

73rd CEDAW-Session 2019

Oral statement at the informal public meeting

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Thank you, Madame Chair,

I am honored to represent Klagsverband, the Austrian NGO coalition here today.

The last Austrian government moved quickly with its agenda: It reduced and cancelled public funding, especially targeting women's organisations. It restricted the rights of the most vulnerable and marginalized even further, among the worst affected are women and girls.

Today I want to raise the Committee's concern for some of the most recent legislative and policy changes, which were introduced following the submission of our shadow report:

Topics

1. Sexual Self-determination
2. Protection against Violence
3. Social Assistance
4. Labour Market Policy Measures
5. Trafficking of Women

1. Concerning Article 2g and 12 CEDAW – Sexual Self-determination

On the occasion of the so-called civil society initiative #fairändern, extensive restrictions on access to legal abortions are being discussed at the parliamentary level, in particular mandatory counseling, a waiting period and the abolishment of the embryopathic indication – if serious damage to the health of the baby is to be expected. For the purpose of the health and self-determination of pregnant women, the nullification of the criminal offense of abortion from the Criminal Code is necessary. Instead, not even the three-month rule seems to be set in stone in Austria.

Although from a victim protection's perspective it is doubtful that harsher penalties are effective, the minimum sentence for cases of rape has been increased from one to two years. In light of the fact that many charges of rape are not followed up on, our judiciary urgently requires more training on the protection of women and girls victims of gender-based violence and related resources.

Only last week the Austrian Parliament prohibited external sex education specialists from providing courses in Austrian schools. Instead, teachers will be responsible for this important task, even though sex education is not an obligatory part of teacher training.

2. Concerning Article 3 CEDAW – Protection from Violence

In reaction to the high number of femicides in 2019, there is a general tendency to focus on sanctions instead of victim protection. In this spirit, the 3rd Protection from Violence draft Act primarily provides for harsher penalties. The postponement of the draft-act must be utilized to strengthen comprehensive victim protection.

Numerous demands of NGOs and of the CEDAW Committee have not been fulfilled: e.g. sensitization of the judiciary, removal of economic disadvantages of women, holistic strategic measures to prevent violence, improvement of the data situation, to just name a few.

3. Concerning Article 13 CEDAW - Social Assistance

The Social Welfare Enabling Act entered into force on 1 June 2019. It constitutes discrimination based on gender, because more women than men rely on these payments. Especially affected are single parents – the huge majority of whom are women – children and women with disabilities, as well as refugee and migrant women. The more children in a household, the lower is the payment. Access to the entire benefit is linked to German skills on level B1, even though language courses are only provided for after a positive decision on asylum. For persons with subsidiary protection it's even worse: They are in principle excluded from the benefit. Instead, they only get € 365 out of the so-called Grundversorgung (primary care for asylum seekers). To sum up, it is a measure to promote female poverty.

4. Concerning Article 11 – Labour Market Policy Measures

The Ministry for Social Affairs issued new labour market policy targets for the Austrian Labour Market Service: the goal of allocating 50 percent of the active labour market budget to women has been deleted. Specific support measures for migrants are no longer mentioned. Furthermore, a new algorithm is supposed to calculate the employability persons have in the labour market. Women automatically receive a lower rating because of their gender and child care obligations – and thus it is more likely that they will have a lesser chance of receiving the highest level of support, hence gender inequality might actually be reinforced.

5. Concerning Article 12 - Trafficking in Women

As of 2021 the independent legal advice and representation of asylum seekers will be abolished and transferred to the newly established BBU (Bundesagentur für Betreuungs- und Unterstützungsleistungen) – a state-owned agency, which handles first and second instance cases. This obvious conflict of interest constitutes a serious breach of the fundamental rights of due process. And it's highly likely that this change will increase the difficulty of identifying potential victims of trafficking in women during asylum procedures.