



Convention on the Elimination of All Forms of Discrimination against Women

2 February 2007

Original: English

Committee on the Elimination of Discrimination against Women

Thirty-seventh session

15 January-2 February 2007

Concluding comments of the Committee on the Elimination of Discrimination against Women: Austria

1. The Committee considered the sixth periodic report of Austria (CEDAW/C/AUT/6) at its 765th and 766th meetings, on 23 January 2007 (see CEDAW/C/SR.765 and 766). The Committee's list of issues and questions is contained in CEDAW/C/AUT/Q/6, and Austria's responses are contained in CEDAW/C/AUT/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its sixth periodic report, which follows the Committee's guidelines for the preparation of periodic reports and takes into account the Committee's previous concluding comments. The Committee commends the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee expresses its appreciation to the State party for its delegation, headed by an ambassador from the Ministry for Foreign Affairs, which included experts from different ministries and departments of the Government, including the Federal Ministries for Foreign Affairs; Education, Science and Culture; Economic Affairs and Labour; Health and Women's Issues; Social Security, Generations and Consumer Protection; Agriculture, Forestry, the Environment and Water Management; Justice; and Interior and the Federal Chancellery. The Committee notes that Austria's new federal Government took office on 11 January 2007. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

4. While welcoming the partial withdrawal of the reservation to article 11 of the Convention with regard to the night work of women, the Committee notes that the reservation to article 11 with regard to the special protection of working women



remains in place and appeals to the Government to make further efforts to withdraw the remaining reservation to article 11.

5. The Committee commends the State party for, in September 2000, ratifying the Optional Protocol to the Convention and for accepting the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

6. The Committee also commends the State party for objecting to reservations entered by other States parties that it considers incompatible with the objective and purpose of the Convention.

Positive aspects

7. The Committee commends the State party on a number of new laws and amendments aimed at reinforcing the equal treatment of women and men, including in the public service and universities, as well as amendments regarding criminal law, maternity protection, paternity leave and working time aimed at achieving compliance with the State party's obligations under the Convention.

8. The Committee welcomes the appointment of a Minister for Women's Affairs in the Federal Chancellery and the development of gender-mainstreaming structures and mechanisms at the federal level and within several ministries, including the Federal Ministries of Finance and of Education, Science and Culture, as well as in the health sector.

9. The Committee commends the State party for the adoption of a motion by the Council of Ministers in 2001 on the use of gender-sensitive language in all ministries and departments.

Principal areas of concern and recommendations

10. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the time of submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

11. Noting the expanded scope of the Equal Treatment Act of 2004, which covers all forms of discrimination on various grounds, including sex, and reinforces provisions of equal treatment of women and men in the workplace, the Committee is concerned that the Act's approach of focusing on the world of work in regard to gender-based discrimination against women may lead to diminished visibility of and attention to eliminating discrimination against women in all other fields covered by the Convention. It is also concerned that the mandate of the Equal Treatment Commission in regard to discrimination against women focuses only on the field of employment, while going into other spheres of life for cases of discrimination on the basis of race or ethnic origin.

12. **The Committee urges the State party to ensure that the equal treatment of women and men is ensured in all spheres of life. It calls upon the State party to carefully monitor the implementation of the Equal Treatment Act of 2004 and take appropriate measures to ensure that the expanded scope of the Act and the broader mandate of the Equal Treatment Commission are effectively used to eliminate discrimination against women in all areas covered by the Convention.**

13. While welcoming the appointment of a Minister for Women's Affairs, the Committee is concerned about the repeated restructuring of the national machinery for the advancement of women in recent years, which could result in a lack of continuity in gender equality policies, especially in the absence of a national action plan on gender equality.

14. **The Committee encourages the State party to develop a national action plan on gender equality with the involvement of all sectors of Government and in consultation with relevant non-governmental organizations. It calls upon the State party to ensure that the national machinery for the advancement of women has the necessary visibility, decision-making power and human and financial resources to enable it to effectively fulfil its mandate in promoting gender equality, including in regard to the use of the gender-mainstreaming strategy in all Government ministries and agencies in all sectoral areas.**

15. The Committee is concerned about the lack of an effective mechanism to regularly monitor and evaluate progress in the implementation and impact of laws, policies and plans aimed at the promotion of gender equality and women's enjoyment of their human rights. It is also concerned about insufficient institutional links between the federal level and that of the Länder in the implementation of the Convention.

16. **The Committee recommends that the State party take the steps necessary to ensure the systematic monitoring and evaluation of all measures aimed at promoting gender equality. It also invites the federal Government to put in place an effective coordination mechanism with the Länder so as to ensure the full implementation of the Convention throughout the entire territory of the country.**

17. While welcoming the State party's efforts to address stereotypical attitudes and behaviours that discriminate against women and perpetuate inequality between women and men, the Committee remains concerned about the persistence of deep-rooted traditional attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee expresses its particular concern about the persistent stereotyping of women primarily as mothers and caregivers and of men as breadwinners. Such stereotypes, which undermine women's social status and are reflected in women's disadvantaged position in a number of areas, including in the labour market and in access to decision-making positions, in their study and professional choices and in the marked division of family and domestic tasks, constitute a significant impediment to the practical realization of the principle of equality of women and men, as called for in article 2 (a) of the Convention.

18. **The Committee calls upon the State party to put in place a comprehensive approach to overcoming traditional stereotypes regarding the roles of women and men in society and in the family, in accordance with articles 2 (f) and 5 (a)**

of the Convention. Such an approach should include legal, policy and awareness-raising measures, involve public officials and civil society and target the entire population, in particular men and boys. It should also aim at the involvement of different media, including radio, television and print, and encompass both specialized and general programmes. The Committee calls upon the State party to further encourage diversification of the educational choices of boys and girls and to encourage enhanced sharing of family responsibilities.

19. While acknowledging the initiatives taken by the State party to encourage women's participation in employment, the Committee is concerned that women remain disadvantaged in the labour market. It is particularly concerned about the persistent significant occupational segregation and considerable wage gap and the high concentration of women in part-time and low-paying jobs, with the related consequences for women's pension rights and social protection. The Committee notes with concern the impact of women's unequal situation in the labour market on their poverty levels.

20. The Committee urges the State party to adopt policies and take proactive and concrete measures to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the pay gap between women and men. It calls upon the State party to put priority on realizing de facto equal opportunities for women and men in the labour market and to monitor trends, including through the collection and analysis of data disaggregated by sex, skills and sectors in part-time versus full-time work, as well as the impact of measures taken and results achieved, and to take the necessary corrective steps. While noting the recent legislative changes, the Committee calls upon the State party to ensure that women have access to adequate pensions and full social benefits, also with a view to addressing women's poverty levels.

21. While recognizing the steady increase in childcare facilities and of new legal and policy measures to encourage the sharing of family responsibilities, the Committee remains concerned about challenges women continue to face in reconciling family and professional life and responsibilities.

22. The Committee recommends that further measures to facilitate the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of additional childcare facilities for children of different age groups, and that greater involvement of men in domestic and family tasks be promoted with the aim of balanced participation of women and men in both the private and public spheres.

23. While acknowledging the considerable efforts made by the State party to address violence against women, including legislative measures and the establishment of the Prevention Council in the Ministry of the Interior, as well as the awareness-raising efforts undertaken and the existence of some support services, the Committee remains concerned about the persistence of violence against women, including domestic violence, the absence of a comprehensive strategy to combat all forms of violence against women and the lack of an effective institutional mechanism to coordinate, monitor and assess actions at the governmental level to prevent and address this scourge. The Committee also notes with concern the limited support, including financial support, for non-governmental organizations

providing support services to victims and the insufficient statistical data on violence against women.

24. The Committee calls upon the State party to intensify its efforts to prevent and address all forms of violence against women, including domestic violence, in accordance with the Committee's general recommendation 19. It also calls upon the State party to put in place expeditiously a comprehensive strategy or action plan and a campaign to prevent and eliminate all forms of violence against women and an effective institutional mechanism to coordinate, monitor and assess the effectiveness of measures taken. The Committee calls upon the State party to intensify its awareness-raising efforts with regard to violence against women, in particular domestic violence, and the unacceptability of all such violence. The Committee urges the State party to ensure that a sufficient number of safe crisis and intervention centres and shelters are available to women victims of violence, staffed by expert personnel and provided with adequate financial resources for their effective functioning. The Committee recommends that the State party enhance its cooperation with and support for non-governmental organizations working in the area of violence against women. The Committee also requests the State party to ensure that the systematic collection of data, disaggregated by type of violence and by the relationship of the perpetrator to the victim, is undertaken and made publicly available and that such data form the basis for monitoring the implementation of current and future policy and support measures.

25. While welcoming relevant legal reforms, such as those pertaining to victims' rights in criminal proceedings, the creation of an inter-ministerial task force on human trafficking and the preparation of a national action plan against human trafficking, which is expected to be adopted shortly, the Committee remains concerned about the persistence of trafficking of women and girls in Austria.

26. The Committee invites the State party to ensure that the newly drafted national action plan against human trafficking contains a comprehensive strategy to combat trafficking in women and girls and includes prevention measures, measures to ensure the effective prosecution and punishment of offenders and victim support and recovery measures, including legal and psychosocial support, as well as the creation of livelihood options when necessary. It also calls upon the State party to enhance training and capacity-building efforts for law enforcement and border patrol officials so as to increase their ability to recognize potential victims of trafficking and provide assistance. The Committee also recommends that the State party further strengthen bilateral, regional and international cooperation with countries of origin, transit and destination so as to further curb this phenomenon. The Committee requests the State party to provide, in its next periodic report, comprehensive information and data on trafficking in women and girls and on the impact of measures taken and results achieved through the implementation of the newly drafted national action plan against human trafficking.

27. While welcoming the progress made in women's participation and representation in some areas, particularly in the judiciary, the Committee is concerned that women remain underrepresented in some elected and appointed bodies, especially in senior positions within the administration and universities, as well as in decision-making posts in economic life.

28. **The Committee recommends that the State party take measures, in particular temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, so as to accelerate the achievement of women's full and equal participation in all elected and appointed bodies, especially at the decision-making level. It encourages the State party to work towards strengthening women's position in leadership roles in academia and in decision-making posts in economic life. It requests the State party to monitor the impact of measures taken and results achieved over time and to provide in its next report statistical data on women's representation in all branches and at all levels of Government, including at the municipal level.**

29. While welcoming the positive changes in immigration law, including the amendment to the Aliens' Act of 2002 and the amendment to the Asylum Act of 2004, as well as the establishment of a service unit for migrant women at the federal level, and the intention expressed to adopt an action plan for migrants, the Committee expresses concern that some groups of women and girls, including migrants, asylum-seekers and refugees, may be subject to multiple forms of discrimination with respect to education, health, employment and social and political participation. It is also concerned that some women belonging to those groups may be particularly vulnerable to poverty and violence, including domestic violence, and encounter difficulties in obtaining residency permits, accessing social services and obtaining employment in jobs that are commensurate with their level of education, experience and qualifications.

30. **The Committee calls upon the State party to keep under review and carefully monitor the impact of its laws and policies on women migrants, refugees and asylum-seekers with a view to taking remedial measures that effectively respond to the needs of those women, including the clear adoption of a gender perspective in the action plan for migrants. It calls upon the State party to pay specific attention to the vulnerability of women asylum-seekers while their claims are under examination. The Committee further recommends the adoption of measures for the integration of women of all minority groups in vulnerable circumstances into society and the labour market in order to advance de facto equality for all women.**

31. **The Committee urges the State party, in implementing its obligations under the Convention, to utilize fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

32. **The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

33. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Austria to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

34. The Committee requests the wide dissemination in Austria of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

35. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, due in April 2007, and its eighth periodic report, due in April 2011, in a combined report in 2011.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.