

AUSTRIA

Questionnaire to Governments on the Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000). Questionnaire – Response of the Austrian Federal Ministry of Health and Women’s Issues, Reference Period June 1999 to December 2003.

I OVERVIEW

Pursuant to Article 7 of the Austrian Federal Constitutional Act any form of discrimination on the ground of sex is inadmissible. As of 1998 paragraph 2 reads as follows: "The federation, provinces and municipalities profess de facto equality of man and woman. Measures designed to promote de facto equality of women and men, particularly to eliminate any existing inequalities, shall be admissible". Furthermore, reference is made to the Austrian CEDAW reports, the national action plans for employment and social inclusion as well as to reports on the social situation. The sixth Austrian CEDAW report comprehensively documents the implementation of a child raising allowance, which entered into force in 2002. Of particular importance for the implementation of the Beijing Platform for Action in the reference period (June 1999 – December 2003) are the following activities:

Important Legal Amendments and Projects

Based on the fourth amendment to the Equal Opportunities Act (Federal Law Gazette No. 44/1998), which provided for the establishment of regional offices of the ombuds office for equal opportunities affairs and the appointment of regional ombudspersons, the regional sphere of action was considerably improved between 2000 and 2002 (see detailed statement in part III).

Amendment to the Equal Opportunities Act of 2001

(see detailed statement in part III)

Amendment to the Federal Equal Opportunities Act, Federal Law Gazette I No. 132/1999 effective 1 January 2000

(see detailed statement in part III).

Implementation of European Law:

With the amendment to the Maternity Protection Act and the Parental Leave Act (Federal Law Gazette I No. 153/1999) the **EU-Directive 96/34/EG** was implemented.

Re-enactment or extensive amendment of the Equal Opportunities Act

In the reference period a comprehensive amendment to the Equal Opportunities Act was drafted with the aim of implementing the following directives: European Parliament and Council Directive

2002/73/EG for the amendment of Council Directive 76/207/EEG (Equal Opportunity Directive), Council Directive 2000/43/EG (Anti Racism Directive) and Council Directive 2000/78/EG (skelton Equal Opportunity Directive). The amendment (which has in the meantime been passed) becomes effective on 1 July 2004 (see detailed statement in part III). Likewise, the new codification of the **Federal Equal Opportunities Act** provides for women-specific measures, such as the implementation of the mentioned EU Directives as well as improvements to law enforcement instruments. This amendment also becomes effective on 1 July 2004.

Under the **Criminal Law Amendment Act 2001** (Federal Law Gazette I No. 130/2001) the penalty for rape and **severe sexual abuse** of minors resulting in death was increased. With the amendment to the Austrian Execution of Orders Code of 2003, provisions for the protection against domestic violence were improved.

The **Criminal Law Amendment Act 2004** (StRÄG 2004; Federal Law Gazette I No 15/2004) provided for the continuation of the **law reform on sexual offences** (see part II).

Combating Violence against Women

The **Criminal Law Amendment Act 2004** contains the new regulation as regards **trafficking in human beings**, the elimination of the privilege of **rape and sexual coercion within marriage** as well as the declaration of **sexual harassment** as an offence.

Victim protection and intervention centres

Since 1999 each Austrian province has established its own intervention centre for the protection against violence against women. Upper and Lower Austria each have a regional office (see part III) since 2001. Since the Protection against Violence Act and the service offered by the intervention centres have become increasingly known, the number of barring orders issued, and consequently the number of cases to be handled, is increasing each year. According to statistics provided by the Federal Ministry of the Interior, 3,076 barring orders were issued in 1999, while in 2003 the number was 4,180.

During the reference period another 6 women's and emergency shelters were established (total of 27). Early this year a new women's shelter was opened, while another one is currently under construction.

Legal amendment to mandatory reporting for physicians

The second amendment to the Medical Profession Act, Federal Law Gazette I No. 110/2001, provided a fundamental reform of some aspects of **mandatory reporting for physicians**, which pursuant to section 54 paragraph 4 of the Medical Profession Act of 1998 now reads as follows:

“§ 54. (4) If there is suspicion that an act punishable by law has led to death or serious bodily injury of a person, physicians, in the execution of their duty, are obliged to report this to the police immediately unless otherwise stipulated in paragraph 5. The same shall apply if there is suspicion that a person of age unable to safeguard her/his interests has been maltreated, tortured, neglected, or sexually abused.”

This provision standardises immediate mandatory reporting for physicians in case of death or serious bodily injury of a person of age.

Raising awareness and training

Since September 1999, the Federal Ministry of Health and Women's Issues has financially supported a total of 27 seminars for those working in institutions concerned with women's affairs as well as interdisciplinary seminars which enhance the cooperation between all professions involved in cases of violence against women (e.g. law enforcement authorities, judges).

Information and public relations

In 2001 the information brochure "Women's Rights" was published, which addresses women exposed to violence. The brochure documents important legal provisions, provides information on supporting services and is distributed to all women interested free of charge. In the same year, a report on "Domestic Violence" was published. It deals with the scope, causes and effects of violence – with separate chapters on children/women/men/old people/disabled people – and also points out to what needs to be done. It is a comprehensive reference work on this subject.

In November 2001 the Austrian government financially supported an official inquiry entitled "Women's Health and Violence – Violence makes sick".

Anti-violence campaign 1999 and 2000

As part of an anti-violence campaign, which was started at the end of 1998, the information campaign "Stop Violence" was continued in the months of June and July of 1999. It aimed at making the established helpline known to the public and to the women concerned. This 24-hour helpline, which as of 1 June 1999 was assigned to a clearing centre with a team of female experts, is a nationwide toll-free number for victims of violence and persons from their social environment. The service was continued throughout the entire reference period. (see part II.)

Women in Business

Measures for the promotion of equal opportunities of women at work are laid down in the National Action Plan for Employment (<http://www.bmwa.gv.at/BMWA/default.htm>).

As far as their participation in business life is concerned, women are increasingly catching up, even though their numbers are still behind those of working men. As regards the last three decades: Between 1971 and 2001 the **number of gainfully employed women**, not considering minimally employed workers, increased by almost exactly a third, since 1991 by 10%. (men: 1971 to 2001 increase by 6%, since 1991 minimal decline) (note: this includes self-employed and employed persons; persons on maternity leave, parental leave, persons rendering military or alternative service.)

In 2001, 1,654,612 women were gainfully employed as opposed to 2,076,932 gainfully employed men, including minimally employed workers. Nevertheless, unemployment among women has increased al-

most fivefold since 1971 (unemployment among men is even higher). The unemployment rate among women in Austria is, however, one of the lowest in the EU.

The increase in the number of women who are gainfully employed is mainly to be attributed to **the increasing number of women working part-time** (rather than to the increasing number of mothers on maternal leave). In 2001 approx. 410,000 women worked between 12 and 31 hours, compared to 253,000 women in 1991 (an increase of 62%), while the number of women in full-time employment declined. (2001 census, Statistics Austria).

Employment rates for women compared to EU figures: According to Eurostat figures, Austria has already met the Lisbon objectives to increase the number of women in employment to 60% by 2010. (EU-definition: gainfully employed women as a per cent of the total female population aged 15-64 years) The Austrian Federal Government intends to raise the employment rate for women to 65%. At the same time, gender mainstreaming strategies and equal opportunities objectives in business life and on the labour market are being implemented to improve career opportunities for women and increase employment quality.

After a continuing increase within the last 20 years, the number of part-time workers in Austria has risen to more than half a million, the vast majority of 85% being women.

The research report “Qualified part-time employment in Austria. Survey and Potentials” (2003) points to potentials of high-quality part-time employment which are still unused. It is important to minimise disadvantages often linked to part-time jobs and to improve the quality of jobs, in particular for women with children.

On February 10, 2004 the Council of Ministers adopted the government bill concerning the **right to part-time work** for parents. This provision may considerably contribute to improving the quality and structure of part-time jobs. The objective of this measure is to support parents in re-entering employment, promote the reconciliation of work and family for women and men and improve career prospects for mothers. The new law (which has been passed in the meantime) becomes effective on 1 July 2004.

The report “Income of women and men in employment” (Federal Ministry of Economics and Labour, 2000) serves as a basis for action. In order to investigate different income opportunities relating to structural changes and to evaluate the National Action Plan for Employment a research project was launched, entitled “Employment and income of women and men”, the results of which were published in 2002.

Particular mention is to be made of the **equal opportunities objectives in the labour market service**, which are laid out in detail in the labour policy objectives (see part II).

Further improvements to the **reconciliation** of work and family were made during the reference period (see detailed statement in part II).

Equal Opportunities in Education

Since the 1960s, Austria has experienced an educational expansion in all population groups, with the level of education of women being higher than that of men. While the number of people who have not completed secondary education has dropped considerably since 1971, the population census of 2001 showed that the rate of women of 43.6% (in 1971 it was 73%) was higher than that of men (2001: 27.0%; 1971: 48.9%). The considerable disparity between these figures can be attributed to the older generation of women, the majority of which has finished compulsory education only, as well as to the fact that, in general, the percentage of boys completing an apprenticeship outweighs that of girls. In schools of higher education the number of girls has increased considerably: in the academic year of 2002/03, 54% of the students in a general secondary school of higher education were girls, the percentage being 51% at higher vocational schools and 96% at teacher-training colleges. (source: Federal Ministry of Education, Science and Culture www.bmbwk.gv.at)

The **legal prerequisites** for equal opportunities for women and men with regard to career counselling, school admission, acquisition of diplomas, scholarships, school benefits etc. are fulfilled within the scope of the Austrian legal system. Shortcomings, which still exist, including the fact that girls tend to choose different schools than boys, are mainly to be attributed to social barriers such as prejudices, old-fashioned gender role stereotypes, etc. They can only be counteracted by modified teaching methods as well as sensitisation and awareness-building (see part II).

II STRATEGIC FOCAL POINTS OF THE BEIJING PLATFORM FOR ACTION

A **Women and Poverty**

Combating poverty and social marginalisation is a central socio-political concern for Austria. To meet these objectives the national action plan for social inclusion (2003-2005) was established.

To eliminate structural discrimination of women and develop gender mainstreaming in all areas is of mayor importance, in particular to combat poverty among women. Poverty appears in manifold forms with many factors contributing to its emergence (multidimensionality, multicausality).

1. Measures planned to combat social marginalisation, in particular, focus on improving integration into the labour market and employment of women as well as on increasing income prospects for women.

2. In order to improve and secure pension funds for women, the crediting of child-raising years was raised in 2000. In 2003 the Austrian government decided to gradually increase the assessment basis for child-raising years by 2% each year. By 2028 it should amount to 150% of the standard rate for compensation allowances granted to individuals. Since the child-raising allowance was introduced, periods during which this allowance is granted, have been credited to pension funds, since 1 January 2004 these periods are 24 months.

This regulation primarily aims at securing the independent social protection for all women of old age. The initial steps towards this aim are to be found in the pension scheme itself as well as outside of it (e.g. earned income, solutions within the partnership) and in the application of gender mainstreaming strategies.

Furthermore, reference is made to the Austrian national action plan for social inclusion, to reports on the social situation of 1999, 2001-2002 by the Federal Ministry of Social Security and Generations and to the Salzburg poverty report: “women.poverty.report 2002” (<http://www.salzburg.gv.at/themen/gv/frauen/bff-publikationen.htm>).

B **Education and Training of Women**

Following the **World Conference on Women in Beijing** (cf. declaration of Beijing item 38) as well as the **ratification of the Amsterdam Treaty**, the principles of **gender mainstreaming** have also become an important issue for the Federal Ministry of Education, Science and Culture. In order to implement this strategy within the ministry, a gender mainstreaming working group was established, which provides counselling and support to the Austrian Minister of Education. This working group is to provide information, increase awareness and advise and support decision makers in implementing the top-down strategy of gender mainstreaming. Particular attention is given to implementing gender-fair use of language (publication of two folders on gender-fair use of language and a guide for those responsible for projects). The collection of gender-specific data has almost been completed.

The following projects were initiated to implement the gender mainstreaming strategy in the entire educational sector: “gender mainstreaming and development of schools” pursues an action-oriented approach on a class level with the aim of initiating development processes which affect the entire school and enabling gender-fair frameworks and courses of action. The project “gender mainstreaming at academies” applies to the teacher-training sector. Objectives include the observance of gender mainstreaming strategies in curriculums, courses and research projects, a well-balance gender ratio when assigning committees, the providing of information and sensitisation.

Following the "action plan 2000" (99 measures for the promotion of equal opportunities in schools and adult education), which was effective in the educational sector from 1997 to the end of 2000, in 2001 the "**action plan 2003 – gender mainstreaming and the promotion of women in schools and adult education**" (effective until the end of 2003) came into force. Emphasis was laid on “quality of schools and equal opportunities”, “gender-sensitive job orientation and girls and technology”, “development of networks”, “equal treatment and the promotion of women” as well as “adult education – women and new technologies”. For the purpose of mainstreaming, this action plan provides a comprehensive approach to implementing gender equality strategies with the cooperation of the entire educational sector. Based on the declaration and the action platform of the fourth world conference on women in Beijing, the government agreement and experiences made in the course of the “action plan 2000” are to be regarded as further principles.

A number of initiatives were introduced, which, in particular, aimed at “**gender-sensitive job orientation and girls and technology**”. Girls and women still tend to choose their education or future jobs according to traditional beliefs. The number of girls in strictly technical schools is only slowly increasing and is currently about 10%. Numerous projects now aim at broadening career prospects for girls and encouraging them to pursue an education that is not considered a traditional women’s choice.

Even though education and training in all sectors are open to both sexes, a clear gender-specific segregation is found in vocational schools and apprentice training. The aim of numerous initiatives by the Federal Ministry of Education, Science and Culture as well as other institutions is to counteract this trend. The focus was therefore laid on “girls and women in technology” (see sixth Austrian CEDAW report under Article 10 c).

The Federal Ministry of Education, Science and Culture financially supports **literacy** programmes as part of adult education. They are mainly aimed at migrant workers and are offered prior to courses preparing for secondary school leaving examinations. These preparatory measures address both women and men. A training course for literacy teachers was introduced in autumn 2003.

Another important task is to reduce the number of students with reading difficulties. Reading difficulties keep people from adequately participating in central social areas. In 2002, an Austrian-wide project (“Lesefit/ skilled readers”) was elaborated, including academic and extracurricular remedial programmes for students with reading difficulties, teacher training programmes, the development of teaching material, an information centre “Leichter Lesen (Improve your reading skills)” and the development of a reading

screening procedure. All remedial programmes are developed with due regard to gender-specific aspects.

IT training programmes for women in rural areas: As part of the initiative to promote further education in IT, the Federal Ministry of Education, Science and Culture supports training programmes for women in rural areas. The aim of this initiative is to provide women from peripheral regions with better access to education and further training. A women-specific learning environment is to enable unbureaucratic access to information and communication technologies. For the purpose of life-long learning, these programmes impart key qualifications and well-founded IT knowledge, which considerably improve career prospects for women.

Gender studies

Pursuant to the University Studies Act of 1997, so-called “gender studies” and the “women and gender research” were introduced in university curriculums throughout Austria. Consequently all universities (with the exception of the University of Leoben) offer gender studies as elective courses. Coordination centres for women-related research and gender studies at each university attend to the coordination and organisation of women-specific teaching and research.

Legal Provisions for de facto equality of men and women at universities

A reform of the Austrian university system was launched as early as in the 1990s. It dealt with the consistent transformation of universities from state-governed institutions to autonomous, self dependent entities of high performance and culminated in the enactment of the Federal Law on the Organisation of Universities and their Studies (**University Act of 2002**), which became fully effective on 1 January 2004.

Under Section 44 of the University Act of 2002, the Federal Equal Opportunities Act shall apply to all members of a university and applicants for employment thereat or admission as students. In accordance with the articles, universities will have to incorporate the appropriate standards in designing their advancement plans for women, which must not fall short of existing standards. The advancement plan for women to be issued in accordance with the articles is an executive order pursuant to section 41 of the Federal Equal Opportunities Act and therefore may not fall short of the legal provisions laid down by the Federal Equal Opportunities Act as regards the quota of women. It is however admissible to determine advancement provisions for women which exceed these standards.

When comparing previous provisions with those which became effective on January 1, 2004, it is noteworthy to remark that universities will henceforth become legal entities subject to public law, independent of the Federal Government. For this reason, certain hitherto accepted practices no longer apply. Previous provisions as regards the accelerated implementation of gender equality remain effective until further notice; for universities with full legal capacity valid regulations were adapted to the new legal framework – with observance of previous standards.

C Women and Health

In Austria there are six health centres for women, which contribute to minimising social inequality in health care. They are subsidised by the Federal Ministry of Health and Women's Issues according to budgetary means. In 1999 two new health centres for women were established (women's health centre in Carinthia and FEM Süd in Vienna) in addition to the four centres already existing.

The services offered by these women health centres address women in all stages of life, of all orientations or backgrounds. Discriminated target groups are specifically addressed.

Based on the recommendation of the WHO to draw up country-specific health reports on women, the updating of an Austrian health report on women in accordance with WHO guidelines has been initiated.

Events on women's health focused on raising the subject of violence and health as well as the development of new concepts within the context of women's health promotion.

The reports "Women in Austria affected by poverty. Women and health institutions" (2002) and "Health and illness risk" (2003) refer to the social /economic factors that influence women's health. In the course of the documentation of hospitals, all patient-related data as well as the hospital staff in non-medical health professions are collected in relation to gender.

Within the context of training programmes designed to deal with violence against women, in October 2001 a violence prevention project was started in two model hospitals in Vienna, entitled "Curriculum against violence against women and children". The project was aimed at the hospital staff in particular and will be extended to further hospitals in Vienna in 2004. The project "Violence against Women – Health Aspects" was started in 1998 in Lower Austria.

D Violence Against Women

First of all reference is made to part I. In order to improve the situation of victims of domestic violence, since 2000 victims have been offered **psychosocial and legal assistance during court appearances**. This service is offered by specialised counselling centres such as child protection centres. Reference is hereto made to article 2 of the sixth CEDAW report.

The **Federal Act on the Protection against Domestic Violence** entered into force on 1 May 1997. The scope of application of this law has already been comprehensively documented in the fifth periodical Austrian CEDAW report.

With the amendment to the Austrian **Execution of Orders Code of 2003** (EO-Nov 2003, Federal Law Gazette I No. 31/2003), which entered into force on 1 January 2004, provisions for temporary injunctions for the protection against domestic violence (section 382b and d EO) were improved, based on experiences made with the current legal position.

Under the new law, the protection laid down in section 382b of the Execution of Orders Code now applies to all persons living or having lived with the defendant in a family or family-like community (hitherto this protection only applied to a taxatively recorded group of persons and only if they had lived in common household with the defendant during the last three months before filing the application).

With the so-called examination ward for sexual offenders, which has been set up for quite a long time, therapeutic arrangements can be made for lawbreakers convicted of a sexual offence. This also facilitates the use of specific therapies to deal with “disordered” behaviour towards women.

Section 3 appended by the **Criminal Law Amendment Act 2001** explicitly vitiates the authority to consent to the mutilation or other injury of the genital organs which result in a lasting impairment of sexual enjoyment. Possible consent to injury practices classified as “**(female) genital mutilation**” always constitutes an unlawful act.

Increase of penalty for sexual offences

According to the 2002 crime report of the Federal Ministry of the Interior, approximately 96% of all rape victims and 79% of victims of sexual child abuse are women and girls. Penal provisions against rape and sexual child abuse may in particular be regarded as provisions for the protection of persons of the female sex against violence and discrimination. For the reference period it is noteworthy to remark that under the Criminal Law Amendment Act of 2001 penalties for rape and severe sexual child abuse in cases which lead to the death of the victim may be increased to lifelong imprisonment (as it has always been the case for robbery resulting in the death of victims).

Criminal Law Amendment Act 2004-rape within marriage

Against the background of increasing sensitivity towards the personal identity of individuals and their right to sexual self-determination during recent years, the privilege of rape and sexual coercion within a marriage or partnership was eliminated without substitution.

Training programmes for judicial officers to deal with violence against women:

In the course of training programmes, prison guards are offered guidance and support when dealing with female inmates in order to prevent violent assaults by law enforcement officers on those detained.

E Women and Armed Conflicts

Another activity related to women’s rights initiated by the Austrian chair in the Human Security Network (HSN) involved the drawing up of a political document for the protection of children in armed conflicts, which also deals with the participation of girls and young women in the course of efforts to establish permanent peace in post-conflict situations.

The Austrian development cooperation actively participates in the DAC working group of the OECD, “Gender Equality and Women’s Empowerment”, and in the gender experts group of the European Union. An important issue was the implementation of the Security Council Resolution 1325 of 31 October 2000, which underlines the important role of women in solving and preventing conflicts.

F Women and Economy

Under the Directive amending the Equal Opportunity Directive 2002/73/EG, the member states of the European Union are obliged to actively pursue the equal opportunities objective.

The Austrian Labour Relations Act includes provisions for facultative company agreements on women promotion programmes within the respective companies (section 97 para.1/25 ArbVG). This allows the social partners to actively contribute to equal opportunity strategies.

The guideline “Equal wage for equal work” was elaborated in the course of a research project entitled “Discrimination-free assessment and organisation of work” and deals with the provisions regarding equality of pay as well as the related question about the meaning of work of equal value.

Between January 2002 and March 2003, the project “PEP-Project Equal Pay” dealt with possible solutions, feasible within a company or industry, to close the income gap. The ombuds office for equal opportunities affairs participated in this project as a partner of the Swedish sister organisation JämO (Jämställhetsombudsmannen) within the framework of the EU action programme for a Strategy of the Community for Equality between Men and Women (2001-2005).

As part of an extensive reform project of the Austrian trade union of metal and textile workers, between the beginning of 2001 and the end of 2002 a total of 39 collective agreements were analysed as regards gender issues. Proposals were elaborated to further narrow the income gap between the sexes. The results are presented in a handbook entitled “Setting a Good Example – Gender Mainstreaming in Collective Pay Agreements” and shall serve for the purpose of negotiations on wage schemes.

The Austrian Labour Market Service (**AMS**) pursues explicit and quantifiable equal opportunities objectives within its long-term strategy and labour policy objectives. These include:

Adjusting labour participation rates of women to that of men; increasing employment of women and combating unemployment / equal job opportunities for women and men; equal access to all professions and equal distribution in all positions / reducing income discrepancies between women and men.

A general requirement is that 50% of all persons participating in promotion programmes are women, for whom 50% of the budget is used.

By consistently implementing gender mainstreaming in the strategic management and planning policy, the Austrian Labour Market Service has been exemplary in its work.

To further improve its counselling service, the AMS has launched new projects to promote equal opportunities for women, such as career coaching for women re-entering employment. Services which provide job information and orientation have also been improved.

Child-care services

During the reference period 2002/03, in Austria 12,073 children attended nurseries, 209,584 were in kindergarten, 38,580 in after-school care clubs and 7,328 in day-care centres for children of mixed ages.

In 2002 child-care figures reached a new high. In recent years deficits could be reduced considerably. According to parents, child-care facilities for 47,800 children and young people under 15 were still lacking in 2002, the demand for facilities for school children being the highest with 27,100 places still needed. There is also demand for 14,700 children under the age of three and 6,000 children between three and six. For 42,000 children, which are currently attending external facilities, parents request additional and more flexible services.

Family competences: In September 2000, the Federal Ministry of Social Security, Generations and Consumer Protection launched the project “Family competences – a key to more success at work”, which is offered at 15 family-counselling centres. This service supports women and men with children in preparing for the return to their jobs.

Furthermore, reference is made to part I of the questionnaire, the detailed paragraph on article 11 of the sixth CEDAW report and the national action plans for employment.

G Women in Power and Decision-Making

In December 2003 three women held a ministry office, one was state secretary (as in 1999). The relative proportion of women of currently 22.2% is slightly below that of 1999 (25%). In the National Council, the proportion of women has increased from 28% (1999) to 33.9%, with percentages differing between the various parties, from 27.7% (Austrian Freedom Party) to 58.8% (Green Party).

Compared with other European countries, Austria is in the forefront as regards the proportion of women in the European parliament. The number of women among Austrian representatives in the European parliament (38.1%) has not changed since 1999. The last elections were held in June 2004.

In almost all Austrian provinces, the number of women participating in **politics on provincial levels** has increased. **The provinces have launched numerous initiatives to increase the proportion of women in political offices.**

Initiatives to increase **the proportion of women in public administration, in particular in higher-ranking positions**, are regulated by the Federal Equal Opportunities Act and the Equal Opportunities Acts of the provinces and are documented in the equal opportunities reports every other year.

Women and national service

With the National Defence Act of 2001, Federal Law Gazette. I No. 146/2001, free access to public offices in the Austrian Armed Forces was extended. Women who have successfully completed their

training are henceforth entitled to sign up as **professional soldiers** (section 39, National Defence Act 2001).

I Human Rights of Women

Austria has enhanced its cooperation with law enforcement authorities from its neighbouring countries in east and south-east Europe, most of which are countries of origin of trafficking victims. Training courses to raise awareness addressed at security force units of the participating countries were organised in and out of Austria. Emphasis was laid on incorporating awareness-building as regards human trafficking into the training programmes of local law enforcement and legal authorities. In addition to that, the Federal Ministry of Foreign Affairs actively supports the establishing of support centres for victims, such as the women's shelter in Belgrade (Serbia and Montenegro).

Focus on human rights of women of the Austrian chair in the Human Security Network:

Austria actively supports the international commitment as regards this issue. In order to be able to effectively protect them, women's rights must be observed and respected in all political and social areas. In this context human rights education is of utmost importance.

During the 2002-2003 Austrian chair in the Human Security Network (HSN), a manual on human rights education for global use, entitled "Understanding Human Rights", was elaborated and adopted by the ministers of the network. One of its thirteen modules deals with women's rights. The manual is currently being translated into various world languages. The Secretary General of the United Nations as well as all international organisations, whose mandates refer to aspects of human rights education, have recommended its use to the international Community of States.

With **the amendment to the Asylum Act**, the following asylum proceedings were facilitated – relevant in particular for women – as of 1 May 2004:

Introduction of a family procedure, whereby in the future the protective status of asylum, granted to a family member in Austria, is extended upon application and without separate examination to further family members already residing in Austria. The best protection granted to one family member also applies to the rest of the family. This includes (starting with the highest protection) the granting of asylum, so-called subsidiary protection and the rights for asylum-seekers provided by law. This regulation enables families to stay together and is a great relief in particular to women.

Explicit mention is to be made to the fact that there are no legal or factual obstacles to the assertion of gender-specific reasons for being granted asylum. The prevailing opinion (of the UNHCR among others) is that gender-specific persecution of women (or men) falls under the term of persecution on account of membership in a particular social group.

See further statements in part III.

J Women and the Media

Some **media laws**, which were (re)enacted during the reference period, include the prohibition of gender-based discrimination: The Act on the Austrian Broadcasting Corporation (Federal Law Gazette. I No. 397/1984 as amended by Federal Law Gazette I No. 83/2001 and 100/2002; section 10 para. 2) as well as the Act on Private Radio (Federal Law Gazette. I No. 20/2001 as amended by Federal Law Gazette I No. 136/2001; section 16 para. 4) and the Act on Private Television (section 31 para. 2) contain provisions whereby programmes shall not provoke hatred on grounds of sex, among other grounds, and shall respect human dignity and the basic rights of others as regards format and content. Pursuant to section 14 (paragraph 1 line 2) of the Act on the Austrian Broadcasting Corporation and to section 37 line 2 of the Act on Private Television (Federal Law Gazette I No. 84/2001 as amended by Federal Law Gazette I No. 71/2003) advertising and teleshopping shall not include any discrimination on grounds of sex.

L Girls

Reference is made to statements in part I and II regarding “violence”, “education”, “women and armed conflicts”, “women and economics” as well as to the sixth CEDAW report.

Measures against the sexual exploitation of children

The **Criminal Law Amendment Act 2002** (Federal Law Gazette I No. 134/2002) contained new provisions as regards the sexual abuse of adolescents. Persons having sexual relations with minors against payment were made liable to imprisonment of up to three years.

Under the **Criminal Law Amendment Act 2004** (StRÄG 2004; Federal Law Gazette I No 15/2004) great importance is attached to the protection against sexual exploitation of minors. It includes provisions for extending the scope of protection against child pornography and the abuse of authority as well as regulations against promoting the prostitution of minors and the participation of minors in pornographic performances.

III INSTITUTIONAL DEVELOPMENT

First of all, reference is made to the statements in part I and the sixth Austrian CEDAW report.

The amendment to the Federal Ministries Act of 2003, Federal Law Gazette I No. 17/2003, provided for the establishment of the **Federal Ministry of Health and Women's Issues**, whose spheres of responsibility include the coordination of matters pertaining to women politics and equal opportunities for women on the labour market.

The ministry supports women-related projects of NGOs and, together with the Federal Ministry of the Interior, the intervention centres devoted to the protection against violence against women. To ensure continuity in the work of the intervention centres, a five-year order contract, based on section 25 paragraph 3 of the Security Police Act (SPG), starting 2001, was concluded between the Federal Ministry of the Interior, the Federal Ministry of Health and Women's Issues and the intervention centres. The budget is determined annually and has, up to now, been increased substantially each year to respond to the continuously increasing demand for personnel and facilities.

Equal Opportunities Acts and Institutional Provisions

With the **regionalisation of the ombuds office for equal opportunities affairs**, the regional sphere of action of the ombuds office was considerably improved between 2000 and 2002.

In 2000 a regional office for the province of Styria was established, followed by a regional office for the province of Carinthia in 2001 and a regional office for the province of Upper Austria in 2002.

The equal opportunities ombuds office now consists of a central office and four regional offices and is to a large extent able to offer counselling and support in reasonable distance to persons who feel discriminated as defined by the Equal Opportunities Act.

Since the establishment of new regional offices, which are able to offer services within reasonable distance, the counselling and support services of the ombuds office have increasingly been used. While in 2000 the number of statistically recorded new cases was 850, in 2001 it rose to 1,548 and in 2002 to 2,118.

Amendment to the Federal Equal Opportunities Act, Federal Law Gazette I No. 132/1999 effective 1 January 2000. The most important modifications included:

- Extending the scope of application of the Federal Equal Opportunities Act to include members of universities and art universities which are not employed by the Federal government (student applicants and students; university professors, which in this capacity are not employed by the Federal government, assistant lecturers and guest lecturers).
- Introducing the duty to inform about every position and employment which offers career advancement.
- Inviting women in particular to apply for jobs including those which do not have to be put out to tender according to the Act on Tendering Procedures.

- Making it clear that it shall be deemed a discrimination on grounds of sex and hence shall fall under the competence of the equal opportunities commission if an employee, independent of responsibility on the part of the employer, was sexually harassed by a third party, in connection with his/her employment or training.
- Determining that when setting up service regulation commissions the number of women corresponding to the respective proportion of women shall be appointed bindingly at all events or – if despite the proportional representation regulation there is no women to be appointed – persons who represent women may participate in an advisory capacity.
- Establishing EU compliant sanctions by eliminating upper limits in relation to damages awarded for sex discrimination during recruitment or career advancement.
- Easing the burden of proof (mere satisfactory proof) before the equal opportunities commission also in cases of alleged sexual harassment.
- Eliminating the restriction of the duty to give information in cases of official secrecy.
- Expanding opportunities for further education available to equal opportunities representatives, members of the working committee and contact women.

Women promotion plans

Based on the Federal Equal Opportunities Act, all Federal ministries and other institutions included in this act issue **women promotion plans**. The following are some of the most important issues of the current plan of the Federal Chancellery and other ministries: Preferential hiring of women in those areas where they are underrepresented according to section 40 paragraph 2 of the Federal Equal Opportunities Act (B-GBG) as long as they are not less qualified than the best suitable other candidate (until the provisions of the sections 42 and 43 of the B-GBG are fulfilled), measures to protect human dignity at the workplace, increasing the number of women participating in education and further training programmes, promoting career advancement and supporting women returning to their jobs as well as measures to promote reconciliation of work and family. The women promotion plan for the Federal Ministry of Health and Women's Issues will be issued by ordinance in the near future.

The Austrian provinces and municipalities have also established women promotion plans and measures for their respective public service.

Amendment to the Federal Equal Opportunities Act in 2001

Based on the Federal Law Gazette I No. 129/2001 an amendment was made according to which the chairwoman is to be granted the time necessary to complete her tasks with continuous payment of her salary. Subsequently a full-time chairwoman was entrusted with the chair of the equal opportunities commission. Furthermore, the independence and autonomy of the presiding person was regulated by law. For the first time, provisions were also made for a deputy chairperson. Thereby the frequency of sessions held by the equal opportunities commission was considerably increased resulting in a higher number of rapid proceedings.

Re-enactment or extensive amendment of the Equal Opportunities Act:

In the course of the implementation of three EU-Directives (see part I) two laws have been enacted for legal security reasons and easier readability: The present Equal Opportunities Act has been renamed the

Federal Act on the Equal Opportunities Commission and the Equal Opportunities Ombuds Office (GBK/GAW Act) and amended in compliance with the demand for adjustment to the directives. It contains provisions for the institutions and the proceeding. Furthermore, a Federal Act on Equal Opportunities (Equal Opportunities Act- GIBG) has been enacted, which adopts the material provisions laid down in the previous Equal Opportunities Act and which will be extended in compliance with the directives.

Under the provisions the present equal opportunities commission shall henceforth be comprised of three senates. Senate I shall be responsible for equal treatment of women and men at work, Senate II for equal treatment irrespective of racial or ethnic origin, religion or belief, age or sexual orientation at work and Senate III shall be responsible for equal treatment irrespective of racial or ethnic origin in other areas.

Harassment (mobbing) shall henceforth be deemed a discrimination and the burden of proof shall be eased in cases asserting discrimination. The prohibition of discrimination is to enforce protection against discriminations. The draft was revised in accordance with the results of the assessment proceeding and was adopted by the Council of Ministers on 4 November 2003 and in the National Council on 26 May 2004. The amendment becomes effective 1 July 2004.

Gender Mainstreaming

As of 11 July 2000, the Council of Ministers established an **inter-ministerial working group (IMAG)** for gender mainstreaming (GM). The IMAG GM aims at supporting and accompanying GM processes in all ministries and on all political levels. All ministries, as well as the Constitutional Court, Administrative Court, the Ombudsman's Office, Court of Audit and the Parliament's administration are represented in the IMAG GM.

As of 3 April 2002, the Council of Ministers adopted a gender mainstreaming programme providing concrete measures for all ministries. The **focus of this programme** is laid on **implementing and evaluating GM pilot projects**. Depending on each project, flexible work groups shall be established, consisting of members of the individual GM groups of each department, senior officials and, if necessary, external experts. In addition to the practical application of GM, the programme provides for **GM trainings** as part of education and further training for civil servants, the **monitoring of laws and regulations** with respect to GM, as well as the scientific evaluation of the implementation process after three years.

Specific training programmes for each ministry were organised by the IMAG GM management and held in the following ministries: Federal Chancellery, Ministry of Justice, Ministry of Agriculture and Forestry, Environment and Water Management, Ministry of Education, Science and Culture, Ministry of Economic Affairs and Labour, Ministry of Finance, Ministry of Social Security and Generations, as well as in the Ombudsman's Office.

For the purpose of **presenting IMAG GM and its activities**, a **website** was set up, which has been online since May 1st, 2002. This website is intended to promote networking between all persons in-

volved in the implementation of GM strategies, mainly those on the federal, provincial and municipal administration levels (www.imag-gendermainstreaming.at).

In March 2003 the **quality assurance project for gender trainings** was initiated. Quality assurance in gender trainings is to guarantee that in the course of the implementation of GM strategies at federal level, and consequently in the private sector, those service providers are contacted whose qualifications are based on an approved training system, thus allowing the comparison between all services offered.

Following the previous resolutions, a **third gender mainstreaming (GM) resolution** was adopted by the Council of Ministers as of 9 March 2004. This resolution provides for a purposive implementation of GM at the federal level. For example, all Federal Ministries commit themselves to establishing internal GM work and control groups and to carrying out one internal GM project within each ministry as regards personnel policy in addition to another internal or external GM project within each ministry.

Gender mainstreaming in the Ministry of Finance:

Since 2001 an internal workgroup has dealt with the possibilities of implementing gender mainstreaming strategies in the Ministry of Finance. The group includes high-ranking experts from the ministry. With the consent of the Federal Minister of Finance, the workgroup has included the “fiscal reform” project in its working programme.

Using a checklist, the effects of legislative measures are to be evaluated. This test method has been developed together with the survey on **de facto gender-neutrality in the Austrian fiscal system**.

Under the new **Development Aid Act of 2002** (Federal Law Gazette I No. 49/2002), amended in 2003 (Federal Law Gazette I No. 65/2003), **equality of women and men became one of the principles of Austrian development cooperation policy**. This is not only a challenge for the Austrian Development Cooperation, but also for all measures taken by the Austrian Federal Government which might have effects in developing countries.

IV CHALLENGES

Since 1995 great progress has been made as regards gender equality and the position of women. There is greater awareness of women's issues; specific measures and programmes promoting equality have been initiated, rights, institutions and proceedings have been expanded and/or established. Furthermore, gender equality is being increasingly taken into account in various fields, political processes and strategies.

However, the elimination of structural discrimination of women and the implementation of de facto equal opportunities for women and men remain a challenge. Here are some examples.

Equal opportunities and employment: Achieving gender equality is one of the political objectives of the EU and is dealt with by the European Employment Strategy. In the Austrian "National Action Plan for Employment 2003" the focus is on achieving equality of opportunities in business life. In Austria, the employment rate of women has increased considerably and is expected to further increase in the future. At the same time, any existing inequality of **income opportunities** of women and men has to be eliminated and the objective "equal wage for equal work" has yet to be achieved. Respective measures include maintaining and improving existing structural provisions, raising public awareness, broadening the range of career prospects for girls and women, combating **segregation** in the labour market, in education and further training, and generally improving women's qualifications, specially during and after maternity leave. One significant step towards this objective is to provide (part-time) jobs of high quality.

As regards **career structures**, counselling, networking, women promotion plans and mentoring programmes provide support for women. The fact that women-dominated jobs are relatively underestimated has a negative impact on the difference in wages for women and men. One effective way to narrow this gap would be to increase the minimum wage rate for women. Monitoring instruments are quite essential for this purpose, e.g. statistics and evaluation of the causes leading to this income gap and of solutions which help to improve the situation.

Minimizing the risk of poverty and prevention of poverty: One of the political objectives of the European Union is promoting social integration. The "National Action Plan for Social Inclusion (2003-2005)" points to Austria's high social standard and improving chances of social participation, while underlining the necessity to focus on and continue combating **poverty and social marginalisation**. The findings as regards risk groups include: women are far more prone to be affected by poverty than men; single parents (mostly women) have the highest risk, followed by households with three and more children; the risk of persons capable of gainful employment is directly linked with their non-participation in the labour market; according to age groups, elder women (65 and more) are most seriously threatened by poverty. The action plan also refers to the wage discrimination affecting women, its impact on retirement pensions and the negative effect a divorce has on women's income.

These poverty risks affecting women can also be found in other EU countries. Due to the multidimensional and multi-causal origins of poverty, as well as the structural discrimination of women, finding integrated solutions is a challenging task. In this context the further development of gender mainstreaming is

of great significance, in addition to measures in the field of employment and social policy, including the providing of services (e.g. childcare).

Pension funds: Another challenge is to improve and secure social security and old-age pensions for women, specially for those who receive or would receive no or very small pensions. Women's pensions also have to be adjusted to those of men. Key factors for achieving economic independence are social security in old age and gainful occupation. The main political objective is to achieve **independent social security of women in old age**. The initial steps towards this aim are to be found in the pension scheme itself as well as outside of it (e.g. earned income, solutions within the partnership), in the application of gender mainstreaming strategies, as well as in the evaluation of effects which (possible) measures might have.

Gender Mainstreaming: For all the tasks and objectives mentioned above as well as some others (e.g. reconciliation of work and family, participation in decision-making processes, preventing and combating violence against women and trafficking in women), i.e. for all political action, it is a prerequisite that gender mainstreaming is applied in all fields of politics (and not only in those which are traditionally considered "women-specific"). Gender mainstreaming is a legal obligation and provides a strategy for implementing gender equality. A gender perspective has to be taken into account when dealing with all measures taken in all stages of political decision-making in all fields of action. Therefore it shall be further developed and enhanced step-by-step.