



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

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**Committee on the Elimination of Discrimination
against Women**
Fifty-fourth session

Summary record of the 1103rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 13 February 2013, at 10 a.m.

Chairperson: Ms. Ameline

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The meeting was called to order at 10.05 a.m.

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

Combined seventh and eighth periodic reports of Austria (CEDAW/C/AUT/7-8, CEDAW/C/AUT/Q/7-8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Austria took places at the Committee table.*
2. **Mr. Tichy** (Austria), introducing the combined seventh and eighth periodic reports of Austria (CEDAW/C/AUT/7-8), said that, 30 years after its ratification, the Convention on the Elimination of All Forms of Discrimination against Women continued to provide a frame of reference for all action taken on women's rights and gender equality in Austria. A key advance during the reporting period had been the adoption of the National Action Plan for the Equality of Women and Men in the Labour Market, in June 2010. The Plan had a four-fold aim: to increase women's participation in the labour market; to diversify their education and career options; to bring more women into executive and managerial positions; and to close the gender pay gap. It envisaged a package of over 50 practical measures, including measures that should make it easier for women to reconcile work and family obligations. To that end, the Government was committed to making childcare more widely available and eliminating the traditional stereotypes that perpetuated the uneven division of household labour in spite of the growing number of women in paid employment.
3. The Government of Austria used both affirmative action and gender mainstreaming to achieve the goal of gender equality. Affirmative action measures included quotas for women on the supervisory boards of State-controlled companies and university bodies and within the federal civil service. As a supporting measure, under a new nationwide indicator-based monitoring system, the federal ministries also set concrete, time-specific targets for the proportion of women in the top salary brackets. The main advance in gender mainstreaming had been the 2009 legislative amendment to incorporate a new budgetary objective into the Constitution. Pursuant to that amendment, the federal, provincial and local authorities were henceforth required to take the principle of de facto equality into account when drafting and implementing their budgets.
4. In education, girls outperformed boys in school, registering higher grades and lower dropout and repeat rates, and were more likely to continue their studies at college or university. However, their education and career choices remained too gender-bound. The development of a gender-sensitive vocational orientation and educational counselling programme was therefore a priority of the Ministry for Education.
5. Preventing violence against women was another central Government concern. Since the adoption of the Protection against Violence Act of 1997, centres providing protection for victims of domestic violence had been established in all provinces and funding had more than doubled. Additional important provisions introduced in 2009 had criminalized habitual violence, and prosecutors and judges had received training in how to deal with domestic violence cases. A round-the-clock, toll-free helpline and regional counselling centres had been established for victims and equivalent services were available for girls threatened or affected by forced marriage and for victims of human trafficking.
6. Since establishing an interministerial task force in 2004, the Government had adopted three national plans to combat human trafficking, all of which took a comprehensive approach to prevention, prosecution, victim support and international cooperation. Furthermore, a legislative amendment that would make victims of crime

eligible for compensation irrespective of their legal status in Austria was currently being debated in parliament.

7. Promoting and protecting women's rights had been a foreign policy priority for many years. Austria had been one of the first countries to implement Security Council resolution 1325 (2000) on women, peace and security. In 2010, the Government had reviewed its national targets and had revised its national implementation plan as a result. As a non-permanent member of the Security Council in 2009 and 2010, Austria had been actively involved in the establishment of mechanisms for monitoring, analysing and reporting on conflict-related sexual violence.

Articles 1 to 6

8. **Ms. Šimonović** asked why the reservation to article 11 of the Convention entered by the State party upon ratification was still needed, when it had last been reviewed and whether its withdrawal was under consideration. She would also like to know whether a new core document was being prepared in line with the harmonized reporting guidelines to replace the outdated existing document. Clarification regarding the role of the Ombud for Equal Treatment and the Equal Treatment Commission in protecting women's rights in particular, and the role of the Austrian Ombudsman Board in protecting human rights in general, would be appreciated, as well as an explanation as to why the Board was perceived to lack the independence necessary to qualify for A status accreditation under the Paris Principles.

9. **Ms. Schulz** (Country Rapporteur) asked why the planned amendment to the Equal Treatment Act of 2008, referred to as the levelling-up draft, had apparently been dropped by the Council of Ministers and whether the draft was likely to be submitted to parliament in the foreseeable future. She also enquired whether the Government was planning a comprehensive review of the anti-discrimination framework with a view to unifying the scope of protection, competent authorities, remedies and sanctions, thus providing more effective protection against multiple, intersectoral discrimination. Lastly, she asked whether the State party intended to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe.

10. **Ms. Neubauer** said she was concerned that the budget of around €5 million available to the Federal Minister for Women and the Civil Service to fund diverse women's projects was not sufficient to obtain the structural changes required. Since the report referred only to external projects and made no mention of core internal costs, information about the human and financial resources of the Ministry itself was also required. In view of the Government's obligation to ensure equal opportunities nationwide, she also wished to know what resources were available to the provincial-level structures responsible for gender policy and whether funding, resourcing and implementation were uniform across all provinces. Lastly, she asked why the State party had chosen to adopt sector-specific action plans in preference to a comprehensive gender equality plan. Had past experience shown targeted plans to be more efficient or had its decision been guided by other criteria?

11. **Ms. Schulz** asked whether gender budgeting was implemented comprehensively and systematically at the federal, provincial and municipal levels or was still limited to scattered, uncoordinated pilot projects; whether sufficient public sector employees had been trained to implement the gender budgeting mechanisms envisaged under the Federal Budget Act; and whether NGOs would be involved in the effort to apply them. She had been surprised to find no mention of gender budgeting on the website of the Austrian Court of Audit. In view of the Court's important role in helping to achieve substantive gender equality, she urged the State party to rectify that omission.

12. **Mr. Tichy** (Austria) said that the reservation to article 11 was necessary to maintain the force of specific provisions of Austrian law regulating exposure to lead, work requiring extreme physical effort and underground mining. As a recent review had confirmed the justification for the reservation, no change was planned.

13. **Ms. Fehringer** (Austria) said that the text of the reservation could however be redrafted in order to narrow its scope and ensure that it was applied in the manner intended.

14. **Mr. Tichy** (Austria) said that the core document would be revised within the context of the general effort to streamline the United Nations reporting process.

15. **Ms. Konstatzky** (Austria) said that the Ombud for Equal Treatment was a national equality body, established in 1990 pursuant to the relevant European Union directives, to provide information, advice, counselling and support to victims of discrimination in employment, discrimination on the grounds of ethnicity, sex, age, religion, belief or sexual orientation, and discrimination in access to goods and services. It was not competent to assist victims who wished to file suits in a court of law but referred their cases to the Equal Treatment Commission. The latter's role was to examine the complaints, determine whether the provisions of the Equal Treatment Act had been violated and issue a decision to the employers or service providers concerned along with recommendations on how to apply equality law and avoid further discrimination. Since its decisions were not legally binding, victims retained the right to bring a case in court if their grievances were not satisfactorily resolved. The Commission could also be asked to examine issues of general interest arising under the Equal Treatment Act.

16. **Mr. Tichy** (Austria) said that the main reason for the Ombudsman Board's failure to achieve A status accreditation under the Paris Principles lay in the generic nature of its initial mandate. Although that deficiency had been addressed by the recent Constitutional amendment to accommodate the Board's designation as the country's national preventive mechanism under the Optional Protocol to the Convention against Torture, the composition of the Board remained an obstacle. The Federal Constitution expressly provided that the three largest political parties had the right to nominate candidates for membership. That situation had prompted questions as to the Board's independence even though all nominations were subsequently referred to parliament for acceptance or rejection. The Government had considered other forms of human rights and preventive mechanisms but had ultimately concluded that its existing system was efficient, effective and independent, even if not fully consistent with the Paris Principles. While it did not plan to change political parties' right to nominate candidates, it would continue its efforts to obtain A status accreditation.

17. The Government had yet to take action regarding the levelling-up draft, but had accepted the recommendation made within the framework of the universal periodic review process to consider the issue. With regard to a potential review or harmonization of the anti-discrimination framework, he said that the current system was satisfactory.

18. The ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was a complex issue which would require time to address. The Austrian Government had signed the Optional Protocol and was currently examining the matter. Given that the Charter of Fundamental Rights of the European Union also included certain economic and social rights, it was hoped that an analysis of that text and its impact to date would provide useful information.

19. Discussions were currently under way with human rights institutions regarding the ratification of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Council of Europe Commissioner for Human Rights had been asked to provide advice.

20. **Ms. Niavarani** (Austria) outlined the structure of the Division for Women and Gender Equality, and explained that it had no independent budget, as it formed part of the Federal Chancellery. In 2012, the budget allocated to the Minister for Women had stood at just over €10 million, a significant increase in comparison to 2004.
21. The Minister conducted an annual dialogue with representatives from the federal provinces, which included reviewing relevant legislation at provincial level. As far as the introduction of a national action plan on combating violence against women was concerned, it was felt that the current mechanisms in that area were satisfactory.
22. **Mr. Tichy** (Austria) said that the State party was looking into drawing up a general national action plan on human rights.
23. **Ms. Sinnmayer** (Austria) said that all draft legislation, regulations and projects were subject to a gender impact assessment, involving an analysis of planned outcomes and goals, and that indicators were established to measure success. Quality assurance was provided by the Federal Chancellery, and a further assessment was carried out after five years.
24. **Ms. Fritz** (Austria) said that all ministries had gender mainstreaming commissioners responsible for drafting objectives. Each ministry was required to define a maximum of five outcome objectives per budget heading, one of which had to be a gender outcome, and to define specific measures and relevant indicators. The Court of Audit later assessed whether those objectives had been met. No federal objectives were set, as each ministry set its own targets, with input from experts.
25. **Ms. Neubauer** asked how the Government assessed the efficiency of temporary special measures in the field of gender equality.
26. **Ms. Šimonović**, welcoming the State Party's active contribution to the European Convention for the Protection of Human Rights and Fundamental Freedoms, requested further information regarding the time frame for ratification of the instrument and any legislative changes envisaged at national level to ensure compliance. She also enquired about a national action plan to combat violence against women. She stressed the need for more relevant data in that field, in order to gain an overview of the situation and any challenges relating to prevention of violence.
27. She asked whether there were plans to criminalize violations of restraining orders, and requested further information on training provided to the judiciary on violence against women, including whether such training made use of the jurisprudence of the Committee or the European Court of Human Rights.
28. **Ms. Gabr** asked about measures taken to address the gender pay gap, and how they were evaluated. She raised the issue of immigrant women, in particular those with disabilities, and asked what protection was given to that vulnerable group, including measures to support access to education, and to combat violence and xenophobia.
29. **Ms. Acar**, raising the issue of gender stereotypes, requested data on eating disorders among young women and the reported increase in plastic surgery procedures.
30. Turning to the problem of violence against women in migrant communities, and in the light of reports of the negative impact of increasing xenophobia in the media on women from migrant communities, particularly Muslim women, she asked what measures were being taken to address that problem. While she welcomed the fact that residence permits were issued to victims of violence, she expressed concern that they were issued for one year only, subject to strict criteria. As victims of violence were a vulnerable group, she requested further information on whether such permits could be extended, and whether any legislative amendments were planned in that regard. She also suggested that national legislation should

take into account the issue of stalking, which could also be interpreted as a type of violence against women.

31. **Ms. Gabr**, welcoming the measures already taken to combat human trafficking and protect victims of trafficking, drew attention to the need for greater efforts to raise awareness among and provide training to the judiciary, especially regarding access to justice for victims. A broader interpretation of trafficking and exploitation was required, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime should provide the basis for activities in that area; moreover, greater cooperation with the International Organization for Migration (IOM) should be encouraged. She asked what criteria were used for international cooperation activities, the nature of that cooperation and the relevant funding mechanisms. Lastly, she enquired whether Austria planned to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

32. **Ms. Pimentel** said that, given that 80 per cent of sex workers in Austria were immigrants, a vulnerable group often affected by poverty, several international bodies, including the Committee against Torture, had expressed concerns about the requirement for sex workers to undergo regular vaginal examinations and HIV screening, as they could face deportation if discovered without papers. She asked whether trafficked women were able to remain in Austria, and to what extent they were involved in the court proceedings, given that their lives could be in danger.

33. **Ms. Rumplmayr** (Austria) explained that the Equal Treatment Act intended to provide a model and enhance the position of women. Women's participation in the labour market had steadily risen since the 1980s, reaching over 60 per cent in 2011. The Austrian civil service was committed to equal opportunities, and currently just over 40 per cent of staff, across all occupational groups, were women. In particular, there had been a marked increase in the number of female judges and public prosecutors, as well as women in managerial positions.

34. **Ms. Fehringer** (Austria) said that a wide gender pay gap and labour market segregation still existed in the private sector. However, the employment rate for women had risen, although that was partly due to an increase in the number of women in part-time employment. Steps had been taken by the public employment service to raise awareness of problems related to part-time employment. Support measures included vocational training aimed at women, including courses relating to technical careers, as well as German-language courses for migrant women. However, much work remained to be done, including to address the issue of quotas, a matter currently under discussion at European level.

35. **Mr. Manquet** (Austria) explained that ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms was planned for the summer of 2013, and the Government was working closely with the Minister for Women on drafting the explanatory memorandum. The matter of whether violations of restraining orders would be made a criminal offence was still under consideration.

36. Training for the judiciary did include compulsory modules on victim protection. Workshops were organized together with IOM, and included speakers from NGOs, various ministries, and the police force. The Committee's jurisprudence was included in the curriculum.

37. In Austria, access to justice was delegated to NGOs; victims could obtain support during court proceedings in criminal and civil cases (psychosocial and legal assistance). The process for requesting assistance was informal, and the relevant NGOs would receive the necessary financial resources from the ministry at a later date. The system appeared to work well.

38. **Ms. Pflieger** (Austria) said that the data-collection process had improved, and referred to an ongoing project to improve data quality that included gathering data on the relationship between victims and perpetrators. Violence against migrant women was a specific priority, and the authorities were cooperating with NGOs and migrant communities to raise awareness and provide support, including through measures such as special training for police officers.

39. Special permits, which could be extended, were available to victims of violence. After a certain period of time, they could be changed to normal residence permits. Unfortunately, no data were currently available on that process; however, as the migration system was currently undergoing a process of reform, the Committee's comments would be taken into consideration. If a woman already had a residence permit and then fell victim to violence, certain exemptions to residency requirements could apply, and decisions were made on a case-by-case basis.

40. **Ms. Niavarani** (Austria) said that the Violence Protection Centres, established in 1997, provided counselling in victims' mother tongue. In 2010, the Minister for Women had embarked on a dialogue tour that had brought together migrants and Austrian nationals to discuss integration. A brochure entitled "What is CEDAW?" was available in several languages, including English, Croatian and Turkish. The National Action Plan for the Prevention and Elimination of Female Genital Mutilation in Austria was under way as well as programmes about female genital mutilation, gender equality, gender issues and generational conflicts.

41. **Mr. Bechina** (Austria) said that recent legislation had broadened the mandate of the Ombudsman Board to include the protection and promotion of human rights. Since ratifying the Convention on the Rights of Persons with Disabilities, the Government had designed the National Action Plan on Disability 2012–2020, including a specific section on women with disabilities. The Victims of Crimes Act had been amended to guarantee assistance for victims, including women with disabilities and victims of human trafficking, who had suffered an injury as a result of an offence punishable by at least 6 months in prison.

42. **Ms. Stamm** (Austria), replying to an earlier question, said that approximately 200,000 women and a number of men suffered from an eating disorder. It was a recognized problem and relevant data were regularly collected and published, notably in the 2010–2011 Health Report; moreover, counselling was available through health centres. In 2012, Austria had adopted new regulations regarding cosmetic surgery setting a minimum age and mandatory psychological assessments prior to any procedure.

43. **Ms. Guggenberger** (Austria) acknowledged that gender stereotypes were rampant in education, but said that the Ministry of Education had been redesigning materials for the past 20 years. In addition, it intended to advance equal opportunities in education. It was crucial to make changes at the structural level and involve both boys and girls at an early age.

44. **Ms. Pflieger** (Austria) said that the National Action Plan for Integration addressed seven areas: language and education, employment, national values, health and social affairs, intercultural dialogue, leisure and sports activities and local integration. A team of independent experts had drawn up a 20-point implementation programme and the evaluation carried out in 2012 had been positive overall. Moreover, a Secretary of State for integration had been appointed. Hate crimes, xenophobia and terrorism were handled by a special department of the Federal Police and a programme was under way to improve communication between migrants and law enforcement.

45. **Mr. Manquet** (Austria) said that the Criminal Code had been amended in 2012 to add gender, age and sexual orientation as prohibited grounds of discrimination.

46. **Ms. Tichy-Fisslberger** (Austria) said that Austria worked closely with IOM and that the Government financed various migration projects. Training on trafficking in persons was provided to the judiciary at least once per year and a public prosecutor's office and a court specialized in trafficking matters had been established.

47. Austria was in the process of incorporating the latest European Union directive on preventing and combating trafficking in human beings and protecting its victims, which would significantly broaden its definition of trafficking. Given that most victims of trafficking in Austria were citizens of European Union countries, there were no obstacles to obtaining and extending residency permits. In cases where victims were not European Union citizens, the Council of Europe Convention on Action against Trafficking in Human Beings stipulated that they could not be expelled for at least 30 days. Victims and witnesses of trafficking involved in criminal proceedings were granted residency permits for a minimum of six months, which remained valid if proceedings were suspended. The human trafficking task force, under the Federal Ministry of European and International Affairs, strove to find pragmatic solutions for victims who did not fall into either of the above categories. Once victims were identified there was no danger of them being forced to leave the country.

48. **Ms. Niavarani** (Austria) said that sex workers underwent regular mandatory health checks. The Government was considering ways of improving such checks, including by supplementing them with a range of social services.

49. **Ms. Jahan** asked what measures were being taken to prevent xenophobic attacks against migrant women, whether there had been any criminal prosecution of the perpetrators and whether victims received support.

50. **Ms. Schulz** asked the delegation to confirm whether sexual harassment in the public sphere might be included in the Criminal Code and, if so, within what time frame. She asked whether the rise in legal fees had resulted in fewer suits being filed. Turning to the National Action Plan on Disability 2012–2020, she enquired about its budget, in particular whether funds had been specifically earmarked for women, whether the Plan guaranteed the participation of civil society, whether benchmarks for it had been established and whether it had been evaluated.

51. **Ms. Gabr** asked how the State party intended to combat gender stereotyping. Referring to paragraph 80 of the State party's report, she requested tangible examples of Austrian international cooperation to combat human trafficking.

52. **Ms. Šimonović** asked how many women had been killed in domestic disputes, whether the underlying causes of such violence were studied, how many shelters there were, whether their number and funding were adequate and whether they were the focus of a specific law.

53. **Ms. Belmihoub-Zerdani** asked whether the State party continued to allocate 0.7 per cent of its gross domestic product (GDP) to official development assistance.

54. **The Chairperson**, speaking in her capacity as an expert, asked whether there were programmes to raise judges' awareness of xenophobia and gender discrimination.

55. **Ms. Pflieger** (Austria) said that considerable efforts were being made to give migration a positive image and foster intercultural dialogue. Persons from migrant backgrounds were being recruited by the police force to act as outreach officers.

56. **Mr. Manquet** (Austria) said that perpetrators of xenophobic acts were investigated and prosecuted, resulting in a handful of convictions each year. Racial motives were an aggravating circumstance of criminal offences. Victims of crime were eligible for psychosocial and legal support, often provided by civil society organizations, prior to and

up to the close of legal proceedings. The debate surrounding current provisions on sexual harassment centred on the definition of “sexual act” and whether the term should encompass more than inappropriate touching. Law enforcement and judicial investigators could launch an investigation without a formal complaint of sexual harassment, but the consent of the victim was needed to lay charges and prosecute. There was some judicial training on sexism, but it was not a core component of courses.

57. **Ms. Konstatzky** (Austria) said that bringing a complaint to the Equal Treatment Commission was free and that, since 2011, the Ombudsman Board and the Commission had been granted broader investigative powers.

58. **Mr. Bechina** (Austria) said that the law guaranteed the participation of persons with disabilities in bodies that represented them, such as the Disability Advisory Board.

59. **Ms. Tichy-Fisslberger** (Austria) said that Austria cooperated with almost all the countries in southern Europe on projects that tackled the root causes of trafficking, strengthened cooperation between law enforcement agencies and ensured the safe return of victims. A capacity-building programme was under way in Nigeria where local soap operas had even been taken to task for misrepresenting migration and failing to depict its dangers. The Hub, a social welfare centre in Vienna, cared for child victims of trafficking and worked towards their safe return home.

The meeting rose at 1.05 p.m.