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Committee on the Elimination of Discrimination against Women

Seventy-third session

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Item 4 of the provisional agenda

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

List of issues in relation to the ninth periodic report of Austria

General

1. Please provide more details about the preparation of the State party's ninth periodic report (CEDAW/C/AUT/9), including whether the report was adopted by the federal government and presented to the federal parliament, and indicate the involvement of the provincial governments and legislatures, non-governmental organizations, in particular women's organizations, in addition to other key actors, such as the Federal Equal Treatment Commission, the Equal Treatment Commission for the private sector, or the Ombud for Equal Treatment.

Definition of discrimination against women

2. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on the legal definition of discrimination against women, including direct and indirect discrimination in the private and public spheres, and intersecting forms of discrimination, in line with all relevant provisions covered by the Convention (paras. 19, 198)¹. Please clarify the legal standards and adequacy of compensation for women victims of intersecting forms of discrimination (paras. 19, 20), in particular women in rural areas, migrant, asylum-seeking and refugee women, women with disabilities and other groups of women in disadvantaged situations.

Constitutional, legislative and institutional framework

3. With reference to the Committee's previous recommendations (CEDAW/C/AUT/CO/7-8, para. 11) and to the report (paras. 9, 21), please provide information on the results of the 2016 evaluation of the effectiveness of the implementation of the Equal Treatment Act, in particular in relation to protection against gender based discrimination with regard to access to goods and services ("levelling-up") (paras. 321-325), and of the Federal Act on the Equal Treatment Commission and the Ombud for Equal Treatment (para. 245). With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 13), please provide detailed information on efforts undertaken by the State party to enhance coordination between the federal state and the

¹ Unless otherwise indicated, paragraph numbers refer to the ninth periodic report of the State party.

provinces (Länder) and to clarify the respective responsibilities at both levels of government in the implementation of the Convention (paras. 17, 18).

4. With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 15), please provide detailed information on the key features, as relevant for the implementation of all areas covered by the Convention, of the National Action Plan on Human Rights envisaged by the Government programme 2013-2018 (para. 27), in particular in relation to the various sectoral action plans (paras. 152, 153, 210, 277, 306, 308, 331). Please also provide information on the continuation of the National Action Plan on Gender Equality in the Labour Market beyond 2018 (paras. 152, 153).

5. Please elaborate on the Cabinet Decisions for the implementation of gender mainstreaming, including at the provincial level, and about the rationale behind recipients of public contracts being required to implement measures to promote equality only for a minimum of six months (para. 239). Please provide examples of results achieved for gender equality through the State party's outcome-oriented budgeting and impact assessment approach at the federal level (paras. 22, 136, 243), and provide further information on the "gender budgeting blog" available since 2016 (para. 244). Please indicate whether the provinces apply the same approach to gender budgeting like the federal level. Please elaborate on the stagnation of the budget of the Ministry for Women and Equality since 2011 despite the Committee's previous recommendations to increase budgetary allocations (CEDAW/C/AUT/CO/7-8, para. 17).

Access to justice and legal complaint mechanisms

6. Please provide information on any instances in which the Convention has been invoked by individuals, applied directly or referred to, in court proceedings in the State party and indicate the number, nature and outcome of all cases of discrimination against women, including intersecting forms of discrimination (para. 198), the sanctions applied to perpetrators and the remedies, including compensation, provided to victims (paras. 20, 271; annex, table 19). Please provide the outcome of the complaints submitted to the Equal Treatment Commissions (para. 256; annex, table 17). Please clarify whether the Ombud for Equal Treatment has a mandate to accept complaints relating to all areas covered by the Convention (para. 14). Please also specify how many women have used free legal aid programmes to bring claims of discrimination, and describe measures taken to make such services more accessible to women, in particular women in rural areas, migrant, asylum-seeking and refugee women, women with disabilities and other groups of women in disadvantaged situations.

National machinery for the advancement of women

7. With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 19), please provide information on any efforts undertaken by the State party for the Austrian Ombudsman Board to obtain "A" status as fully compliant with the principles relating to the status of national institutions (the Paris Principles) (para. 26). Please also provide information on how the human, financial and technical resources allocated to the Ombud for Equal Treatment (paras. 13-15) match the 2017 extension of responsibilities of its regional offices.

Temporary special measures

8. With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, paras. 21, 34), please provide information on any temporary special measures, including quotas, taken or envisaged by the State party to accelerate the achievement of substantive equality of women and men leading to gender parity across sectors in all areas covered by the Convention, in addition to the 2018 women's quota of 30 per cent for the membership composition of supervisory boards of public companies and of private companies with more than 1,000 employees (paras. 29, 30-36). Please also provide updated data on women in supervisory and executive boards and management, including of state-affiliated companies (annex, table 8). Please elaborate on efforts other than those mentioned in the report (paras. 31-33), and the results thereof, to raise awareness about the concept of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the full and

equal participation of women in all areas covered by the Convention in which they are disadvantaged or underrepresented.

Stereotypes and harmful practices

9. In view of the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 23), please provide detailed information on specific strategies to counter stereotypical attitudes and use of gender insensitive language that are discriminatory towards women, including with regard to those women and girls who experience intersecting forms of discrimination owing to their age, disability, migrant status or other characteristics, in order to enhance a positive and non-stereotypical portrayal of women. Please provide more information on the criteria and mandate of the equal and diverse science and research landscape (para. 143), and provide information on the results of the activities of the 2016 working group on reducing gender stereotypes in tertiary education (paras. 61, 147). Please indicate whether targeted programmes to encourage the enhanced sharing of family responsibilities and further diversification of the educational choices of boys and girls exist in all Länder (paras. 55-57, 70-75, 146).

10. Please provide updated information on the measures taken to eliminate stereotypical images and attitudes regarding the roles of women and men in the mass media, in the family and in society and indicate how those efforts are coordinated among the federal level and the Länder. Please elaborate on the impact of the 2013 Federal Act on Cosmetic Interventions and Treatments on preventing and combatting gender stereotypes (para. 76). Please indicate the number of complaints relating to sexist advertising received and investigated by the Anti-Sexism Committee of the Austrian Advertising Council since the previous recommendations and the sanctions levied against the media (paras. 79-81). Please also clarify the mandate and provide information on the activities of the advertising watch groups (paras. 80, 265).

11. Please provide information, including detailed statistics, on legal and medical standards following best practice in relation to medical and surgical treatment of intersex persons; on investigations into incidents of involuntary sterilisation or unnecessary and irreversible surgical or other medical treatment, very often done without their informed consent; and on existing remedies to the victims of such treatment, including adequate compensation. Please also indicate how many persons have registered as a third gender following its legal recognition by the Constitutional Court in June 2018.

Violence against women

12. In light of the ratification by the State party of the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), please elaborate on the status, scope and content of the National Action Plan on the Protection of Women against Violence (paras. 308, 331), including in relation to domestic violence, female genital mutilation, girl child or forced marriages. Please provide information on whether the Istanbul Convention has been incorporated into national law and whether the mechanisms identified or established to monitor its implementation have been allocated adequate human, financial and technical resources for its implementation (paras. 84-85). In line with the State party's obligation under the Convention, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please update the Committee on any additional steps taken to enhance the protection of women (paras. 107-113, 308-310, 331-332), including by increasing access to specialized services for victims of sexual and gender-based violence, including women from ethnic minorities, migrant and asylum-seeking and refugee women, and women with disabilities. In light of the concern of the Committee in its previous recommendations (CEDAW/C/AUT/CO/7-8, para. 24), please clarify whether the number and geographical coverage of shelters, including in the Länder, have indeed been expanded and staffed with adequate and appropriately trained legal, social, psychological and other medical personnel, (para. 100). Please also provide information on the criminal investigations in the State party into allegations of torture committed in Syria, including of women, and on measures to ensure that perpetrators are held to account for such grave women's rights violations.

Trafficking and exploitation of prostitution

13. Please provide information on the scope and content of the fourth National Action Plan on Combating Human Trafficking (2015-2017) as well as the impact of its implementation and whether the State party has adopted or plans to adopt a new action plan (para. 277). Please elaborate on the assistance and services provided to women victims of trafficking, including the human, financial and technical resources allocated (para. 273), whether services have been established in all Länder and how effective coordination nationally is ensured. Please provide information on the results of initiatives taken to enhance transnational coordination and cooperation to combat trafficking in women, including the outcome of (bilateral) investigations carried out (paras. 279-281). Please also provide information on the requirements for acquiring residence status for women and girl victims of trafficking, pursuant to the Settlement and Residency Act and the Asylum Act, in particular whether the granting of (temporary) residence is dependent on conditions such as cooperation with law enforcement authorities and in criminal proceedings (cf. paras. 86 and 87). In addition, please elaborate on the support mechanisms available for women victims of labour exploitation (paras. 274, 275).

14. Please provide information on the applicable legal and policy framework and on measures currently in place to prevent the exploitation of women and girls in prostitution. Please elaborate on the legal requirements for medical examinations of sex workers introduced in 2016 by the State party (para. 122), in particular whether the new provisions removed the mandatory condition of health tests for sex workers as previously recommended by the Committee (CEDAW/C/AUT/CO/7-8, para. 29). Please also indicate whether measures exist, including in all Länder, to support women in prostitution who wish to exit and pursue alternative means of livelihood (cf. paras. 276, 282-284). In addition, please provide information on the recommendations presented by the working group on prostitution to the federal government on how to improve the living and working conditions of sex workers and whether, and if so how, they have been followed up (para. 278).

Participation in political and public life

15. In light of the information provided in the report (paras. 43-46; annex, tables 9, 10), that women comprised only 7.2 per cent of mayors, that the percentage of women federal ministers has fallen to 21 per cent, and that the percentage of women currently represented in the National Council and the Federal Council stagnates at 31 per cent with similar average percentage of women representation in the provincial governments and provincial parliaments, and with reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 31), please elaborate on the specific measures taken, and the results thereof, to accelerate and increase the representation of women in political and public life, in particular in the parliaments and public service (para. 263), academic institutions (paras. 37-40; annex, table 16), the diplomatic service (paras. 126-128; annex, table 6), and in leadership positions in sports association (paras. 129-134; annex, table 7). Please indicate whether the State party has established benchmarks and specific timetables to achieve these goals. Please also indicate whether voluntary gender quotas for nominations in elections introduced by three political parties have produced the intended results, whether these quota also apply at provincial and municipal levels, and whether the other three parties represented in the National Council have any plans to introduce gender quotas as well (para. 46). Please provide data on the representation of women in the judiciary.

Women, peace and security

16. Please provide details of the 2017 8th annual report of the Action Plan to implement Security Council resolution 1325 (2000) on women, peace and security, and updated information pertaining to the promotion of the inclusion of women in peace processes, the strengthening of preventive measures against violence against women, and the increased participation of women in international peace missions in accordance with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

Education

17. Please provide information on training intervention programmes for school teachers to raise gender and diversity competence since 2016, including in the Länder (paras. 58, 59, 62-65, 136, 139, 141, 214). With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 33 (f)), and in light of the information before the Committee that migrant girls' risk of dropping out of school is almost three times higher than the average, please indicate whether the study on root causes of the high school dropout rate for migrant girls has been carried out since the submission of the report, and if so, what were the results (para. 148).

Employment and economic empowerment

18. Please provide updated information, including statistics, on the unemployment rate of women, women in precarious work, including women working part-time, and migrant women, and indicate the unemployment rate of women in rural areas, and of women with disabilities (paras. 295-297; annex, table 1). In view of the persisting gender pay gap (para. 164; annex, table 2), please elaborate on measures taken to combat wage discrimination in the State party, in particular measures other than those predating the previous recommendations of the Committee (paras. 165, 167). Please elaborate on the reasons why the requirement to present income reports to enhance salary transparency have not been extended to enterprises with less than 150 employees (paras. 165, 174) as previously recommended by the Committee (CEDAW/C/AUT/CO/7-8, para. 35 (d)). Please inform the Committee about the results of the 2015 study related to job advertisement and income reports (para. 166). Please indicate whether there are any plans to introduce paid paternity leave in the private sector as a legal right (para. 50).

19. With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 37 (a)) and table 2 in the annex to the report, please elaborate on any economic improvements for women resulting from the 2015 tax reform (paras. 317-319) and the 2017 amendments to the Social Security Act, which introduced a higher standard rate for compensatory agreements for pension recipients with long-term employment (para. 176), and extended the period for requests for the transferral of pension claims under the pension splitting scheme (para. 177). Please also indicate any steps taken to address the higher risk of poverty and exclusion for women, in particular for single mothers and their children (paras. 315, 316; annex, tables 3, 4), and migrant, asylum-seeking and refugee women, women with disabilities and other groups of women in disadvantaged situations.

Health

20. Please elaborate on the 40 focus areas of the Action Plan on Women's Health (para. 306). Please also provide information about the prevalence of HIV/AIDS among women in the State party and the measures taken to address the issue. With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 39), please inform the Committee whether a study on the impact of the economic crisis, austerity measures and privatisations on women's health has been carried out since the submission of the report (para. 185), and if so, about its results. Please elaborate on potential gender barriers to access the health care system, including sexual and reproductive health care as well as mental health care, in particular for women in rural areas, migrant, asylum-seeking and refugee women, women with disabilities and other groups of women in disadvantaged situations.

Marriage and family relations

21. Please provide information on the judgement of the Constitutional Court of 2017 that examined the marriage ban for same-sex couples and on progress made regarding its implementation. Please elaborate on efforts to remove the remaining differences for lesbian, bisexual, transgender women and intersex persons living in registered partnerships as opposed to couples of the opposite sex, including in relation to simultaneous child care allowances for mothers, maintenance and distribution of property and assets upon dissolution of the relationship (paras. 218, 330).

22. With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 51), please explain the absence of a database on forced marriages (para. 219), and provide information, including statistics, on emergency shelters available for girls and women at risk of forced marriage (para. 220), and on legal proceedings following the 2016 introduction of forced marriage as a stand-alone criminal offence (paras. 221-223). With reference to the previous recommendations (CEDAW/C/AUT/CO/7-8, para. 53), please inform the Committee whether a study on the socioeconomic impact of the State party's divorce regime on women has been carried out since the submission of the report (para. 225), and if so, what were its findings.

Data collection

23. Please provide comprehensive statistical data, including data disaggregated by sex, age and ethnicity, and additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's recommendations since the submission of the report so as to support policymaking and programme development and to measure progress towards the promotion of substantive equality of women with men. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.
