</sup>. The last Equal Treatment Report for the Federal Civil Service (2010)<sup>7</sup> for the first time indicates gender-specific income differences.

13. In the period from 2008 to 2009, the Ombud for Equal Treatment processed a total of 6,612 enquiries and consultations in cases of gender-specific discrimination at work and 370 enquiries and consultations in cases of gender-specific discrimination in the area of goods and services. The Ombud publishes anonymised case studies in its activity report, its electronic newsletter and on its homepage under the heading "this month's case". In order to ensure transparency, the expert opinions and the outcome of individual case studies of all senates of the Equal Treatment Commission and the Federal Equal Treatment Commission are anonymised and subsequently published on the website of the Federal Chancellery and in the Legal Information System of the Federal Government. If a court ruling is not in line with the findings of the Equal Treatment Commission, justified reasons must be given.

14. The inter-ministerial working group for equal treatment advises the Federal Government on all fundamental matters concerning equal treatment and the advancement of women.

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<sup>5</sup> Federal Law Gazette 1 no. 6/2011

<sup>6</sup> [www.frauen.bka.gv.at/DocView.axd?CobId=41942](http://www.frauen.bka.gv.at/DocView.axd?CobId=41942);  
[www.frauen.bka.gv.at/DocView.axd?CobId=41943](http://www.frauen.bka.gv.at/DocView.axd?CobId=41943)

<sup>7</sup> [www.frauen.bka.gv.at/DocView.axd?CobId=41829](http://www.frauen.bka.gv.at/DocView.axd?CobId=41829)

## **Response to concluding comments made in paragraphs 13 and 14 Continuity in equality policies and National Action Plans**

15. In line with the significance and priority given to women's and equality policies in Austria, government members of ministerial rank have been entrusted with the coordination of women's policies since 1990. The competent Minister for Women has again been part of the Federal Chancellery since 2007. The budget available to the Minister for Women was continuously increased in the reporting period, so that it was possible to raise funding for women's projects on a large scale. The budget funds earmarked for such support have risen by more than 60 per cent since 2004, standing at euro 5,342,000 in 2010. These funds represent an important tool for attaining the objective of strengthening the position of women and girls in society. The diverse areas and varied target groups of these funded projects include, for example, counselling of girls and women, courses, protection against and prevention of violence, schemes for women with special needs, migrant women, etc.

16. With its Government Programme (2008-2013), the Federal Government resolved to work out, together with the social partners, a "National Action Plan for Gender Equality in the Labour Market" (NAP) and thus eliminate the persistently disadvantaged status of women. All ministries, the social partners, experts from the world of science, the business community, administration, politics and non-governmental organizations (NGOs) participated in the preparation of this NAP (see response to paragraphs 19 and 20).

17. The second "National Action Plan against Human Trafficking" was adopted by the council of ministers on May 25, 2009 (for further details, see response to paragraphs 25 and 26).

18. The "National Action Plan for the Prevention and Elimination of Female Genital Mutilation in Austria" was presented in Parliament on October 25, 2008 (see response to paragraphs 23 and 24).

19. The "National Action Plan for the Implementation of Security Council Resolution 1325" was adopted in August 2007 (see Article 3).

20. With a view to implementing the gender mainstreaming strategy nationwide, an inter-ministerial working group for gender mainstreaming/budgeting was set up as early as 2000. This working group which is chaired by the Minister for Women comprises representatives of all ministries and the supreme administrative bodies. The tasks and objectives include, in particular, the exchange of information and best-practice initiatives in the different ministries, the development of criteria for the implementation of gender mainstreaming, etc. (see also Article 2).

## **Response to concluding comments made in paragraphs 15 and 16 Monitoring progress**

21. Regular monitoring and evaluation of progress in the implementation of laws, strategies and plans for the promotion of equality and the assessment of their effects is assured through regular reports to Parliament (i.e. reports on compliance with the Equal Treatment Laws), evaluation reports as stipulated by the National Action Plans, and other reports and studies. A comprehensive report on the situation of women<sup>8</sup> was published in 2010. In this context, NGOs active in many different areas of women's and equality policies play a vital role as an exchange of views on developments and problems as well as cooperation on certain technical topics or under projects takes place regularly. One such example is the dialogue with the civil society in the preparation of this report.

<sup>8</sup> [www.frauen.bka.gv.at/site/7207/default.aspx](http://www.frauen.bka.gv.at/site/7207/default.aspx)

22. With regard to the mechanisms for the coordination of measures with the Federal Provinces in the implementation of CEDAW, we should like to draw attention to the fact that Austria has enshrined the Convention in its Constitution, which means that the Federal Provinces also have the obligation to implement it. The Federal Government has no authority to directly influence matters falling within the scope of responsibilities of the Federal Provinces. However, regular meetings are held with representatives of the Federal Provinces and the Federal Government at which open-ended questions are discussed (so-called human rights coordination). The exchange of information on women's policy activities and concerns between the Federal and Federal Province level is also ensured through several meetings held every year between the Minister for Women, the women's desks and equality officers of the Federal Province governments and municipal administrations, Federal Province politicians entrusted with women's issues as well as representatives of the Ombud for Equal Treatment.

### **Response to concluding comments made in paragraphs 17 and 18 Measures to overcome gender stereotypes**

23. The majority of measures described in this report also help to overcome traditional attitudes to gender-specific roles, as, for example, the role of the man as a provider for his family. Please find below a description of some specific activities.

24. The education principle "Education for Equality between Women and Men" was integrated into further curricula: in 2004, into the curricula for kindergarten teacher training colleges, for colleges for agriculture and forestry, in 2007 for secondary schools for engineering, arts and crafts.

25. For several years, projects for the advancement of boys have been focused on the prevention of violence and on the promotion of atypical occupations. A model Boys' Day was conceived for schools and has been regularly organized jointly by several ministries, educational institutions and men's counselling centres since 2008. It is the goal of this Boys' Day to arouse and heighten the interest of boys in the age group of approximately 11 to 16 years for non-traditional occupations and professions, especially in the domains of education and nursing. The studies "Strategies for Widening the Vocational Range for Young Men" and "Drop-Out Rates of Male Students in Primary School Teacher Training" were conducted in 2010. It is hoped that the findings of these studies will contribute to making teacher-training colleges attractive again for male students.

26. The setting up of the web portal "Gender and Education"<sup>9</sup> and the electronic newsletter on education and equality "schug"<sup>10</sup> serve the purpose of raising the awareness of teachers, head teachers and school supervisors for gender issues. Austria-wide and regional conferences and symposia focused on gender-sensitive schools and on gender mainstreaming.

27. The "Gender Days" for schools, which were introduced upon the joint initiative of several ministries, were devoted to the topics "Role Stereotypes and Violence Prevention" in 2007 and "Migration and Gender" in 2008. This initiative which has been re-named "Gender – A Topical Issue" is being pursued. It is hoped that this initiative will foster reflections on gender-stereotypes.

28. As early as 2001, all Federal Provinces organized the first Daughters' Day or Girls' Day. Since then, this Girls' Day has sought to arouse the interest of girls in technical and future-oriented occupations and professions. Since 2006, a Girls' Day has also been

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<sup>9</sup> [www.gender.schule.at](http://www.gender.schule.at)

<sup>10</sup> [www.bmukk.gv.at/schulen/unterricht/ba/schug\\_newsletter.xml](http://www.bmukk.gv.at/schulen/unterricht/ba/schug_newsletter.xml)

organized in the federal civil service<sup>11</sup>. A meeting entitled “Who Wears the Trousers in Journalism?” (2007) dealt with career opportunities for female journalists and their chances of exercising influence. The findings of a special evaluation of the situation of women in journalism<sup>12</sup> were published. In October 2010, an international conference was organized under the theme “Sexism in Advertising”.

29. The Käthe Leichter State Award for Women and Gender Research as well as five other Käthe Leichter awards are made every year. This award commemorates the life and work of the national economist Käthe Leichter and is made in recognition of outstanding achievements in the social sciences, the arts and culture as well as the feminist movement and efforts to achieve gender equality and gender equity<sup>13</sup>.

### **Response to concluding comments made in paragraphs 19 and 20 National Action Plan for Gender Equality in the Labour Market**

30. Intensified political efforts have been made in order to eliminate the disadvantaged status of women in the labour market. The number of women in active employment rose by 9.4 per cent in the period between 2004 and 2009, which compares with a 3.1 per cent increase for men<sup>14</sup>. The higher employment rate can primarily be ascribed to the increasing number of part-time jobs. Women account for only some 35 per cent of all full-time employees. The job opportunities in various occupational domains, in different economic sectors and in various positions are unequal for women and men. The gender-specific difference in hourly pay rates (which stood at minus 25.4 per cent for women in 2009)<sup>15</sup> has not been reduced. Under the impact of the financial and economic crisis in 2009 the number of full-time jobs for women went down, whereas part-time work progressed further alongside other phenomena. In 2009, female unemployment rose less steeply, but since spring 2010 the decline in unemployment has been slower for women than for men.

31. The Federal Minister for Women and the Civil Service presented the “National Action Plan for Gender Equality in the Labour Market”<sup>16</sup> on June 30, 2010. This NAP defines four strategic goals and priority fields of action:

- (a) Diversifying educational paths and career choices, and gender-sensitive career orientation;
- (b) Increasing labour force participation of women with special emphasis on full-time employment (by, amongst other things, reducing gender-specific differences in employment, supporting transitions from part-time to full-time employment, up-skilling of women, measures destined to make it easier to reconcile job and family obligations);
- (c) Boosting the percentage of women in leadership positions;
- (d) Reducing the gender pay gap.

32. These objectives are to be reached by means of 55 practical measures. The individual approaches are described below:

<sup>11</sup> [www.frauen.bka.gv.at/site/5561/default.aspx](http://www.frauen.bka.gv.at/site/5561/default.aspx)

<sup>12</sup> [www.frauen.bka.gv.at/DocView.axd?CobId=25685](http://www.frauen.bka.gv.at/DocView.axd?CobId=25685)

<sup>13</sup> [www.bka.gv.at/site/5558/default.aspx](http://www.bka.gv.at/site/5558/default.aspx)

<sup>14</sup> Employees fully liable for social insurance contributions, without persons receiving childcare allowances, without persons in military service.

<sup>15</sup> The EU structural indicator «gender pay gaps». Eurostat

<sup>16</sup> German: [www.frauen.bka.gv.at/DocView.axd?CobId=40025](http://www.frauen.bka.gv.at/DocView.axd?CobId=40025) English: [www.bka.gv.at/DocView.axd?CobId=42528](http://www.bka.gv.at/DocView.axd?CobId=42528)

(a) Combating stereotypes of women's and men's roles, enlarging the range of occupational/professional and educational options for young women and giving women access to atypical domains, promoting gender competence of teachers, in school development programmes and in school management;

(b) Breaking down barriers to labour force participation, supporting and providing incentives for boosting female employment, promoting further education by offering a wider variety of technical options and better career opportunities, additional infrastructure and other measures which will allow persons in employment to reconcile job and family obligations with a view to gender equality;

(c) Raising the share of women in advanced in-company training, stepping up the number of women in supervisory bodies of private and public-sector companies and on management boards of universities, qualifying women for taking on leading positions, affirmative action in companies and in the federal civil service;

(d) Heightening transparency with regard to wages in enterprises, improving data collection and processing, providing information on pay scales for new entrants to the labour market, conducting analyses, supporting discrimination-free job evaluation, upgrading jobs in social service areas, such as kindergartens.

33. For this purpose, a number of tools will be employed, such as, amongst other things, mandatory vocational guidance in the 7th and 8th grades, revision of curricula and subjects taught to eliminate role stereotypes, with special emphasis on girls from immigrant families, appropriate measures in the basic and advanced training of teachers, continuation of the nationwide expansion of child-care facilities, promotion of paternal leave, or the most recent amendment to the Equal Treatment Act providing for a statutory obligation for companies to draw up income reports. The NAP complies with the recommendations of the Committee (especially recommendations contained in paragraphs 17 to 22 and 27 to 28). The representatives of civil society, including NGOs made valuable contributions to the drawing up of the NAP.

34. The introduction of statutory extra payment for additional work done by part-timers as of January 1st, 2008, constituted an important step on the road towards equal treatment. This extra payment amounts to a 25 per cent bonus for every additional hour worked. This arrangement was motivated by the desire to make it easier for part-timers to plan their private lives and to counteract the conversion of full-time jobs into part-time employment. With only a few exceptions, full-time employees have always qualified for a 50 per cent overtime bonus for extra work.

35. Two studies analyzed the gender-specific disparities in pay by means of a set of indicators in 2008 and 2009. The findings concluded that the income gap already starts for new entrants in the labour market, thus making a considerable contribution to the overall gender pay gap. Other significant causes of the income disparity between women and men are inequalities in career advancement and interruptions of work due to childcare periods.

36. The Ombud for Equal Treatment devised workshops for multipliers in bodies representing interests and in companies that combine comprehensive information on the relevant statutory provisions with a description of practical cases and instructions for making income differentials visible.

37. A further training course which aims at heightening the professionalism of equal pay specialists was developed, and in 2008 and 2009 three seminars of this type were held. One module of the course dealt with mentoring as a tool for achieving equality for migrant women. In autumn 2009, a campaign entitled "Equal = Fair" was launched which focused on equal pay for equal work.

38. The Austrian Public Employment Service (PES) adopted the binding strategy that equality must be striven for in each and every respect. In 2001, the principle was introduced



that 50 per cent of the budget funds earmarked for an active labour market policy must be spent on women; as a result of the economic crisis, which pushed up male unemployment figures, this goal was not entirely reached in 2009. A share of 48.4 per cent (472.9 million euro) (excluding short-term work) of the gender-assignable budget was spent on women in 2009. In 2007, 49.4 per cent of these funds, which had been boosted by 20 per cent in that year, were spent on women, which compares with as much as 52.3 per cent in 2008.

39. One essential objective of Austria's equality orientation in its labour market policies is to give women and girls access to all occupations, professions and positions. The 63 vocational information centres of the PES support women and girls in their choice of an occupation or profession. In cooperation with counselling centres for women and girls, the PES offers special career orientation programmes. In addition, the up-skilling of unemployed women who lack the required qualifications or who have qualifications that are no longer in demand in the labour market, constitutes a central activity of the PES. A specific advancement programme entitled "FiT" ("Women in Crafts and Technology") was launched in 2006 which offers certified training in technology, the crafts and trades. For health-care and nursing occupations, up-skilling courses also focus on imparting higher qualifications to persons already working in this sector. 2010 saw the start of the pilot phase of another affirmative action programme in some of the Federal Provinces: vocational centres for women were established which bundle up-skilling offers for women. Options for re-integration into the labour market: see response to paragraphs 21 and 22.

40. Examples from the Federal Provinces: In 2010, the LILITH competition, which seeks to motivate young girls to think about their future career, was held in Carinthia for the sixth time. Starting in 2007, a conference on gender-equitable career orientation has been organized in cooperation with the Klagenfurt Girls' Centre every two years. Lower secondary schools with special achievements in the area of gender-sensitive vocational guidance can apply for a quality seal for career orientation that was introduced in 2009 (please see also Article 10).

#### **Ensuring social security and combating the poverty risk of women**

41. Improving or ensuring social security and adequate retirement pensions for elderly women, especially those who have no or minimum pensions, or women who would not receive such pensions in the future, as well as the adjustment of women's pensions to those of men constitutes a major challenge for Austria's social policy. The average retirement pension (including supplements) amounted to euro 1,100 in December 2009, with retirement pensions of men averaging euro 1,436 and those of women euro 853.

42. The introduction of a voluntary "pension splitting scheme" (in 2005) for childcare periods created further opportunities for women to draw independent old-age pensions. Since 2005, childcare periods for assessing women's pensions have been reviewed. Since that time, for every child, periods of up to four years have been taken into account in assessing pension entitlements on the basis of contribution revenues. This basis is increased every year<sup>17</sup> and in 2010 amounted to euro 1,528.87 a month. On July 1st, 2007, the voluntary pension insurance scheme was improved for persons nursing close family members in need of care. In 2009, the obligation of the federal state to finance all insurance contributions, for an unlimited period of time, was established for persons covered by voluntary pension insurance who are nursing close family members in need of care, from care category 3 onwards<sup>18</sup>

43. Women rank among the central addressees in the fight against poverty. For women capable of gainful employment, a job with an income that safeguards their livelihood is the

<sup>17</sup> Social Law Amendment Act of 2007

<sup>18</sup> Second Social Law Amendment Act of 2009

key to avoiding poverty. Full-time employment, in particular, means that women run a lower risk of poverty. Thanks to improved options for childcare allowances, the re-entry of mothers into the labour market was facilitated. The accelerated pace in establishing childcare facilities and homes for the elderly has offered women improved career opportunities. Over the past decade, the number of places in childcare facilities for children below the age of three has doubled.

44. A variety of measures taken in different spheres has contributed to reducing the differences between women and men in the at-risk-of poverty rates. In the year 2000, 14 per cent of women and 9 per cent of men were at risk of poverty, in 2008, these rates were 13.5 per cent for women and 11.2 per cent for men.

45. As compared to men, women, irrespective of whether they receive pensions or not, always run a higher risk of being hit by poverty, especially when they live without a partner. With the introduction of a means-tested minimum income scheme efforts have been made to combat, amongst other things, the high risk of poverty for single parents. Under the new scheme, single mothers (or fathers) entitled to minimum income will receive higher benefits than had previously been the case under the social laws of the Federal Provinces. In early 2011, the means-tested minimum income scheme is being implemented throughout Austria (under the jurisdiction of the Federal Provinces). In 2011, the minimum standard for singles and single parents amounts to euro 753 (12 times a year). In addition, every adult is entitled to apply for such a benefit irrespective of his/her partner, an arrangement from which primarily women will benefit. Recipients of means-tested minimum income have been included, by regulation, in the statutory health insurance scheme<sup>19</sup>. They will now also receive an “e-card” instead of the health fund voucher that was previously required.

### **Response to concluding comments made in paragraphs 21 and 22 Reconciling family tasks and work of women and men**

46. With the extension of childcare facilities and the involvement of men in domestic work and family tasks, significant steps are being taken. The objective is also to promote the equal participation of mothers and fathers in gainful employment, family care responsibilities and domestic work. In 2010, the childcare allowance system was modified providing for two new short-term versions<sup>20</sup>. Thus, today four lump-sum versions and one income-linked version are available. Taking into account all children born on or after January 1st, 2010, it transpires that on the reference date, December 30th, 2010 more than 12 per cent of all applicants opted for income-linked childcare allowances and 4.6 per cent for the short-term lump-sum version. Accordingly, close to 17 per cent of these parents chose one of the two new, short-term versions. The share of fathers who received income-linked childcare allowances on the reference date stood at approximately 6.4 per cent. The share of fathers who received the short-term lump-sum childcare allowance was even higher, approximately 8.9 per cent.

47. On July 1st, 2004 a legal entitlement to part-time employment was established for parents working in companies with a staff of more than 20, provided that their employment, including parental leave, lasted for three years without any interruption. Parents are entitled to work part-time up to the seventh birthday of the child, or longer if the child starts school later. Parents who do not have this entitlement may, upon agreement with their employer, work part-time until the fourth birthday of their child at the latest (parental part-time work agreement). Furthermore, in smaller companies, a parent’s right to part-time employment

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<sup>19</sup> Federal Law Gazette II no. 262/2010

<sup>20</sup> Maximum allowance period: up to the 12th month, if both parents work part-time up to the end of the 14th month of the child.

can be defined in a plant agreement. Parents are entitled to return to full-time employment and enjoy special protection against both notices of dismissal and dismissal. Both parents may claim part-time employment simultaneously. As demonstrated by an evaluation, a favourable trend has manifested itself: a relatively large number of fathers do take advantage of part-time work, even though their number remains low.

48. Family hospice care: With an amendment to the relevant law, the overall duration of hospice care in the family for a child suffering from an extremely serious disease was extended to a maximum of nine months. The right to nurse terminally ill family members was also granted to adoptive and foster parents as well as stepchildren and children of live-in partners, and from 2010 onwards also to registered partners and, in principle, to their children.

49. Labour market policies for re-integration into working life: Women who had interrupted their careers for family reasons are supported through counselling services in cooperation with Women's Counselling Centres offering specific up-skilling programmes, childcare subsidies and re-integration allowances to facilitate their return to working life. As a matter of principle, persons who are (still) on parental leave may also undergo further vocational training. "Re-Entry with a Future" is a programme that was conceived especially for women and comprises re-orientation modules, a further training plan and coaching during the job-seeking process. In 2009, approximately 29,100 female re-entrants (+6.3 per cent increase as against 2008) benefited from advancement measures, especially from up-skilling courses (21,900). Subsidies earmarked for childcare facilities have promoted the creation of additional places in childcare facilities and the hiring of more caregivers.

50. In the period from 2008 to 2010, the Federal Government made available a total sum of 45 million euro for the extension of childcare facilities, especially for children below three years of age. With a view to offering all children optimum education options and the best chances for a good start to their working lives, irrespective of their socio-economic background, the Federal Government has also made available euro 70 million for every nursery school year from 2009 to 2013. These funds are earmarked for free, half-day, mandatory early development of children's talents in institutional childcare facilities during the last year before compulsory schooling begins. From September 2010 onwards, half-day attendance is mandatory for children of this age group throughout Austria. The effects of this free care and the obligation to attend these facilities will be continuously evaluated. In addition, since 2005, private providers of innovative facilities have received funds totalling euro 700,000 annually, which are disbursed from the Family Burdens Equalization Fund. As of September 1st, 2009, the guidelines were changed so that company childcare schemes and the training of child minders are also eligible for subsidies.

51. Over the past few years, attendance rates at childcare facilities rose significantly, although major regional differences persist, for instance with regard to opening hours. In 2009, the attendance rate at childcare facilities for the age group three to five was 88.5 per cent – excluding child minders and children starting school before the age of six. If these two groups are also taken into account, the rate is 91 per cent. In 2009, the percentage of children aged zero to under three years attending childcare facilities was 15.8. If children of this age group who are in the care of child minders are included, this share amounts to approximately 18 per cent.

52. In 2009, the Framework Plan for Elementary Educational Facilities, which applies in all Federal Provinces, was drawn up for children in the age group zero to six. It contains instructions for staff of these facilities to assure the best possible advancement of children. Thereby a basic principle to be applied is gender sensitivity<sup>21</sup>.

<sup>21</sup> [www.bmukk.gv.at/medienpool/18698/bildungsrahmenplan.pdf](http://www.bmukk.gv.at/medienpool/18698/bildungsrahmenplan.pdf)

53. More all-day schools are being built and high-quality all-day care facilities promoted. In 2007/08, the campaign “High Quality Full-day Care in Schools” was launched: schools can apply for a quality seal after having submitted their full-day care to voluntary quality control.

54. Example from the Federal Provinces: Starting in 2010, attendance at a municipal kindergarten in Vienna has been free of charge for children in the age group zero to six, and only a charge for meals is collected. The number of full-day compulsory schools is constantly on the increase and childcare is also offered on school-free days and during school holidays.

55. In Lower Austria, the project “Parent-Oriented Human Resources Policy Focused on Fathers” was conducted (2008-2010) and relevant measures were taken<sup>22</sup>.

### **Response to concluding comments made in paragraphs 23 and 24 Preventing and combating violence against women**

56. Effectively preventing and combating all forms of violence against women is a priority goal of the Federal Government. This comprehensive approach aims, in particular, at protection from domestic violence, prosecution of perpetrators, victims’ rights and support, prevention, cooperation, training, information and raising awareness. The Act on Protection against Violence of 1997 introduced essential improvements.

57. The Second Act on Protection against Violence of 2009<sup>23</sup> provided for a number of further important measures. Serial perpetration was defined as a new crime<sup>24</sup> – i.e. the perpetrator repeatedly commits acts of violence against another person over an extended period of time. The basic penalty is up to three years’ imprisonment and in clearly defined cases even goes beyond this punishment. Furthermore, more severe punitive sanctions<sup>25</sup> were defined for several sexual offences. For sexual offences, a general crime-related extension of the clearance period or absolute exclusion of clearance was provided for. Knowingly accessing a pornographic representation of minors on the Internet carries a threat of imprisonment, and the range of penalties for the dissemination of such images was made more stringent<sup>26</sup>. The facts constituting the crime of slavery<sup>27</sup> were extended to include deprivation of personal freedom in the form of slavery or slave-like conditions.

58. Sexual offenders or sexually motivated violent criminals who are released from prison or from detention measures on parole may be placed under court surveillance<sup>28</sup>. A ban on activities<sup>29</sup> was introduced as a preventive measure. If sexual offenders are released on parole, the court is required to order probation service<sup>30</sup>. The probation period was extended<sup>31</sup>. The statement made by the Expert Opinion and Evaluation Body for Perpetrators of Violence and Sexual Offenders must be submitted to the Central Analysis Register for the purpose of prevention<sup>32</sup>. The start of the period of limitation for sexual offences was postponed to the 28th year of a victim’s life, since traumatic experiences

<sup>22</sup> [www.no.e.gv.at/Gesellschaft/Soziales/Frauen/Vereinbarkeit/Vereinbarkeit.html](http://www.no.e.gv.at/Gesellschaft/Soziales/Frauen/Vereinbarkeit/Vereinbarkeit.html)

<sup>23</sup> Federal Law Gazette I 2009/40

<sup>24</sup> Section 107b of the Criminal Code

<sup>25</sup> Section 202, para. one, Section 205, para. one and Section 214, para. two of the Criminal Code

<sup>26</sup> Section 207a, para. 3a of the Criminal Code

<sup>27</sup> Section 104, of the Criminal Code

<sup>28</sup> Section 52e of the Criminal Code

<sup>29</sup> Section 220 b of the Criminal Code

<sup>30</sup> Section 50, para. two, no. 2 a of the Criminal Code

<sup>31</sup> Section 48, para. one of the Criminal Code

<sup>32</sup> Section 152, para. two, Treatment of Offenders Act

frequently manifest their consequences only in adulthood. At the same time, the scope of application of this provision was extended.

59. In 2006, the anti-stalking section was added to criminal law<sup>33</sup>.

60. The victims' rights: Since 2006<sup>34</sup>, victims of violence, dangerous threats or sexual crimes as well as dependents of persons who could have died because of a criminal act or other dependents who witnessed the crime are entitled by law to psycho-social and legal assistance, free of charge, during proceedings. Psycho-social assistance<sup>35</sup> and minimization of distress caused to victims by being questioned in court were extended to civil proceedings<sup>36</sup> in 2009. The court may even forgo the questioning of minors if this would jeopardize their well-being. Victims of violence, persons exposed to dangerous threats or sexual crimes are entitled to extremely sensitive questioning<sup>37</sup> (not in the presence of the perpetrator, indirect questions, etc.).

61. Since 2008, specially trained public prosecutors have been mandated to process cases of violence in the immediate social environment of victims. The Act Reforming the Code of Criminal Procedure (which took effect on January 1st, 2008) granted victims far-reaching rights to information and as parties in certain cases. In the event that criminal investigations are suspended, the victim has the right to apply to the court for continuation of the proceedings<sup>38</sup>. Furthermore, the victim must be informed of the release of the accused from pre-trial custody<sup>39</sup> as well as of a prisoner's release from imprisonment<sup>40</sup> provided the victim applies in advance.

62. In order to meet the specific need for protection of victims of domestic violence, courts are now expressly authorized<sup>41</sup> to refrain from imposing pre-trial custody on the perpetrator after arrest and to resort to more lenient means (solemn oaths and relevant instructions). If the perpetrator repudiates such solemn declarations or instructions, pre-trial custody can immediately be imposed. Parties, but also witnesses now have the right not to indicate their place of residence in their written pleas in civil proceedings<sup>42</sup>

63. Interim injunctions: Under the First Act on Protection against Violence of 1997, it is possible by court order to forbid violent criminals to enter the flat (in which the victim lives) or to stay in its immediate vicinity. In 2009, the group of persons that can be protected in this way was extended. Moreover, it is possible to forbid perpetrators to stay in designated places and to order them to avoid any contact with the victim. The validity period of such court injunctions was extended.

64. Assistance: Since 2004, the number of centres for protection against violence has been increased in all Federal Provinces and their budget has been more than doubled (2010: euro 6.36 million). 14 additional regional centres and counselling offices have been established, some of which are financed by the respective Federal Provinces. The number of victims of domestic violence turning to centres for protection against violence rose from 8,623 in 2004 to a total of 14,622 in 2009<sup>43</sup>. New women's shelters have also been added to the existing list of such institutions so that in 2010 thirty women's refuges offered a total of

<sup>33</sup> Section 107 a of the Criminal Code

<sup>34</sup> Federal Law Gazette I, no. 119/2005

<sup>35</sup> Section 6 b of the Code of Criminal Procedure

<sup>36</sup> Section 73 b of the Code of Civil Procedure

<sup>37</sup> Section 250, para. three of the Code of Criminal Procedure

<sup>38</sup> Section 195 of the Code of Criminal Procedure

<sup>39</sup> Section 177, para. 5, Code of Criminal Procedure

<sup>40</sup> Section 149, para. 5, as amended, Federal Law Gazette no. I, 2009/142

<sup>41</sup> Section 173, para. 5, no. 3, Code of Criminal Procedure

<sup>42</sup> Section 75 a, Code of Civil Procedure

<sup>43</sup> Statistics of the centres for protection against domestic violence

750 places for victims, and numerous women-specific counselling centres have been financed. The nationwide free helpline for women exposed to male violence, which has been widely publicized, can be accessed round the clock. Alongside the 24-hour emergency line for women in Vienna, five further regional helplines offer their services.

65. Basic and advanced training: Basic and advanced training seminars for the staff of women's protection institutions have been funded on an ongoing basis. Since 2009, additional seminars, for which separate curricula were developed, have been organized for staff giving psycho-social assistance to women throughout criminal proceedings. Required improvements are discussed in working meetings with representatives of the centres for protection against violence which are held at regular intervals. Furthermore, the Federal Minister for Women regularly invites delegates of women-specific NGOs to participate in dialogues.

66. The prevention of violence, laws governing protection against violence as well as cooperation between, and coordination of the work of the judiciary, law enforcement bodies, victim protection facilities and intervention centres as well as fundamental and human rights have formed part of the subjects covered by examinations which qualify candidates for judicial offices. Since 2008, candidate judges have been required to attend a three-day seminar on fundamental rights and to undergo practical training at a victim protection or welfare institution for a period of at least two weeks. For the advanced training of judges and public prosecutors, a variety of seminars are devoted to these subjects as well as to the specific topics "violence directed at women and domestic violence" and "human trafficking".

67. Law enforcement, also including police interventions, aims at prevention, and it is hoped that consistent zero tolerance for domestic violence will lessen the danger of repeated acts of violence. Ultimately, this should contribute to a change in structural conditions. Law enforcement officers must explain to perpetrators that they are responsible for their crimes and confront them with the wrongful nature of their actions.

68. Various projects and campaigns focused on strengthening the capacity to settle conflicts peacefully and to heighten awareness of the need for the prevention of violence.

69. Harmful traditional practices, such as forced marriage and female genital mutilation: Several technical meetings were held and a catalogue of measures for targeted prevention work was compiled. A study on violence against women rooted in harmful traditional practices (2008) and a brochure based on this study were published (2009). A National Action Plan for the Prevention and Elimination of Female Genital Mutilation in Austria was prepared under the leadership of the President of the National Council and was coordinated by the African-Women's Organization<sup>44</sup>. On the occasion of the Memorial Day against Female Genital Mutilation, a new information file produced by "Stop FGM" was published in five languages and directly addresses parents.

70. Improved cooperation and coordination: All ministries, Federal Province bodies and NGOs dealing with the prevention of violence are represented on the Advisory Council on Fundamental Issues of Violence Prevention (the Prevention Council) in the Federal Ministry of the Interior. The tasks of this Council comprise, in particular, the drafting of proposals and position papers in connection with violence prevention projects of the Ministry. The platform against domestic violence has worked out, amongst other things, a number of prevention and intervention projects and made these available to interested parties<sup>45</sup>.

71. For the inter-ministerial preparation of violence prevention measures, working parties are set up which usually also include representatives of NGOs, such as the inter-

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<sup>44</sup> [www.african-women.org/documents/FGM\\_NAP\\_DE.pdf](http://www.african-women.org/documents/FGM_NAP_DE.pdf)

<sup>45</sup> [www.plattformgegengewalt.at](http://www.plattformgegengewalt.at)

ministerial working group for the implementation of measures during the European Council campaign of 2007/2008 against violence directed at women. Austria endorses the efforts of the Council of Europe to adopt a comprehensive, binding agreement exclusively addressing the issue of violence against women.

72. Public relations and publications: Since 2006, the touring exhibition entitled “Behind the Scenes” has addressed the phenomenon of domestic violence, its extent, causes, forms etc. and is also providing information on relevant laws and support facilities. The initiative “Gender – A Topical Issue” places emphasis on different aspects of the prevention of violence every year. On the occasion of the 10th anniversary of the Austrian Act on Protection against Violence in November 2007, a much-acclaimed international conference was held under the theme “10 Years of Austrian Legislation for Protection against Violence in the International Context”. Publications and general information on the topic of violence against women can be downloaded in German and English under [www.frauen.bka.gv.at](http://www.frauen.bka.gv.at). At this point, mention should be made of the fact that all ministries involved in combating violence against women have mandated publication or have themselves published a large number of brochures, practical guides, technical magazines etc. on individual aspects of this topic, which are distributed to schools, hospitals, courts and other (public) institutions as well as to victims and other interested parties.

73. Systematic data collection: A central database for protection against violence was set up. Thus law enforcement authorities have been authorized to process identification data in an integrated information system concerning persons affected by one of the measures set forth in Section 38a of the Law Enforcement Act (cases of domestic violence). This authorization also refers to availability data, records of violent crimes perpetrated and other data; with regard to persons to be protected, only data concerning the age of such a person, his/her sex, nationality or family relations with the perpetrator may be used. Data must be deleted once a barring order<sup>46</sup> has been lifted. The data of all convicted or detained sexual offenders are specifically flagged when entered in the criminal record so that, if needed, relevant information can be retrieved and made available to authorities within the shortest possible time<sup>47</sup>.

74. Examples from the Federal Provinces: Vienna: Continuous and long-term subsidies were made available for women’s refuges, the round-the-clock helpline for women, awareness raising, statutory definition and establishment of victim protection units in central and major hospitals for early identification of cases of sexual, physical and psychological violence, especially directed at women, raising the awareness of both kindergarten teachers concerning female genital mutilation and forced marriage and female doctors concerning FGM and female genital surgery.

75. Vorarlberg: Promotion of the awareness raising projects “Crossing and Setting Boundaries” and “Signal”. These projects address medical and para-medical staff in local communities. The functions and the capacity of emergency accommodation for women and the centre for protection against violence have been enlarged, such as, for example, the emergency accommodation for women in Dornbirn.

### **Response to concluding comments made in paragraphs 25 and 26 Combating trafficking in women and girls**

76. The **Task Force** for Combating Human Trafficking was set up on the basis of a decision taken by the Council of Ministers in 2004. It comprises representatives of all

<sup>46</sup> In accordance with Section 38 a, para. 6, of the Law Enforcement Act

<sup>47</sup> Section 9 a of the Act Governing Criminal Records

competent ministries, the Federal Provinces and NGOs. After the first National Action Plan for Combating Human Trafficking had been adopted in 2007, the second plan covering the period from 2009 to 2011 was adopted by the Federal Government in May 2009<sup>48</sup>. This comprehensive strategy which is primarily aimed at combating trafficking in women and girls defines coordination measures, prevention, victim protection, including legal and psycho-social assistance and, in case of need, provides for support to victims to assure their livelihood, as well as prosecution and international cooperation. NGOs play a central role in the drafting and implementation of this National Action Plan.

77. Under certain conditions, victims of human trafficking or trafficking in women are entitled to claim compensation under the Act Governing Victims of Crimes. These claims also include the reimbursement of the costs of psychotherapy required as a result of the crime. Since 2004, the budget of the Intervention Centre for Trafficked Women has been more than doubled (in 2010 it stood at euro 480,000). In addition to the existing secret emergency accommodation established in 1998, half-way accommodation for six persons which is also secret was created in 2007. This is open to victims, who, after a phase of intensive round-the-clock care in an emergency accommodation facility, become sufficiently stable to be able to cope with life requiring less care. In local communities, round tables were held on human trafficking, information was provided, and awareness-raising efforts were made. Austria co-operates closely with its neighbouring countries and with EU institutions.

78. Residence permits can be issued to victims or witnesses of human trafficking or trans-border forced prostitution with a view to affording special protection to any such persons<sup>49</sup>. Thanks to this legal provision, such persons are granted legal residence titles during court proceedings and thus have the time required for lodging and enforcing claims under civil law. Thanks to simplified court proceedings, the specific situation of such parties is taken into account.

79. In 2010, a nationwide human-trafficking hotline was established which operates in police stations 24 hours a day. In addition, training programmes focused on human trafficking were organized for law enforcement officers.

80. Austria was engaged in prevention work in more than 100 countries that are at risk. All Austrian diplomatic service units abroad were requested to take practical, energetic action against human trafficking. Austria's Development Cooperation made a significant contribution to combating human trafficking in the countries of origin. With a view to improving the protection of domestic staff of diplomats accredited in Austria or international officials, a large number of control mechanisms were devised in cooperation with the other competent ministries and victim-protection organizations so as to counteract any abuse. Austria has thus assumed a pioneering role at the international level.

81. On the occasion of the "EU Anti-Trafficking Day 2010" the annual public meeting on the topic "Joining Forces against Human Trafficking – Austria's Activities to Combat Human Trafficking" was held in Vienna. The exhibition "Human Trafficking – Slavery in the 21st Century" is primarily intended for Austrian schoolchildren and seeks to explain the phenomenon of human trafficking and stimulate debate about its background.

82. Example from the Federal Provinces: In Vienna, victims of trafficking who need a residence permit can address themselves to a contact point which cooperates closely with the Intervention Centre for Trafficked Women. The training of multipliers was fostered in order to be able to help trafficked victims suffering from sexual exploitation.

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<sup>48</sup> [www.bmeia.gv.at/fileadmin/user\\_upload/bmeia/media/2-Aussenpolitik\\_Zentrale/Menschenrechte/TFM\\_Aktionsplan\\_V20090929\\_LAYOUT\\_FINAL.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/TFM_Aktionsplan_V20090929_LAYOUT_FINAL.pdf)

<sup>49</sup> Section 69a, para. 1 no. 2 of the Establishment and Residence Act (NAG)



## Response to concluding comments made in paragraphs 27 and 28 Raising the share of women in decision-making positions

83. With regard to women in the highest-ranking leadership and decision-making positions in politics, business life, science and administration, the findings of multiple studies demonstrate a significant over-representation of men in some areas and minimal changes in this situation. Austria's share of women in decision-making positions in political life stands well in the middle or upper segment of the list of the 27 EU Member States and EEA countries. The proportion of women in leading positions in federal civil service went up further over the past few years<sup>50</sup> In the 200 Austrian enterprises with the highest turnover figures, women accounted for 10.3 per cent of supervisory board members, and for 4.4 per cent of all Austrian management board members or general management in February 2011. In 2008, the share of women represented on the supervisory boards of state-controlled companies was 16.1 per cent, and on management boards or in top management 11.6 per cent.

84. Accordingly, the advancement of women in leading positions constitutes a vital concern of the women's policies pursued by the Federal Government. The National Action Plan for Gender Equality in the Labour Market defines practical steps, which will, amongst other things, lead to a higher percentage of women in decision-making positions in state-controlled and private companies as well as in public administration (see response to paragraphs 19 and 20). The Federal Government adopted a concrete women's quota for supervisory bodies of state-controlled companies: In accordance with this graduated plan, the share of women on supervisory boards appointed by the Federal Government is to be raised to 25 per cent by 2013, and to 35 per cent by 2018<sup>51</sup>. Further data and advancement measures can be found on the web portal on women in top positions<sup>52</sup> that was newly established in 2010.

85. At the universities, efforts are to be made to counteract the "leaking pipeline", i.e. the gradual disappearance of highly qualified women in the course of their academic careers. To this end, a targeted human resources policy is to be pursued, affirmative action taken and, in particular, compliance with the newly fixed women's quota for all university bodies is to be assured (see Article 4).

86. By means of mentoring, the professional and personal qualifications of women are to be further strengthened and made more visible. A number of ministries have already developed various mentoring programmes. Under the federal cross-mentoring programme<sup>53</sup>, which was launched in 2004, experienced higher-ranking staff support women working for various ministries.

87. Examples from the Federal Provinces: For several years, all Federal Provinces have offered further training packages for women in order to raise female representation in decision-making bodies, especially at the local level. Examples are the courses for political training and mentoring schemes (see Articles 4 and 7).

<sup>50</sup> See Equal Treatment Report for the Federal Civil Service (2010), [www.frauen.bka.gv.at/DocView.axd?CobId=41829](http://www.frauen.bka.gv.at/DocView.axd?CobId=41829)

<sup>51</sup> Motion adopted by the Council of Ministers "Raising the Percentage of Women on Supervisory Boards of Companies with State Holdings of 50 or More Per Cent" on March 15, 2011

<sup>52</sup> [www.frauen.bka.gv.at/site/6108/default.aspx](http://www.frauen.bka.gv.at/site/6108/default.aspx)

<sup>53</sup> [sektioniii.bka.gv.at/crossmentoring/cm\\_start.php](http://sektioniii.bka.gv.at/crossmentoring/cm_start.php)

## Response to concluding comments made in paragraphs 29 and 30 Rights of migrant women and their integration

88. Austria is one of the few EU Member States in which the concept of multiple discrimination is defined in the Equal Treatment Act. Women can therefore invoke the precept of equal treatment of the genders and their equal rights irrespective of ethnic origin, religion or belief, age or sexual orientation (see response to paragraphs 11 and 12). Experiences gained and support mechanisms are exchanged in the context of an EU network.

89. As a result of integration efforts, resident migrant women have gained easier access to the labour market. Accordingly, the number of foreign women without work permits dropped markedly. The PES engages in diversity management as an element of its labour market policy. Training programmes on inter-cultural communication and targeted measures, such as the recruitment of persons from migrant backgrounds are offered to PES staff. In addition, information materials and brochures are published in several languages. The recognition of qualifications acquired by migrants abroad is promoted<sup>54</sup>. Asylum seekers wishing to take up gainful employment require a work permit. The conditions for obtaining a residence permit, which constitutes the prerequisite for obtaining a work permit, are normally met after the third month following the submission of an application for asylum.

90. The project “Connecting People” – Sponsorships for Unaccompanied Minors as Refugees (2008 to 2010) - arranges and supports the sponsoring by Austrians of underage refugees who arrive in Austria without any family members or relatives. Such sponsorships, which are considered as relationships of trust between equal partners, create an essential prerequisite for successful integration.

91. Individuals enjoying recognised refugee status may obtain integration grants<sup>55</sup>. Thanks to this integration grant, refugees are to be fully included in the economic, cultural and social life of Austria and possibly enjoy the most far-reaching equal opportunities as nationals themselves do. Under the support scheme of the Federal Government for asylum seekers<sup>56</sup>, a number of separate accommodations for single women have been created. Independent courts competent for asylum cases are increasingly recognising gender-specific reasons for granting asylum, such as, for example, the threat of female genital mutilation, forced marriages, forced prostitution and rape. The option of initiating a “family asylum procedure” was described in detail in the Sixth Austrian CEDAW Report.

92. The recommendations of the Committee on the last CEDAW Report have been taken into account in defining the objectives of the National Action Plan for Integration<sup>57</sup>. This Action Plan also deals with the subjects of risk of poverty and threat of violence, including violence within the family, and difficulties for asylum seekers in obtaining residence permits, gaining access to social services as well as finding jobs that correspond to their educational level, experience and qualifications. The Action Plan also seeks to combat discrimination and multiple discrimination, incitement to hatred and racism vis-à-vis migrants, especially also individuals entitled to be granted asylum, and to take appropriate steps to achieve their integration.

93. The legal provisions against racism, extremism, incitement to hatred and discrimination as well as equality rules should be communicated more effectively to the

<sup>54</sup> In Vienna, for example, in cooperation with the Counselling Centre for Migrants

<sup>55</sup> Section 68 of the Asylum Act of 2005 as amended

<sup>56</sup> Pursuant to the Agreement according to Article 15 a of the Federal Constitution on Basic Support as well as the provisions of Section 2 of the Act on Basic Support (GVG-B 2005)

<sup>57</sup> [www.bmi.gv.at/cms/cs03documentsbmi/809.pdf](http://www.bmi.gv.at/cms/cs03documentsbmi/809.pdf); [www.bmi.gv.at/cms/cs03documentsbmi/817.pdf](http://www.bmi.gv.at/cms/cs03documentsbmi/817.pdf)

general public. Gender equality and equal rights of women and men as well as the prevention of violence must be given greater emphasis in the curricula of schools. An evaluation should be made of the effectiveness of judicial and extra-judicial protection against discrimination. Public servants, especially law enforcement and judicial officers, should undergo further training with regard to the prevention of discrimination.

94. The Austrian Integration Fund (Österreichischer Integrationsfonds) and the PES are conducting numerous programmes for the integration of migrants into Austrian society and the labour market, with counselling and support for women being given special attention. In nearly all priority areas concerning asylum and integration matters, women-specific aspects are taken into account. Several conferences and projects were conducted with a view to sensitizing the public to the topics of migration and integration.

### **Response to concluding comments made in paragraph 31**

95. On the occasion of the 10th and 15th anniversary of the Beijing Platform for Action, Austria reported to UN-ECE on national implementation in the 12 critical fields of action. The Convention and the Beijing Platform for Action constituted an important basis for drawing up the Austrian National Action Plan for Gender Equality in the Labour Market.

### **Response to concluding comments made in paragraph 32 Incorporating the equality perspective into development policy**

96. The equality of women and men in all development policy matters ranks amongst the guiding principles of Austria's development policy<sup>58</sup>. One objective of the United Nations' Millennium Development Goals (MDGs, Goal no. 3) is the furtherance of equality and the empowerment of women, which is, at the same time, a decisive factor for their implementation. Therefore, Austrian Development Co-operation (OEZA) constantly monitors all programmes and projects as well as all development policies for their relevant contribution to gender equality. Alongside support for building up functioning economic structures, the furtherance of education, political participation, medical care, inhibiting violence against women, including harmful traditional practices and recognition of the specific role of women in conflict and post-conflict situations constitute the central fields of action that will assure equality and non-discrimination of women. Austria has supported the equality-oriented activities of the organizations of the UN development group, especially the UNDP, UNCDF, UNFPA and UNICEF, continuously over the past few years.

97. Example from the Federal Provinces: The criteria defined in Vorarlberg's development cooperation provide for priority treatment of structural projects for women; thus educational projects, micro-loans to women, and some other programmes were financed (see Article 3).

### **Response to concluding comments made in paragraph 33**

98. Even though the rights of labour migrants and their family members enshrined in the Convention are assured to a great extent, in some respects these are even more comprehensive than the ones set forth in the relevant EU directives. Austria does not intend to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

<sup>58</sup> Development Cooperation Act of 2002

### **Response to concluding comments made in paragraph 34 Making CEDAW and the Committee's recommendations more widely known**

99. With a view to making CEDAW more widely known to the general public in Austria, the brochure "What Is CEDAW?" was published in several languages and placed on the home page of the Minister for Women from where it can be downloaded. It was also sent to all ministries, Federal Province Governments and the Austrian Parliament, and was displayed at conferences, seminars and meetings. Furthermore, the concluding comments of the Committee were translated into German and widely distributed. Various international ceremonies were held in 2007 to mark the occasion of the 15th anniversary of the ratification of the Convention by Austria, and in 2009 to celebrate the Convention's 30th anniversary. Information on CEDAW destined for schools was furnished on the portal "Gender + Education"<sup>59</sup>.

## **III. Implementation of the Conventions**

### **Article 2 Gender budgeting**

100. Gender budgeting represents one of the means to achieve de facto adherence to the principle of equality and serves as a set of financial policy tools for pursuing the gender mainstreaming strategy. From 2005 onwards, gender mainstreaming was applied to the budgets of the Federal Ministries in the form of individual gender-specific projects. As of January 1st, 2009, a new national objective for budget policy was defined in the Federal Constitution. Accordingly, the Federal Government, the Federal Provinces and municipalities are required to strive for de facto equality of women and men in their budget management<sup>60</sup>. As of January 1st, 2013 new provisions will take effect calling for adherence to the principle of "outcome-orientation", especially with regard to the goal of de facto equality between women and men. Equality was defined as an integral part of budget management<sup>61</sup>. All authorities involved in budget management with regard to every chapter of the federal budget must comply with this principle. Moreover, the strategy report which has to provide notes on the draft Federal Law Establishing the Framework for Budget Planning serves, amongst other things, the objective of illustrating strategies and (intended) outcomes as regards de facto gender equality. A report describing the results of monitoring the outcomes has to be submitted to the National Council every year, providing separate information on areas that serve the achievement of de facto equality. Accordingly, gender budgeting will have to be applied in all phases of federal budget management, i.e. during planning, drafting, implementing and verifying the budget.

101. The manual "Gender Budgeting in the Public Administration" as well as a tool box for gender budgeting<sup>62</sup> are available as practical aids for the ministries and serve to build up know-how. As part of the training programmes for the federal ministries, gender budgeting courses are also held.

102. Examples from the Federal Provinces: Gender budgeting was integrated into the regular budgeting process for the Federal Province of Vienna in 2005.

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<sup>59</sup> [www.gender.schule.at/index.php?artikel=1&kthid=10581](http://www.gender.schule.at/index.php?artikel=1&kthid=10581)

<sup>60</sup> Federal Law Gazette I, no. 1/2008

<sup>61</sup> Federal Budget Act, Federal Law Gazette I 139/2009

<sup>62</sup> [www.imag-gmb.at/](http://www.imag-gmb.at/)

103. Equal Treatment Acts, which exist in all Federal Provinces, were amended.
104. The Lower Austrian Anti-Discrimination Act took effect in 2005 and has been amended twice since then. It prohibits discrimination on the grounds of gender, amongst other things, in the following areas, provided that these come within the legislative competence of the Federal Province itself: discrimination with regard to access to self-employed activity, vocational guidance, vocational or professional basic or advanced training; access to, and supply of, goods and services. An anti-discrimination board serves citizens who consider themselves discriminated against under this law and conducts negotiations aimed at conciliation.
105. In 2010, the Styrian Act for the Advancement of Women was passed unanimously. It is the objective of this law to eliminate any type of discrimination against women and to assure equal opportunities for women and men. Amongst other clauses, it contains provisions for the protection of women against violence and alleviating female poverty.
106. In 2005, the Vorarlberg Anti-Discrimination Act was passed and amended in 2008.
107. Mention should also be made of the Burgenland Maternity Protection Act and the Act Governing Parental Leave of Fathers as amended in 2006.
108. The Government of the Federal Province of Salzburg mandated the elaboration of a mission statement on equal opportunities of women and men in the form of a social scientific study. This mission statement was debated intensively in the course of an inquiry meeting of the Federal Province government of Salzburg held on April 8<sup>th</sup>, 2010. A government bill relating to the implementation of this mission statement is currently being prepared.

### **Article 3**

#### **Guaranteeing women human rights and fundamental freedoms**

109. In 2004, an organizational unit designed to advance gender equality and the empowerment of women in development cooperation, was set up in the Austrian Development Agency (ADA). Analogous to CEDAW, guiding principles were defined which postulate the obligation to preserve women's rights in implementing the Millennium Development Goals as well as applying poverty reduction strategies<sup>63</sup>. See also response to the recommendation contained in paragraph 32.
110. Financial commitments to gender-sensitive projects rose by 65 per cent to approximately euro 71 million in the period from 2004 to 2009 (which corresponds to approximately 72 per cent of ADA's total financial commitments).
111. The Austrian Development Co-operation (OEZA) places special emphasis on combating violence against women. In addition to supporting shelters for abused women (in Serbia and Montenegro), approximately euro 6 million were spent on combating trafficking of women and children in the period from 2004 to 2010. Under these programmes, international organizations (OSCE, UNICEF, IOM) and NGOs were granted funding. Furthermore, activities aimed at the implementation of UN Security Council Resolution 1325 were financed. In Northern Uganda, for example, several women's organizations received funds to support their conflict resolution and peace building efforts.
112. ADA's second priority area is gender budgeting, which was promoted by means of publications<sup>64</sup> and the formation of an expert group which, amongst other things, seeks to

<sup>63</sup> [www.entwicklung.at/uploads/media/PD\\_Gender\\_Equality\\_19032010\\_Web.pdf](http://www.entwicklung.at/uploads/media/PD_Gender_Equality_19032010_Web.pdf)

<sup>64</sup> [www.entwicklung.at/uploads/media/CHECKLIST\\_12032009\\_barriere\\_02.pdf](http://www.entwicklung.at/uploads/media/CHECKLIST_12032009_barriere_02.pdf)

establish a link between public finance management and gender budgeting. Furthermore, ADA acted as the main donor for a UNIFEM programme in South Eastern Europe. At the international level, OEZA succeeded in having gender budgeting included in the Final Protocol of the Doha Conference on Development Financing (2008).

113. In August 2007, Austria adopted a “National Action Plan for the Implementation of Security Council Resolution 1325 (2000)”. The inter-ministerial working party entrusted with the implementation of this Action Plan is coordinated by the Federal Ministry for European and International Affairs and submits to Parliament, after consultations with representatives of civil society, an annual report on progress made in implementation.

114. Political education is a subject featuring in the curricula of Austrian schools from the 8th grade onwards. In addition, it has been integrated into education on the basis of the fundamental decree on political education since 1978. Zentrum Polis acts as the pedagogic service unit for schools in the fields of political education and human rights, etc. In 2007, action days were held on political education focused on the topics gender-equality and gender equity, and in 2008 these action days dealt with the issue “Intercultural Dialogue for Cultural Diversity”. On the basis of the education principle “political education” human rights education is integrated into all subjects, at all levels and in all school types. Furthermore, human rights form part of the mandatory subject of political education from the 9th grade onwards<sup>65</sup>.

115. In 2008, a study on human rights education was presented in schools as part of the world programme for human rights education. It served as a contribution to the first phase of this programme that is intended to promote human rights education in schools worldwide. The establishment of the Rosa Mayreder College represented an important step for the advancement of women’s policy issues in adult education.

116. The Austrian Society for Political Education<sup>66</sup> provides subsidies for projects to various educational institutions at the local, regional and provincial level. In the area of political education for adults, educational programmes focused on gender issues are also promoted and integrated into the adult education system.

117. In the area of arts promotion, gender equality is one of the criteria to be considered in the assessment and recommendation of applications for funding. In the world of art, the appointment of members to advisory bodies and the hiring of curators or commissioners for government-organized exhibitions is based on the principle of gender equity – often resulting in a majority of women in these posts. The Advisory Council for the Promotion of the Arts consciously seeks to take into account gender aspects in all of its activities.

118. In the field of films, a number of initiatives have been launched, such as the series “Women.Work.Film”. The amendment to the Film Promotion Act placed special emphasis on gender-equitable language, and a balanced representation of women and men on the Supervisory Board of the Austrian Film Institute was defined. In 2010, an “Outstanding Artist Award – Women’s Culture 2010” was advertised for entries for the first time.

119. Project for supporting Roma women: One of Austria’s Roma associations has built up a teaching aid network, maintained contacts with Roma families for many years and developed a counselling concept with special emphasis on women-specific needs. By identifying and analyzing the problems of Roma women on the basis of social sciences, an improved, target-oriented counselling programme is to be devised for Roma women, which is subsidized out of the funds for ethnic groups.

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<sup>65</sup> [www.politik-lernen.at/goto/polis/details/menschenrechtsbildung\\_basisinformationen/](http://www.politik-lernen.at/goto/polis/details/menschenrechtsbildung_basisinformationen/)

<sup>66</sup> [www.politischebildung.at](http://www.politischebildung.at)

120. Examples from the Federal Provinces: In Vienna, a special telephone service line for girls was established offering free counselling. Conferences, meetings and publications focused on the topics: women and girls in Vienna, equality, advancement of women in companies, role stereotypes, gender-specific income gaps, advancement of women and public bidding procedures. The project unit “Gender Mainstreaming” was established in 2005 in the municipal directorate. Gender-mainstreaming training is offered to its staff. The action plan for the implementation of the “European Charter for Equality of Women and Men in Local Life” was drafted.

121. In Burgenland, women’s counselling centres are available in all districts and have offered free legal advice twice a month since 2006.

122. Upper Austria defined strategic goals for achieving equality between women and men. 25 women’s associations are implementing measures for the advancement of women at the regional and Federal Province levels to achieve these goals. These measures range from individual counselling and empowerment of women to education programmes and raising awareness of relevant women’s policy topics.

123. In Vorarlberg, the women’s information centre FEMAIL acts as a service and coordination centre. The girls’ centre Amazone acts as a contact point for girls and multipliers for gender-sensitive work. The only women’s museum in Austria, at Hittisau in Bregenzerwald, is devoted to topics relating to the social and cultural history of women.

#### **Article 4**

#### **Specific measures for the advancement of women for de-facto equality**

124. In 2006, the Federation of Austrian Social Insurance Institutions was mandated to take specific measures for the advancement of women, to draft promotion plans for women in accordance with the Federal Equal Treatment Act, and to comply with the women’s quota in appointing officers to self-governing bodies<sup>67</sup>. The specific measures for the advancement of women comprise, amongst other things, the following obligations:

- (a) Compliance with the precept of the advancement of women by meeting the obligation to eliminate the existing under-representation of women;
- (b) Elaborate plans for the advancement of women, containing time-lines and measures as well as binding targets for increasing the share of women;
- (c) Preference is to be given to women whenever they have the same qualifications as the best-qualified male candidate;
- (d) Appointment of women to higher-level jobs, provided that they have the same qualifications as male candidates, until the share of women is 40 per cent in the relevant field;
- (e) Priority admission of women to basic and further training programmes that will qualify them for higher-level posts;
- (f) Mandatory reporting to the Ministry of Health.

125. Social insurance institutions have to submit to the Federation of Social Insurance Institutions and the Federal Minister for Women reports on the progress made in equal treatment and the advancement of women<sup>68</sup>.

<sup>67</sup> Social Law Amendment Act of 2006, Federal Law Gazette I, no. 131/2006

<sup>68</sup> Section 7 and Section 8 of the Guidelines for the Equal Treatment of Employees of Social Insurance Institutions (Federation of Austrian Social Insurance Institutions) – RGB

126. Gender monitoring at Austrian universities is based on an indicator system, which continuously monitors the implementation of measures for the advancement of women, gender equality and mainstreaming at Austrian universities. All findings can be accessed by the general public on the website<sup>69</sup>. The rules concerning the equality or advancement of women at universities (adopted in 1993) have resulted in a higher participation of women in academic life, but they still encounter the “glass ceiling”.

127. For this reason, the University Law Amendment Act of 2009 provided for clear mandatory measures, which promote the advancement and equal treatment of women at universities. A central obligation of universities is to consider, in the composition of all university bodies, such as the Vice Chancellor’s Office, the University Council, the Senate and the Appointment and Habilitation Commissions, a women’s quota of at least 40 per cent<sup>70</sup>. If this quota is not reached, women are considered under-represented, which triggers a sanctioning process in which the Working Party on Equal Treatment plays a vital role. Within a specified period if there is inadequate composition of a relevant body, it may make a plea to the arbitration commission. The commission must make a decision within four weeks. The body concerned is incapacitated if the working party enters a plea. Thus, it has a highly efficient tool for the advancement of women at its disposal. If, as a plain matter of fact, a sufficient number of qualified women were simply not available, it may forgo the plea of inadequate composition. Experience to date has shown that the working parties have been responsible in exercising their powers. It has also shown that pleas made to the relevant bodies have resulted in assuring the minimum 40 per cent quota of women members. Simultaneously with the University Law Amendment Act of 2009, gender indicators were created through which universities have to report annually in their “knowledge assessments”. In addition, protection against discrimination on the grounds of ethnic origin, religious faith or belief, age or sexual orientation has been enshrined in the University Act.

128. The amendment to the Federal Act Governing Austrian Radio and Television (the ORF Act) obligated the Television and Broadcasting Corporation in accordance with the Equality Plan, to give preference to women having the same qualifications as male candidates until a share of 45 per cent of women is represented in all functions. This obligation is relevant to recruitment, advancement, training and further training. An Equal Treatment Commission is being established and equality officers are appointed<sup>71</sup>.

129. Examples from the Federal Provinces: The programmes for the advancement of women in the Federal Province government and local communities of Lower Austria are reviewed with an eye to improving their efficiency every two years. The first evaluation report of January 2009 showed a general slight rise of the women’s quota.

130. In Vorarlberg, the framework plan 2009 to 2014 constitutes the basis for steps to achieve equal opportunities in the civil service in this Federal Province. In 2009, the regional Action Plan for the Equality of Women and Men in Vorarlberg (2010 to 2013) was adopted by the Federal Province government: The Federal Province government agreed with 24 institutions (social partners, educational institutions, the Federal Province school board, etc.) on a number of actions for the promotion of equality in four fields (1. education, 2. gainful employment, income, social situation, 3. political participation, 4. domestic work and childcare), which are now being implemented.

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<sup>69</sup> [www.bmwf.gv.at/unidata/auswertungen/gendermonitoring](http://www.bmwf.gv.at/unidata/auswertungen/gendermonitoring)

<sup>70</sup> To be applied mutatis mutandis to Section 11 para. 2 no. 3 of the BGIBG

<sup>71</sup> Federal Law Gazette. I 50/2010



## Article 5

131. Modifying patterns of behaviour: Please see response to recommendations contained in paragraphs 17 and 18 as well as Article 10. The new child care allowance model “12+2” was introduced to overcome the stereotyped roles of men and women. Simultaneously, the minimum duration of parental leave and part-time working of parents was reduced from three to two months (see response to recommendations contained in paragraphs 21 and 22).

132. Example from the Federal Provinces: The Vienna Plan for Education (2006) is the first education plan and pedagogical working concept for public and private kindergartens in Europe. Sexual and gender education form part of this plan. Campaigns for overcoming traditional role stereotypes were launched.

## Article 6

### **Suppressing all forms of trafficking in women and exploitation of prostitution of women**

133. See response to recommendations contained in paragraphs 25 and 26.

## Article 7

### **Women in political and public life** (see response to recommendations contained in paragraphs 27 and 28)

134. Federal Provinces: With regard to the share of women occupying the public office of mayor little has changed: Out of 2,357 local communities, only 120 had female mayors (in May 2010). Hence the percentage of women rose only slightly, to 5.1 per cent. Lower Austria boasts the largest number of women heading local communities: 43 female mayors are in office, which corresponds to a share of 7.5 per cent of the total number of mayors. Upper Austria ranks second with a 6.3 per cent share of female mayors.

## Article 8

### **Women at the international level**

135. Women continue to be under-represented in foreign service positions at the international level. Of 242 leading positions in the Austrian foreign service at home and abroad, only 64 (26.4 per cent) were held by women on December 31, 2010. Women accounted for a share of 48.5 per cent in all service categories, thus exceeding the quota of 45 per cent. 33.3 per cent of senior level positions were occupied by women. Therefore, special emphasis is being placed on inviting women to apply for leading positions. Special measures are being taken to raise the percentage of women (taking into account their family situations, issues related to school attendance of their children, job opportunities for spouses or partners in the event of transfers to other locations, etc.). The National Action Plan adopted in response to the UN Security Council Resolution 1325, amongst other things, aims at raising the percentage of women involved in conflict settlement and peace-keeping processes (see comments on Article 3).

136. International sports: From March 24 to March 25, 2006 Austria hosted the “Seventh European Women and Sport Conference” which took place in the Vienna Hofburg (Imperial Castle). This date coincided with the end of Austria’s chairing of the international working group European Women and Sports. With a view to ensuring a sustainable effect of this conference, the national federations defined specific priority areas.

## Article 10

### Education policy and equality of women and men

137. See also response to recommendations contained in paragraphs 17 to 20, especially the National Action Plan for Gender Equality in the Labour Market

138. The educational status of the population of a country is an indicator of its qualification structure demonstrating, in particular, the extent to which the objective of equal opportunities for women and men has been achieved in the field of education. As revealed by the national education report (2009)<sup>72</sup>, and confirmed by the current report on the situation of women (2010)<sup>73</sup>, women were the main beneficiaries of the expansion of educational offers over the past decades. Nevertheless, the share of individuals who completed compulsory schooling without undergoing further education continues to be higher (22.3 per cent) for women than for men (12.5 per cent). However, this percentage is lower for younger women than for older women. In the age group of 25 to 34 years, 24.3 per cent of women passed school-leaving examinations of secondary schools (university entrance qualification), which compares with a mere 20.4 per cent of men. 18.5 per cent of women graduated from universities, where the share of men is only 13.8 per cent. The educational background of individuals coming from migrant background is highly heterogeneous. Nearly 50 per cent of migrants from the traditional countries of origin have not completed any education beyond compulsory schooling.

139. Girls constitute the majority of students at secondary academic schools. Boys are over-represented in special needs schools, pre-vocational courses, and lower secondary schools. Apprenticeship training has traditionally always been, and still is oriented to males. Only about one third of the total number of apprentices are girls, with a very strong concentration on a few apprenticed trades. This concentration is even more pronounced with girls of other nationalities. With regard to higher vocational education, three quarters of female students attend commercial schools and schools for occupations in the business sector, and 70% of male students are enrolled in secondary colleges for trades or engineering. Few boys undergo training as nursery school teachers. This biased approach to the choice of an occupation or profession can be observed primarily among young women, but to a lesser extent also with young men.

140. On average, girls show better scholastic achievements than boys, even in schools where they constitute a minority (e.g. technical colleges). The school dropout rate is higher for girls than boys from migrant backgrounds. 68.7 per cent of all teachers are women. In the scholastic year 2008/09, 25.1 per cent of head teachers in secondary academic schools were women, which compares with a share of 31.4 per cent at vocational medium and higher-level schools. This is a slight increase over the share recorded in 2000/01.

141. A systematic orientation towards equality (gender mainstreaming) and the building up of gender competencies at all levels of the educational system are regarded as the central challenges of educational policies. Teachers, head teachers, teachers at teacher training colleges and in further education institutions, as well as school supervisors and administrators must acquire and seek to promote this “gender competence” so as not to (unconsciously) perpetuate gender-specific role stereotypes and restrictions in the educational system. To this end, special structures have been created over the past few years, such as the appointment of gender mainstreaming officers in the central office, and in Federal Province school boards, teacher training institutions, as well as in some types of schools. In addition, workshops have been organized for executive staff so as to draft

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<sup>72</sup> [www.bmukk.gv.at/schulen/sb/nbb.xml](http://www.bmukk.gv.at/schulen/sb/nbb.xml)

<sup>73</sup> [www.frauen.bka.gv.at/studien/frauenbericht2010/Frauenbericht\\_Teil1\\_2Bildung.pdf](http://www.frauen.bka.gv.at/studien/frauenbericht2010/Frauenbericht_Teil1_2Bildung.pdf)

binding action plans and strategies for the implementation of gender mainstreaming at the regional level.

142. Equal treatment and equality of women and men were defined as leading principles in Austrian teacher training with the adoption of the Act Governing Universities and University Colleges of 2005 and the establishment of Teacher Training Colleges (PH). Gender mainstreaming is also enshrined in the Regulation Governing University and University College Curricula of 2006. Pursuant to the amendment of the Act in 2010, the PHs have the obligation to pursue the gender mainstreaming strategy and take into account the findings of gender studies and gender-sensitive didactics in the performance of their tasks. At the PHs working parties for equal treatment issues have been established and gender mainstreaming officers appointed. In 2008, gender competence was introduced as a priority subject in the further training programmes for teachers and during the period from 2010 to 2013 is being applied as an innovative, universal principle. Gender and diversity management were defined as a qualification requirement in all advertisements of leading positions for federal schools in 2009.

143. The current initiatives and key projects for quality development, improvements of instruction in science subjects, the prevention of violence, the new type of schools “Neue Mittelschule” and career orientation adhere to the principle of gender equity. Under the GeKoS project (Gender Competence Schools), the implementation of gender mainstreaming and gender competence was carried forward in schools<sup>74</sup>.

144. Gender-sensitive vocational orientation and the promotion of engineering studies for girls form an integral part of the on-going efforts to improve career orientation and educational guidance offered by schools. The “FIT”-project – “Women into Technology” involved visits to schools and information days at universities and colleges of applied sciences. Completed in 2009, the results of the “mut”!-project – “Courage! – Girls and Technology”, are being integrated into educational and vocational orientation schemes. The IMST-project (“Top Schools through Innovations”), aims to improve instruction in mathematics, science subjects and computer science. The above-mentioned projects form part of an inter-ministerial initiative entitled fFORTE – “Women in Research and Technology”. In 2008, a nation-wide working group was set up for higher technical colleges, a gender mainstreaming strategy developed and a set of measures defined<sup>75</sup>.

145. Both in publications on art history and in the public domain (i.e. monuments, exhibitions, etc.) the visibility of women is either lacking entirely or inadequate. Therefore, a manual with the title “Gender in View” was published so as to raise the awareness of teachers, museum and art educators regarding this low visibility of women and provide stimuli for a creative, more gender-appropriate imparting of knowledge<sup>76</sup>.

146. In October 2010, the Austrian Research Promotion Agency (FFG) included gender aspects in the criteria for the evaluation of applications. From 2011 onwards, gender relevant criteria will also be applied in other areas of activity of the FFG.

147. In adult education, gender mainstreaming and gender competence were introduced at the organizational, human resources and methodological-didactic levels which now forms an integral part of quality assurance schemes, train the trainer programmes, gender-sensitive methodology and didactics in educational work, advancement programmes, nationwide educational policy strategies and initiatives, job advertisements and bidding procedures, etc.

<sup>74</sup> [www.bmukk.gv.at/schulen/unterricht/ba/gekos\\_neu.xml](http://www.bmukk.gv.at/schulen/unterricht/ba/gekos_neu.xml)

<sup>75</sup> [www.htl.at/de/home/schwerpunktportale/maedchen\\_und\\_frauen\\_in\\_die\\_technik/maedchenarbeit\\_an\\_der\\_schule/ag\\_schuelerinnen\\_an\\_htls.html](http://www.htl.at/de/home/schwerpunktportale/maedchen_und_frauen_in_die_technik/maedchenarbeit_an_der_schule/ag_schuelerinnen_an_htls.html)

<sup>76</sup> [www.kulturkontakt.or.at/upload/medialibrary/Leitfaden\\_Gender\\_im\\_Blick.pdf](http://www.kulturkontakt.or.at/upload/medialibrary/Leitfaden_Gender_im_Blick.pdf)

Measures destined to support disadvantaged groups have been stepped up and all programmes pursue equality policy objectives.

148. Specific programmes focus on basic education and literacy<sup>77</sup> as well as on the successful completion of courses and schools later in life. Targeted programmes such as mobile “Learning Workshops” on information and communications technology or the educational model “Learning Arrangement” address extremely disadvantaged women in rural areas<sup>78</sup>. Measures that are specifically tailored to the basic education needs of migrants receive subsidies (learning centres for migrant women<sup>79</sup>, the MIKA project network “Migration-Skills-Literacy”). Evaluations of these schemes have shown that female participation is 58.6 per cent, and the participation of migrants approximately 65 per cent.

149. Austria-wide broad access to education programmes for educationally deprived persons to undergo training is to be assured in the long run through free offers of educational options ranging from basic education to the completion of secondary education (level II) coupled with a coherent subsidisation policy. A group of experts worked out new financing models for these schemes, based on uniform curricula and quality standards with the aim of spending 50 per cent of the budgeted funds on women.

150. Career advancement opportunities for women have decisively been improved in the health-related professions. University degrees were introduced and study courses organized for midwives, higher-level medical technologists, health care staff and nurses with diplomas. These are now offered by colleges for higher professional training, through which the transition from these high responsibility vocations, in which the majority of staff is female, to post-graduate studies is facilitated.

151. Regarding educational leave, the minimum duration of uninterrupted employment was reduced to six months for persons wishing to take educational leave, and the minimum educational leave period was shortened from three to two months (2009). Seasonal workers employed for a period of three months may now also agree with their employers on taking educational leave (if certain conditions are met)<sup>80</sup>.

152. Examples from the Federal Provinces: All Federal Provinces and the Federal Government participate in the “mut!”-project for gender-sensitive career orientation with special emphasis on girls and technology. A number of measures have been taken to widen the range of occupations and professions available to girls. Persons advising girls on the choice of an occupation (especially in schools and families) were sensitized and up-skilled for this task. The goal is to strengthen gender-sensitive pedagogic measures in the whole field of career orientation. In the individual Federal Provinces, various institutions were mandated with operative project execution, such as women’s counselling centres, employment promotion organizations etc. The “mut!”-project led to a broad and strong networking of all agents working in and outside schools.

153. In Vorarlberg, a platform for sexual education was set up. An Internet site offers information on the topic of sex education for young people. Further and advanced courses on sexual education are being subsidized.

154. In Burgenland, kindergarten teacher candidates have received training in gender-appropriate pedagogics since 2008.

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<sup>77</sup> [www.alphabetisierung.at/](http://www.alphabetisierung.at/)

<sup>78</sup> [www.learnforever.at](http://www.learnforever.at)

<sup>79</sup> [erwachsenenbildung.at/magazin/archiv\\_artikel.php?mid=412&aid=389](http://erwachsenenbildung.at/magazin/archiv_artikel.php?mid=412&aid=389)

<sup>80</sup> Federal Law Gazette I no. 90/2009

## Article 11

**Eliminating discrimination in the field of employment** (please see recommendations no. 11 to 14, 17 to 22 and 27 to 30, in particular, the National Action Plan for Gender Equality in the Labour Market)

155. In line with the “Employment Drive for Persons with Disabilities”, numerous projects have been subsidised and executed over the past few years. A pilot project that deals with equality in the “clearing”-project was also launched. Clearing aims at counteracting the difficulty of placing young people with disabilities. With the aid of individual advancement packages based on development plans, girls and boys are offered the most appropriate solutions before they leave school and enter the labour market. The guidelines for promoting the integration of women and men with disabilities into the world of work are currently being revised with a view to gender mainstreaming. In the PES, women accounted on average for 40 per cent of all support measures for persons with disabilities, which is disproportionately high as compared to the corresponding share of registered women.

156. In the Federal Army, the following changes were introduced as of July 1st, 2005. Regarding pay women were granted a significantly improved status<sup>81</sup>. By giving male conscripts access to “training in the army service” which is a specific army service and had hitherto been reserved for women, remuneration was significantly increased from the first month of this army service onwards in accordance with the constitutionally defined principle of equality<sup>82</sup>. The time limitation concerning military service was eliminated: women may serve until their 50th birthday or until the end of the year in which they celebrate their 65th birthday, provided that they are officers, non-commissioned officers or specialists in the fields of technology, health, chaplaincy and foreign languages. The aptitude test for this army service was entirely modified with regard to physical fitness: below-average achievements (e.g. running) in one area can be compensated by over-achievements in another area (e.g. push-ups), provided that minimum standards are met in all tested sub-areas.

## Article 12

**Equality in health care and promotion of female health**

157. In the field of health care, a women’s quota of 50 per cent for panel doctors of the regional health insurance boards was defined. This goal is pursued by means of modifications to the Regulation on Ranking Criteria, and objective standards were defined for ranking applicants for individual contracts with the regional health insurance boards. Thanks to the first amendment to this regulation in 2004, time periods to be considered were extended. Moreover, female applicants having the same technical qualifications but are not in the first ranks can, under certain conditions, gain access to hearings on the basis of which decisions are taken to award a contract to a specific candidate. In the period from December 1980 to April 2009, the proportion of female doctors listed with regional health insurance boards has risen constantly, with the number of women increasing by 10.9 per cent. The larger number of women who graduated from medical schools might also have played a role in this context.

158. The third amendment to the Regulation on Ranking Criteria of 2009 stipulated that in job advertisements for individual contracts for “gynaecology and obstetrics”, the special trustworthiness of women doctors should be evaluated as a new criterion in the ranking of

<sup>81</sup> Military Service Law Amendment Act of 2005. Federal Law Gazette I no. 58/2005

<sup>82</sup> Ar. 7 para. 1, Federal Constitution, B-VG

candidates. The objective is to increase the proportion of female panel doctors specialized in gynaecology and obstetrics and to give patients a chance to choose between a female or a male doctor<sup>83</sup>.

159. Information material has been compiled which serves the purpose of promoting the health of women who are exposed to violence and combating domestic violence. Three manuals targeted to staff working in hospitals and in medical practices were published in the period between 2008 and 2010. In Austria, seven female health centres<sup>84</sup> have been established which make an essential contribution to female health care in the public health system. In 2007, these centres formed a working party in order to be able to advance female health Austria-wide in accordance with uniform criteria. Since 2008, this working party has received annual subsidies totalling euro 103,500.

160. The latest Report on Women's Health<sup>85</sup> published in 2010 comprises women-specific health data as well as socio-demographic statistics, information on the different phases in the life of women, data on their social conditions and health status as well as gender-specific approaches to the promotion of women's health. Regular gender-specific health reports serve to identify the unequal conditions to which women are exposed in the health sector and to define remedial measures.

161. Thanks to the mother and child examination scheme, adequate health care is assured for all pregnant women and children up to the age of five. This health care scheme is free of charge for the target group if the panel doctors of the social insurance institutions are consulted. For persons who are not covered by social insurance, the costs of medical examinations are financed out of the federal budget.

### Article 13

**Guaranteeing equal rights in other areas of economic and social life** (see also response to recommendations contained in 11 and 12; Equal Treatment Acts)

162. Sports: Since the mid-90s, the sports budget has included a special heading "Advancement of Women", under which approximately euro 210,000, and from 2008 onwards approximately euro 300,000 are granted annually to about 100 top women athletes from diverse sport disciplines. In addition, the Austrian Society for the Advancement of Athletes, chaired by the Minister for Sports, allocates special grants to women athletes. Women are under-represented in sports, and on the executive boards of the Austrian sports federations. Besides difficult training conditions, the reasons are the lack of relevant social insurance coverage, lower visibility in the media and recognition by the public as well as structural barriers, which persist in many areas. In April 2008, the Federal Sports Organization reorganised its Commission "Women in Sports", so as to achieve equality of women in all structures at all levels in top, competitive and mass sports, and to raise awareness of the concerns of women in sports (and also in sport journalism).

163. Example from the Federal Provinces: The city of Vienna issued planning recommendations for a gender-sensitive design of public parks.

<sup>83</sup> At present, the Constitutional Court is reviewing this third amendment

<sup>84</sup> FEM Wien, FEM Wien Süd, FGZ Graz, FGZ Kärnten GmbH, FGZ ISIS Salzburg, FGZ Linz, FGZ Wels, FGZ Femail Feldkirch

<sup>85</sup> [bmg.gv.at/cms/home/attachments/0/1/3/CH1004/CMS1299496168458/frauengesundheitsbericht.pdf](http://bmg.gv.at/cms/home/attachments/0/1/3/CH1004/CMS1299496168458/frauengesundheitsbericht.pdf)

## Article 14

### The situation of women in agriculture and forestry

164. Over the past decades, the life situation and role of women in agriculture and forestry have undergone fundamental changes as a result of the transformation of the agricultural sector and the restructuring of farm holdings as well as specific socio-political measures targeted at female farmers and farmers' wives. The Report on the State of Agriculture (the Green Report) which has to be submitted to Parliament every year contains a chapter devoted to women in agriculture. The share of women currently accounts for approximately 41 per cent<sup>86</sup> of the total number of individuals working in agriculture and forestry. On average, 38 per cent of agricultural holdings, especially small farms, are managed by women (2009). For holdings covering an area of up to 20 hectares, the share of women is 42 per cent. Of those holdings covering an area of more than 100 hectares, only 17 per cent are managed by female farmers, and from a size of 200 hectares onwards, women account for a mere 16 per cent. Women manage 36 per cent of mountain farms and 37 per cent of organic farms.

165. Article 14, number 2, letter a: In 2008/2009, more than one third (35 per cent) of all investment subsidies were allocated to farms run by women, and approximately 24 per cent of the sum-total of establishment premiums were granted to female farmers.

166. The Programme for Rural Development for the period from 2007 to 2013 (Programme RD 07-13) which is co-financed by the EU contains a separate chapter on the equality of women and men and non-discrimination. In order to achieve the objective of equality, one representative of the competent federal authority for equal treatment and one delegate of an NGO have a seat and a vote on the Programme Monitoring Committee. In drafting promotion measures, in the Austrian National Strategy Plan for Rural Development, special attention is given to non-discrimination on gender grounds. In response to the proposal made by the representative of the Network of Austrian Counselling Centres for Women and Girls, which is an NGO, the Committee set up a working group for the equal treatment of women and men in rural areas. In the meantime, the working group has worked out a set of practical measures, the implementation of which will start in 2011. Under the RD 07-13 Programme with its focus on "LEADER"<sup>87</sup>, the different regions had to draw up development plans which have to comply with the principles of gender mainstreaming. In Austria, 86 regions met this criterion.

167. Article 14, number 2, letter d: The participation of female farmers and farmers' wives in educational programmes has risen markedly: according to the findings of a survey of female farmers and farmers' wives conducted in 2006, there are hardly any female farmers or farmers' wives today who did not complete school. The study "Managers of Agricultural Holdings in Austria" in 2010 analysed the reasons for the relatively high proportion of women in the management of agricultural holdings in Austria as compared to other EU Member States and demonstrated that these women had built up their profile as farm managers. In this process, training and education played a vital role. A series of further training programmes were carried out.

168. Article 14, number 2, letters e and f: The Study "Women in Politics in Rural Areas" confirmed that women holding leading and executive positions in (agricultural) policy are strongly under-represented: without exception, all presidents of the Chambers of Agriculture are men and the share of women in the regional Chambers stands at a mere 15 per cent. Under the RD 07-13 Programme, the formation of self-help groups and the

<sup>86</sup> Source: Agricultural Structure Survey of 2007

<sup>87</sup> Liason entre Actions de Développement de l'Économie Rurale

building up of networks is fostered. The networking of diverse groups of female farmers and farmers' wives on a broad basis has been going on for some decades.

169. The Association of Forestry Women is a mutual support network for women working in forestry and the timber industry. Projects such as “Holidays on a Farm” and other diversification programmes of agricultural enterprises continue to be mainly carried out by women. 2009 saw the start of the competition “LEA” (“Rural, Committed, Extraordinary”) in which awards are given to especially innovative projects of women; this competition will be held at regular intervals from now onwards.

170. Examples from the Federal Provinces: The Vorarlberg Women’s Network initiates and supports, amongst other things, selective measures in the regions.

171. In Burgenland, various actions for raising the labour force participation of women are carried out under ESF-Programmes<sup>88</sup>. These include, for example, needs analyses on the required framework conditions; the development of new, flexible care facilities (for children and older persons); measures aimed at reducing barriers to mobility. In the reporting period, 12 such action projects were mandated, in which 221 women participated.

## **Article 16**

### **Matters relating to marriage and family relations of women**

172. The Act Governing Registered Partnerships<sup>89</sup> that entered into force on January 1<sup>st</sup>, 2010, provides for the first time for a comprehensive legal framework for the cohabitation of couples of the same sex. Under this Act, numerous legal provisions took effect, which improve the practical legal situation of same-sex partnerships, which in many respects now enjoy the same legal status as marriage. Access to reproductive medicine and adoption of stepchildren, however, remain excluded.

173. Examples from the Federal Provinces: In the City of Vienna, a hotline for women offers counselling and provides information, with special emphasis on family and marriage law. In the administration, a working group on forced marriages was established.

174. In Vorarlberg, counselling centres for reforming marriage and divorce laws, for providing advice during divorce proceedings, family counselling and the protection of children were set up. In 2010 the information brochure “The Same Rights for Both” was published and distributed.

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<sup>88</sup> Operational Programme Phasing Out Burgenland 2007-2013

<sup>89</sup> Act Governing Registered Partnerships (EPG), Federal Law Gazette I no. 135/2009