

Convention on the Elimination of all Forms of Discrimination Against Women

CEDAW

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**NGO Shadow Report Austria**

Women's NGO Platform

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## **Introduction:**

As in the year 2000, the following report was developed by NGOs and individual women involved in feminist issues. The report chapters are based on the contributions of experts to the articles of the Convention. Reporting covers the period from 2000 to 2006. In the interest of readability and clarity it was necessary to use abbreviations. We make no claim that this report is exhaustive.

A list of all authors is available in the appendix. The members of the working group would like to express their thanks and recognition to all who took part in the report. Without their (mostly volunteer) help, this Shadow Report could not have been possible. We would like to mention, that the Shadow Report was written without any financial supports. And as far as we know, Women's NGOs were not involved in the Report of State.

## **Executive Summary:**

While acknowledging the long established partnership of governmental bodies and NGOs in Austria as well as the practice of national and regional governments to finance women's services run by women's NGOs, it has to be stated that funding of many services becomes increasingly insecure and many women's NGOs have to apply for funding on a yearly basis. There are also not enough services in place in all regions and the services that exist are not able to always serve all victims in need for help. While it is commendable that the Federal Chancellery is active in increasing the number of women in sport organisations, such initiatives are widely missing in other areas where women are also underrepresented. Regarding violence against women there is no established council or body of cooperation with women's NGOs.

Despite efforts to improve Austrian equal treatment legislation at federal and provincial levels, despite a multitude of plans, programs, projects and specific measures undertaken to promote equal opportunities, the de facto situation of Austrian women has changed very little since the fifth report to CEDAW. This is mainly due to a general lack of legally required incentives and sanctions. Follow-up activities are widely missing once specific measures have been carried out, as are monitoring requirements. The Federal Act Governing Contract Awards of 2002, for instance, does contain women-specific considerations but without penalties nor incentives.

Women are still strongly underrepresented in higher decision-making positions in public administration. Women as directors or in other executive positions, in regional district leadership remain the rare exception. It has taken 17 years to raise the percentage of women in government leadership positions from 2.5 per cent to 10 per cent. Due to the systematic outsourcing or privatization of public agencies, authorities, universities or their transformation into public-law institutions the area of influence of the Federal Equal Rights Law has been tremendously diminished.

Cultural stereotypes of women as homemakers and care givers persist as do gender-stereotyped pattern of work distribution. Men only perform slightly more than one fourth of total unremunerated child care and slightly less than one fourth of housework. The rate of men taking paternal leave remains around a meager 3 per cent. The child care benefit as a lump-sum payment for a maximum period of three years (with unchanged maternity leave up to the second birthday of the child and regulations concerning additional income during the benefit period) reinforces the gender-stereotyped roles and effects negatively on re-entry to the workplace.

In order to break open the gender-segregated job market educational “measures against male social incompetence” should be introduced from kindergarten on as part of a comprehensive social advancement of boys. Obligatory admission of the category “gender” in teachers’ curricula at all school levels would be another measure to eliminate deficits with regard to gender equality. The introduction of university tuition fees in 2001 particularly increased the drop-out rate of female students.

The difference in incomes between men and women has remained constant since the year 2000. Part-time work is increasing among women and the unemployment rate almost equals that of men. Marginal employment is typically female. Tax assistance for single-income families has been strengthened, thus encouraging women to stay under the additional income limit. Crediting of their partners’ income and in consequence loss of unemployment assistance in the case of long unemployment is yet another gender-specific distributional effect of Austrian family policy - with problematic effects on later pension claims.

Budget cuts in the context of the so-called harmonization of the retirement system are particularly detrimental for rural women working mostly in small businesses and small agricultural holdings. The unequal distribution of assistance continued in 2003 and results in the fact that only 5 per cent of this funding goes to 32 per cent of farms in the lowest level (mountain and small agricultural holdings), whereas 2,6 per cent of farms on the highest level receive 15 per cent of the pot.

The number of child care facilities still remains insufficient, particularly in the under-3-years category where the so-called Barcelona goal of the European Union is far from being fulfilled. The career-friendly child care factor shows that only 40 per cent of all day care facilities for all age groups meet the criteria of effective reconciliation of family and work.

Equality before the law and an independent right of residence for migrant women, targeted support of language acquisition, recognition of cultural identities and effective antidiscrimination legislation are areas of integration politics that show strong deficits. Migrant women who suffer domestic violence find it particularly hard to defend themselves against violent family members in the state of dependency they find themselves according to the rights of domicile and residence.

The situation of prostitutes in Austria is given little to no space in the official report. Obligatory health controls are regulated at the federal level, but are limited to checking for so-called “work-related” diseases (client protection?). At the same time prostitutes are being excluded from the health system in general. Prostitutes have been subject to the income tax law since 1983, yet without having any claim to basic workers rights. Sex workers having already been working for years in Austria, paying income tax and being integrated into society have been ignored by the new law on alien’s rights, representing an insult not only to their customary rights, but to their basic human rights.

Although §104 “Trafficking in Persons” of the Criminal Code (StGB) was already introduced in 2004, no significant execution of this provision can be discerned. Psychosocial, legal, health assistance and care, crisis intervention and psychosocial stabilization as well as accommodation in an anonymous and staffed emergency shelter is provided by an NGO, working within the framework of a commissioned contract with Austrian ministries. The actual availability of emergency accommodation amounts to 10 permanent and 2 emergency beds and does by far not match the need calculated by EU, UN and OSCE.

And finally, training for law enforcement and judicial bodies on violence against women and in particular domestic violence should become mandatory. Data on violence against women should be collected on a regular basis and comprehensive statistics of police interventions in cases of domestic violence established. Perpetrators programs with integrated support elements for victims should be established all over Austria. A general problem lies in the fact, that there is no action plan to eliminate violence against women and also no institutional mechanism to implement such an action plan and to monitor progress.

### **Recommendations on the Third, Fourth and Fifth Austrian CEDAW Reports:**

#### **Recommendation 226 Cooperation with NGOs**

*Rosa Logar, Austrian Women's Shelter Network*

We acknowledge the long established partnership of governmental bodies and NGOs in Austria as well as the practice of national and regional governments to finance women's services run by women's NGOs.

However, the funding of many services is not secure and many women's NGOs have to apply for funding every year. Also there are not enough services in place in all regions and the services that exist cannot always serve all victims in need for help. For instance, in 2005 the Viennese Intervention centre got notified by the police about more than 3000 cases of DV, but could only support 2000 on a minimal base.

Regarding the cooperation between the government and NGOs: while it is (lobenswert) that the Federal Chancellery is cooperating with the sports organisation to enhance the number of women in sport organisation, such initiatives are widely missing in other field were women are also underrepresented. Regarding violence against women there is no established council or body of cooperation with women's NGOs.

#### **Recommendations 227 and 229:**

*Angela Ivezic, Counseling Center for Migrants, Women's counseling  
Job market counseling for migrant women*

Immigration laws have a very strong effect on the life of migrant women in Austria. The Austrian rights of immigration and residence are anchored in the Aliens' Domicile and Residence Act (NAG) and are generally recognized as a difficult matter. Countless amendments to the law have led to a complex process that is no longer understandable to outsiders. Equality before the law and an independent right of residence for migrant women, targeted support of language acquisition, recognition of cultural identities and effective antidiscrimination legislation are areas of integration politics that show strong deficits. Migrant women who suffer domestic violence have an especially hard time to defend themselves against violent family members.

As of the 1st of January 2006, residence for dependents of Austrians, EEA citizens, Swiss citizens and other third-country nationals is regulated by the Aliens' Domicile and Residence Act (NAG). Important changes include: change in the authorities responsible for immigration, change in the extension process (at least six months after the end of the last visa), broadening of the integration agreement, a new system of visas, and unequal treatment for dependents of EEA-citizens and Austrian citizens.

The Austrian Constitutional Court has, in various rulings, already determined the preferential treatment of dependents of Austrians over those of EEA-citizens to be discriminatory, and ruled the relevant provisions to be unconstitutional. Nevertheless, the Aliens' Act takes the tradition further. The division of EEA citizens into those permitted freedom of movement and those who are not results in a worsening of the residence rights for dependents of Austrians.

The worsening of the legal situation is apparent throughout the Aliens' Act. Not only in the general conditions for visa issuance, but in the bureaucratic process. To name just a few examples: rate of means of subsistence (General Social Insurance Act (ASVG) standard rate vs. social welfare standard rate); amount of fees (min. 100 € vs. 56 €); limitations on the length of visas (permission to stay as "long-term family member" only after 5 years vs. a long-term 10 year visa); family members who come later (spouses and unmarried underage child to 18 years of age vs. spouses, life partners, children and grandchildren as well as grandparents in the direct line); obligation to complete the terms of an integration agreement vs. exception from that obligation; permission to work (limited to spouses and unmarried underage children vs. extension to parents and parents-in-law) This imbalance in rights leads to discrimination and is not justified.

The rights of domicile and residence for dependents again contain no independent right of residence for wives that follow their partners to Austria (something long requested by women's NGOs), instead they re-cement the dependence of wife on husband. Many migrant women can not separate from or divorce their husbands, because their right of residence stems from him. They must hold out in an unhappy marriage for five years to keep the right of domicile, because paragraph 1 in § 27 of the Aliens' Act (NAG) states that dependents with a residence permit derived from another person remain dependent on that person's permit until the fifth year of residence. After that time, the dependents themselves gain the right to domicile. This is not valid when, for example: the dependent can prove that he/she has health insurance, an income, and a place of residence from his or her own means; in the case of divorce on grounds of fault of the spouse; in the case of special grounds i.e. the dependent is a victim of domestic violence **and** a court order was issued following § 382 b EO (Execution of Orders Code) against the person from whom right of residence originates.

§ 47 para.5 of the Aliens' Act states that dependents of Austrians, EEA-citizens and Swiss citizens that have not claimed their right to freedom of movement **may** be granted an unlimited right of residence in the case of the death of their spouse or parent, divorce on grounds of fault of the spouse and in special cases-- i.e. for victims of domestic violence.

This clause affects above all women and does not take reality into account: about 90% of divorces end amicably, despite the existence of victims of domestic violence, lack of possibilities for child care, lack of recognition of diplomas, lack of language abilities, health complaints due to domestic violence, atypical working conditions, child social welfare coverage, no automatic access to the job market etc.

These clauses in the Aliens' Act force victims of domestic violence to wait out their situation and lead to extreme dependency on their husbands, and to inhumane living conditions. The clauses ought therefore to be struck, without being re-substituted. What would help more, and is urgently needed, would be an independent right of residence and right to work starting from the point of residence approval, in order for wives to separate from their abusers/husbands.

A further hurdle, especially for women with a migrant background, is proof of income as regards the amount and type. If and when migrant women are permitted to work, they are mostly in the lowest segment of the job market working in the low-wage sector, with bad working conditions, in the small and smallest of businesses, with working hours that are difficult for families. By the old legal position, income was calculated according to the social welfare standard rate and various financial benefits were taken into account with legal claims. Since the passing of the Aliens' Act (NAG) one must prove earnings at the amount stated in the equalization supplement reference rates of § 293 ASVG. A claim to maintenance as a proof of support is not only judged according to its legal position, but also according to the actual amount and the actual payment.

One improvement contained in the new Aliens' Act is that dependents of persons holding a residence permit have access to the job market after twelve months from the date of settlement.

Recommendations:

- *Independent residence status for migrant women*
- *Improved access to the job market as well as possibilities for career advancement and career change, family-friendly working hours, better child care and recognition of immigrant women's qualifications.*
- *Right to employment starting with the date of the residence permit.*

## **Recommendation 230**

*Rosa Logar, Austrian Women's Shelter Network*

### **Training for law enforcement and judicial bodies**

Training for the police on the issue of domestic violence is widely established in the basic training of police. However, the training lasts only two days and is too short to effectively teach not only knowledge on the issue but also skills i.e. on how to interview victims and how to avoid secondary traumatisation.

Recommendation:

- *The training should last at least a week and should be repeated for all police forces in their continuing education programs. Special attention should be given in the training to the situation of immigrant and refugee women as well as to risk assessment and safety planning for high risk victims.*

Prosecutors and judges do not have any mandatory training currently. There are occasional trainings but very few, reaching only a minority of judicial personnel and usually the once already more sensitive to the issue.

Recommendation:

- *A comprehensive plan should be developed and carried out to train all prosecutors and judges, preferably in the process of becoming prosecutors or judges. Basic training and continuing education on violence against women and especially the situation of immigrant women and high risk victims should be an integral part of the education and training of prosecutors and judges.*

## **Training in the field of Health Care**

Training on VAW in the field of Health Care is currently also not established but rather carried out in temporary projects.

### Recommendation:

- *The Ministry for Health should develop and implement a plan to integrate training on VAW for all health professionals, in their basic training as a fix part of the curricula as well as in the continuing education programs.*

## **Elder women and violence**

Elder women are often even more dependent on their partners and thus have a higher risk of becoming victims and more difficulties leaving a violent partner.

The Domestic Violence Law's restraining order requires starting a process of divorce in order to be able to prolong it for more than 3 months. For elderly women a divorce can be a problem, especially if she is financially dependent on the husband.

### Recommendation:

- *The 3 month restraining order is too short and should be prolonged to one year.*

## **Perpetrator programs**

Currently very few perpetrator programs exist in Austria. Perpetrator programs should always have a support program for victims integrated and have safety and security of victims as a priority goal. The only program that fulfills these criteria at the moment is the Anti-Violence-Program in Vienna, carried out by the Men's Centre and the Intervention Centre. The finances of these programs are not secured and more such programs are needed.

### Recommendations:

- Anti-Violence programs with integrated support programs for victims should be established all over Austria. Perpetrators should be obliged by the prosecutor office or the court to attend an anti-violence program, not instead of sanctions but in addition to sanctions.

## **Recommendation 239 Concluding Comments 2000 and Question 7 and 8 of CEDAW Committee - List of issues and questions to Austria August 2006:**

*Rosa Logar, Austrian Women's Shelter Network*

### **Statistics and data collection**

Statistics and data collection on violence against women is still underdeveloped and insufficient in Austria. The only well documented areas are police interventions and police barring orders in cases of domestic violence against women (although also here data is missing, like the overall numbers of police interventions in cases of violence against women). The Austrian report and also the responses to the list of issues by the CEDAW committee mainly cited the numbers of police interventions, no other statistics are provided, mainly because they do not exist.

But in order to prevent VAW and to plan efficient policy, it is necessary collect data systematically in all areas and to publish and monitor them regularly (annually). Statistics are missing in reporting of violent acts against women, in conviction rates, type of convictions, repetition rate, as well as statistics on restraining orders and violation of restraining orders. Statistics are often insufficient, because they are not broken down according to the sex of the victim and do not describe the relationship of the victim to the perpetrator.

There is no representative study on the prevalence and forms of VAW in Austria. The survey 1991 is not representative and the 2001 report on “violence in the family” is a compilation of existing data and research (the report also states that the statistics on VAW are insufficient). Research is also missing in evaluating the effectiveness of policies and programs.

*Recommendations:*

- Austria should start immediately to improve the data collection and statistics in the field of VAW; an inter-ministerial working group with participation of experts from academia and from women’s NGOs should develop and monitor the data collection on VAW.
- Data should be comprehensively and systematically collected in all areas according to international standards and should be published annually; data and statistics should serve as a knowledge base for policy development.

Data should be collected and annually statistics published among others on the following issues:

- Reporting rates
- Conviction rates
- Type of convictions
- Repetition rate
- Safety measures put in place by the criminal court or the prosecutor office and
- Number of perpetrators sends to anti-violence programs
- Statistics on restraining orders and violation of restraining orders
- All statistics should be broken down according to the sex of the victim and the relationship of the victim to the perpetrator and other relevant characteristics
- Austria should provide adequate financial resources to carry out research on the prevalence and forms of violence as well as the effectiveness of policies to prevent and eliminate VAW.

**Question 8 CEDAW Committee - List of issues and questions to Austria August 2006:**

In order to assist victims of DV the so called Domestic Abuse Intervention Centres were installed parallel to the Domestic Violence Act. The Centres have to be notified by the police after domestic violence interventions and have the task to actively contact victims and offer support. (According to police statistics 94% of victims of DV are female.)

The establishment of Intervention Centres as victims services were an important measure to prevent DV. However, adequate resources for supporting the victims are missing. The situation is especially precarious in Vienna: the number of cases referred to the Domestic abuse Intervention Centre by the police rose from 188 case in the year 1998 to 3.177 cases in the year 2005 (more than 16 times), while the budget was not even doubled. Due to this fact, not all victims referred to the Intervention Centre by the police can be served. The victims from 4 of 23 Viennese districts are currently not supported. In 2006 there was a further raise of cases referred to the Intervention Centre by the police and it is expected that the numbers of unsupported victims will rise further, unless the financial means are adequately increased.

While we acknowledge that the federal government has increased the overall budget for all nine intervention centres by some 30% it has been noticed that this is not sufficient. The number of victims needing support rose enormously in the last years, a fact that can be interpreted as success, since the estimated number of unknown cases is very high in DV and it is an important goal to encourage victims to seek help. This implies, of course, that the state provides adequate resources for the support of victims who experienced acute violence. If this is not the case, the victims are disappointed and will probably not seek help any more.

Recommendation:

- Provide adequate financial resources for the comprehensive support of all victims and potential victims of violence.

### **Prosecution of violence against women**

The situation in Austria regarding the support of victims in criminal proceedings improved, but the Austrian criminal judiciary – Public Prosecutor and criminal judges – still do not take domestic violence seriously enough and therefore often pursue a practice of not prosecuting and punishing offences of domestic violence appropriately. Though the Austrian law provides the means to prosecute and sentence violent offenders, to protect the victims and society from further violence, the criminal judiciary does not always apply the existing law and thus refuses to effectively protect women and hold perpetrators to account:

A Study of the Vienna Institute of Conflict Research evaluating the Federal Law on Protection against Domestic Violence<sup>1</sup> shows that the majority of criminal actions in cases of domestic violence are stayed. Analysing the files of the Public Prosecutor of Vienna and Salzburg in the first half of 2001, the study found that every second charge of bodily harm was stayed, one third of cases of domestic violence were referred for diversion, and **only every seventh case was taken to trial**. Unfortunately still too many women are killed or severely injured by their violent partners without receiving sufficient protection by the criminal law (among others two women clients of the Domestic Abuse Intervention Centre Vienna were murdered by their husbands after suffering several violent acts; the cases are subject of two communications to CEDAW under the optional protocol).

Despite the Rec 239 of the CEDAW Concluding comments of 2000, Austria still has no sufficient data collection on criminal proceedings related to violence against women.

The Austrian statistic on convictions in criminal proceedings is not broken down according to the sex of the victim and does not describe the relationship of the victim to the perpetrator (Statistic Austria<sup>2</sup>). Thus it is not possible to monitor if violent acts against women and conviction rates are increasing or decreasing and if the measures taken are efficient in preventing and eliminating VAW.

Recommendation:

- In order to “exercise due diligence to prevent, investigate and, ...and punish acts of violence against women, whether those acts are perpetrated by the State or by private persons” (Declaration on the Elimination of Violence against Women) the Ministry of Justice **should enact a formal directive on the Public Prosecutor’s response to violence against women**, ordering them to actually take the measures provided by the Austrian law to assure women’s safety. The directive has to emphasize the danger and criminal nature of violence against women and to order the Public Prosecutor to conduct thorough investigations and a pro-arrest and pro-detention policy in order to prevent further violent acts. It should order mandatory pre-trial detention when the Public Prosecutor supposes that a woman may be at risk and when the legal requirements therefore are fulfilled.
- Further the prosecutor office should install a **specialized department on acts of VAW**. Prosecutors working in this department should have **adequate training** on VAW.

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<sup>1</sup> Amending Study evaluating the Federal Law on Protection against Domestic Violence, Vienna Institute of Conflict Research, Dr<sup>in</sup>. Birgitt Haller, Vienna, July 2002

<sup>2</sup> Statistik Austria, <http://www.statistik.at/neuerscheinungen/kriminal04.shtml>, Oct30 2006

### **Primary prevention and campaigns on VAW**

In Austria comprehensive measures to prevent the occurrence of VAW are missing. The issue has not been integrated in the curricula of university studies, training of professionals like teachers or doctors and the curricula of schools.

Contrary to the recommendation 241, human rights education and women's human rights education have not been integrated into school curricula. The assistance of teachers in teaching human rights does not equate with the integration of this issues in the school curricula.

No large scale campaigns that would have the potential to reach a great percentage of the population and to change attitudes and beliefs, has been carried out within the last years.

Therefore Austria has not been able to tackle the roots of VAW yet.

In order to effectively eliminate all forms of violence against women, comprehensive preventive measures reaching many people have to be carried out. This required long-term planning, mainstreaming the issue in all fields like education, health, justice system,... Above all it requires an adequate budget to implement the measures successfully and to monitor and evaluate its effects.

#### Recommendations:

- Austria should, as a part of the proposed action plan, develop and implement a comprehensive plan for the prevention and elimination of all forms of VAW and allocate adequate resources to it.
- VAW and women's/human rights education should be integrated in the curricula of schools (for pupils from the age of 10 years on) and into the training/study curricula of all teachers and all relevant professionals.

### **Recommendation 243 – Dissemination**

The dissemination of the CEDAW Concluding Comments as well as other international documents on women's human rights is very important in order to achieve progress. It is not enough to put documents on the website or to send them out on demand. Dissemination must be planned and organized in an active way and it has to be secured that all relevant actors, administrators and politicians, are informed about the content and their obligations in implementing the regulations.

### **Article 2 Policy Measures**

*Erna M. Appelt, Associate University Professor, Institute for Political Science at the University of Innsbruck*

Despite the amendment to the Federal Constitutional Law through article 7 paragraph 2, despite new changes to the equal rights laws of the federal states and despite plans to promote the improvement of women's lives, the de facto situation of women has changed very little. Women are still strongly underrepresented in higher decision-making positions – for example women as directors in the state ministries, as directors' proxies, in regional district leadership and in other executive positions in state administration remain the rare exception. In 1989, the percentage of women among general directors was 2.5%. In 2005, there were 5 women in this occupation; in 2006, just 7 of 69 general directors are female. That means 10% are women. It has taken 17 years to raise the percentage of women in these government leadership positions from 2.5% to 10%.

One of the main problems in the public service lies in the lack of penalties when affirmative action plans are not fulfilled. Commitments to supporting women's equality, to gender mainstreaming and to the formulation of comprehensive objectives have not, in general, brought about any changes. A further problem lies in the systematic outsourcing or privatization of public agencies/authorities/universities or their transformation into public-law institutions. As a result, the area of influence of the Federal Equal Rights Law has been tremendously diminished.

The Federal Act Governing Public Contract Awards of 2002 caters for women-specific considerations, yet it incorporates neither penalties nor incentives.

In order to ensure an effective implementation of the law for protection from domestic violence, it will be necessary to guarantee availability of all-encompassing intervention through intervention centers.

#### Recommendations

- *Effective penalty mechanisms (incentive system) for equal rights measures in public service and in outsourced, privatized institutions*
- *Introduction of quota regulations in the universities*
- *Improvement of resource endowments of intervention centers*
- *Federal Act Governing Public Contract Awards of 2002: Obligation for all contractors to put demonstrable equality goals that can be monitored in their service descriptions, as well as the obligation to an evaluation by gender mainstreaming experts of their service descriptions. (gender impact assessment)*
- *Most important is the necessity to invite female experts in contract awards proceedings to secret proceedings, negotiation proceedings, direct awarding of contracts, and in the case of competition in particularly male-dominated areas.*

## **Article 3 Guarantee of Basic Human Rights and Fundamental Freedoms**

*Brita Neuhold, WIDE*

#### **Advancement of women in Austrian development cooperation:**

Concerning the development cooperation of the Federal Ministry for Foreign Affairs (BMaA): Austrian Official Development Assistance (ODA) is notoriously low and strongly influenced by external factors. In 2004, 573 million Euro were forecasted, that is 0.25% of the gross national income (GNI). In order to fulfill the promise already given by Austria to reach a rate of 0.33% of the GNI by 2006, the ODA budgeted for 2004 and 2005 would have to be increased substantially.

However, it is not only the small scale of Austrian development cooperation (EZA) that is problematic, but the fact that only a small portion - i.e. the program and project assistance - can be acted on by the government itself. This portion was budgeted for 2004 with 88,762 million Euro and for 2005 with 90,098 million Euro; the funds for cooperation in the east are included. The portion allotted for cooperation in the south, which altogether has sunk considerably in recent years, was in 2003 only 0.026% of the GNI! This is the only portion that can be balanced according to gender criteria; the proportion of gender-oriented projects is around 50%. We are, therefore, still a long way from gender mainstreaming of all projects in Austrian

development cooperation. The proportion of gender-oriented projects in all of Austrian development cooperation is minuscule.

Austria's contributions to the United Nations are also very low; it is alarming that gender-oriented research and education work has an obviously limited place of importance, as a result of the cancellation of contributions to INSTRAW, and that UNIFEM is also comparatively little-supported.

The Federal Ministry of Finance has, in the context of the World Bank, over and again undertaken attempts to establish gender rights. On the other hand, in the Federal Ministry for Economics and Labor (BMWA) no special policies exist for the consideration of the needs and interests of poor women in the southern countries, in the context of WTO politics. Gender aspects within foreign economics, specifically those of foreign trade, have up to this point not been addressed by the Ministry—neither in the Inter-ministerial Working Group (IMAG) (see: <http://www.bmwf.gv.at/cms/imag>) for Gender Mainstreaming nor in the departments responsible for multilateral trade policies. No papers as to the fundamental principles of this theme have been drawn up, so far there has been no tendency toward a criticism of neo-liberal WTO policies from the viewpoint of gender equality.

#### *Recommendations:*

##### *In the area of development cooperation*

- Austria must do everything possible to raise the level of development financial aid to 0.33% of the gross national income by 2006 and in the near future to 0.7% of the gross national income and must, in conjunction with this, increase its budget for program and project financing so that strategies and policies developed may also bear fruit; likewise, the government should strongly support women- and gender- oriented agencies of the United Nations such as INSTRAW and UNIFEM.
- Gender guidelines and gender-mainstreaming strategies must be developed and implemented in all areas of the ODA and development policies, meaning also in those areas that do not belong to the Austrian Development Agency (ADA) or the Federal Ministry for Foreign Affairs. The Interministerial Working Group on International Gender Issues - which was founded in 1994 in order to prepare the 4th International Women's Conference in Beijing and was taken up to a reduced level before the UNGASS 2000 - should be, as has been promised, re-established as soon as possible in order to strengthen gender views in international policies.
- Gender budgeting must be introduced into applied development cooperation as well as generally into the entire ODA.
- For the existing gender-criteria and mechanisms of verification to become effective, an alignment is necessary in terms of development cooperation law and the increase of coherence between all policies and those ministries generally concerned with development policies.,
- Regular and obligatory gender-training courses within the foreign ministry and the ADA should contribute to the deepening of consciousness and knowledge of gender equality in development cooperation and politics.
- The section of the Federal Ministry for Foreign Affairs concerned with development cooperation and the ADA should improve both communication with NGOs and the transparency of their work, and should encourage research of and information about the connection between gender and development cooperation, including in this connection the background of the Millennium Development Goals, and the implementation of action platforms.

- Austrian representatives in international organizations and at international conferences should speak out expressly in favor of policies committed to gender equality and should strive to support such concerns.

#### The World Bank and International Monetary Fund

- Support of the implementation of obligatory gender impact assessments in appropriate committees
- Development of indicators for the assessment of gender equality
- Monitoring und evaluation
- Systematic awareness of gender in all core themes of strategy papers now being formulated
- Naming of female gender experts to key positions
- Binding implementation rules
- Inclusion of NGOs with gender expertise in all ministry work groups
- Statement by the Inter-ministerial Working Group on Gender Mainstreaming (IMAG) or the GM-workgroup in BMF about IFI-policy
- Development of a concrete trade strategy that can bring Austria into the IFIs committee
- Strengthening of the capacities of women and women's organizations toward a stronger participation in political discourse on macro-economical questions, through development projects and programs

#### WTO –Policy

- Within the framework of its available options, Austria should push for the subordination of the WTO to the values, goals and obligations of the UN, and for the grounding of WTO trade policies in a clear commitment to the application of human rights. Above and beyond that, Austria should itself negotiate towards and lobby for the fulfillment from other WTO members of their obligations based on the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), the CEDAW Convention, ILO conventions and the Convention for Biological Diversity.
- Austria should demand consistent implementation of the obligations named under the Doha Development Agenda for special and preferential treatment of the so-called developing countries. It should also stand up within the EU against pressuring the southern countries to privatize parts of their public utilities, for example water, as a result of the new GATS. It should support the efforts of the southern countries to ensure that their efforts to retain public health systems are not undermined by TRIPS.
- The Ministries for Economics and Labor (BMWA) and for Agriculture, Forestry, Environment, and Water Resources Management (BMLFUW) should create a political document, supported by high-ranking officials, for gender mainstreaming in foreign policy and hold regularly scheduled gender-training courses concerning this issue with the help of NGOs with expertise in gender questions.
- Austria should, within the framework of the WTO, lobby for adoption of the recommendations of the Beijing Platform for Action to allow issues of gender and strategies to fight poverty to become a part of the WTO's work.
- Austria should stand up for the empowerment of women in agriculture, so that they may again take control of food security and nutritional sovereignty.
- Austria should, as a part of its obligations toward implementation of MDGs, develop a strategy toward supporting impoverished women in the southern countries, from the side of the Federal Ministry for Economics and Labor (BMWA) in the framework of WTO

*policies – either in the form of a comprehensive program, or as individual examples of Best Practice – and submit these as recommendations within the EU Commission for WTO policies.*

- *Austria's policies concerning the WTO and within the WTO must be made more transparent and comprehensible.*

## **Article 4 Special Measures**

*Erna M. Appelt, Associate University Professor, Institute for Political Science at the University of Innsbruck*

The term “Frauenförderplan” (plan to support women in the domain of public employment) evokes the assumption that women must be helped to overcome their deficits. The deficit-perspective must be replaced by an equality-perspective that assumes not that there is a problem in women, but rather that there are structural problems within institutions or in male-dominated organizations. The incomes of employed women (not including self-employed) are on average only 60% of the incomes of employed men (not including self-employed).

The progressive effects of the way income is taxed are thwarted through exceptions that are by far more beneficial to the tax obligations of men. In order to attain equality and gender mainstreaming, the gap in incomes should be eradicated. To accomplish this, women's earning chances must be considerably improved.

*Recommendations:*

- *Replace plans to foster women's employment with plans for equality*
- *Broaden the targets of plans for equality to include executive-level positions*
- *A more effective closing of the after-tax income gap could be achieved, given the condition of neutral tax revenue, through an increase of maximum tax rates (realization of progressive effects) coupled with an increase in the limits for tax exemption.*
- *Budget allocations to the Ministries should be tied to the fulfillment of equality goals..*

## **Article 5 Sex Role Stereotyping and Prejudice**

*Karin Tertinegg, IWM*

One of the main points of concern of the Committee expressed in the Concluding Observations to the fifth periodic report submitted by the Government of Austria was the persistence of gender stereotyped roles in Austria.

**Gender equality as educational principle:** At present, the category ‘gender’ is not a mandatory part of all teachers’ curricula. Measures aiming at overcoming gender stereotypes primarily address girls and women but fail to address boys and men as target groups

*Recommendations:*

- *Integration of gender theory into the curricula of all teachers regardless of type or level of school.*
- *Overcoming stereotyped gender roles should equally involve both male and female students and teachers as target groups at all school levels.*

- *Specific measures aimed at the target group of male students should contain the clear goal that boys and young men develop, express and apply (social) skills necessary to perform housework and care as well as caring professions.*
- *Monitoring and evaluation of implementation measures.*

**Housework and care** performed in relationships or families is still not equally distributed between women and men. The most recent special statistical survey (micro-census programme on ‘Household Management – Child-care – Caring for relatives’) addressing these forms of work was done in 2002. It states that there has been no fundamental change in the way these forms of unremunerated work are shared between women and men since 1995 and that gender- stereotyped patterns of distributing work persist and are widespread. Men only perform slightly more than one fourth of the total of unremunerated child-care and slightly less than one fourth of the rest of housework (Mikrozensus 2003:15).

The results of a comparative EU-research project in the field of family policy show that gender has been increasingly expressed in traditional and stereotyped ways in Austrian policy documents since 2001: women are generally framed as being mainly responsible for household and care while men are only individually called upon to be more active fathers. (Sauer/Tertinegg 2004).

The “**child-care benefit law**” introduced in 2002 has recently been evaluated for the Ministry for Social Affairs. The evaluation concludes that the child-care benefit supports ‘being oriented towards the family’ and that receiving the benefit for a period of three years maximum increases the ‘wish to care for the child oneself’. As the current percentage of employed men who are on child-care leave and receive child-care benefit is 3,5% (April 2006), the vast majority of addressees whose ‘family orientation’ is thus supported and whose wish to care for the child oneself is thus increased is women. The evaluation further states that the child-care benefit has not been able to achieve a stronger increase in the percentage of men taking parental leave and that men’s willingness to share child-care is not increased by the current provisions.

The child care benefit as a lump-sum payment and not dependent on the former income of the person who receives it reinforces the gender-stereotyped roles of the ‘male breadwinner’ and the ‘female homemaker and care giver’.

#### Recommendations:

- *Men as target groups for measures aiming at overcoming stereotyped gender roles, especially regarding the distribution of unremunerated house and care work*
- *In order to enable a better reconciliation of job and caring obligations, a model involving reducing working hours for both parents while receiving full compensation for wages need to be implemented.*
- *Measures aiming at overcoming stereotyped distribution of unremunerated work in relationships and families should cover all aspects of such forms of work (such as care for relatives and housework) and not be limited to child care alone.*
- *Monitoring and evaluation of implementation measures.*

**Joint Custody:** As the income-gap to the detriment of women and the advantage of men still persists in Austria, and it is mostly women who interrupt their employment for child care work, in many cases women are in an economically weaker position in the case of divorce and after divorce. 28% of single mothers are in danger of poverty (Social Report 2004: 220, 222) As long as there is not equal financial footing between men and women, and as long as domestic violence committed by men against women and children is a wide-spread phenome-

non, ‘joint custody’ may serve as a tool to set the economically weaker spouse under pressure during or even after the divorce (e.g. to accept a lower allowance or to not bring a case before court in case of violence). Thus, this construction is in most cases detrimental to the position of women in divorce proceedings and after divorce.

Recommendations:

- *In cases of violence against women and children, joint custody should be rejected.*
- *Women should have the right to sole custody if their partner has been or continues to be violent*
- *Training for sensitizing judges concerned with family law about domestic violence.*
- *The issue of violence against women should become an integral part of law studies and further education of lawyers and judges.*

**Information policy:** In 2005, the Ministry for Social Affairs launched a publicity campaign (‘Zukunft soziales Österreich’ – ,Future social Austria’) informing a broad public inter alia about the child-care benefit. On a textual and visual level, this campaign referred to a traditional and stereotyped understanding of gender roles. Women are portrayed as the ones who are mainly responsible for child care. Spending as much time as possible for this type of unremunerated work is depicted as positive.

In the same year, the Ministry for Social Affairs published an extensive information brochure on the issue of marriage and family (‘Hochzeitsbuch’ - ,Wedding Book’). This publication is available at every registry office and is distributed to couples who register for a registry office wedding. It may also be ordered free of charge directly from the Ministry’s website. Despite the fact that equality is dealt with in a chapter of its own, traditional views prevail. (Heterosexual) marriage and (nuclear) family are depicted in an idealized way, patch-work families and non-heterosexual partnerships are left aside, as are issues such as the possibility to have abortion or the increased danger of poverty for single mothers or issues and measures in case of domestic violence. (Schulze/Tertinegg 2006)<sup>3</sup>.

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<sup>3</sup>Bundesministerium für Soziale Sicherheit, Generationen und Konsumentenschutz (2003): Haushaltsführung, Kinderbetreuung, Pflege. Ergebnisse des Mikrozensus September 2002. Vienna.

Bundesministerium für Soziale Sicherheit, Generationen und Konsumentenschutz – Männerpolitische Grundsatzabteilung (2003): Geschlechtertheorie. Vienna.

Bundesministerium für Soziale Sicherheit, Generationen und Konsumentenschutz – Männerpolitische Grundsatzabteilung (2006): Wissenschaftliche basisn der Buben- und Burschenarbeit. Vienna.

Bundesministerium für Soziale Sicherheit, Generationen und Konsumentenschutz (2004): Bericht über die soziale Lage 2003-2004. Vienna. Österreichisches Institut für Familienforschung (2006): 4 Jahre Kinderbetreuungsgeld. Ergebnisse der begleitenden Evaluierung durch das Österreichische Institut für Familienforschung im Auftrag des Bundesministeriums für soziale Sicherheit, Generationen und Konsumentenschutz. Vienna.

Sauer, Birgit/Tertinegg, Karin (2004).: Family Policy. Preliminary Country Study Austria. Internal Report for the MAGEEQ Project. IWM

Schulze, Marianne/Tertinegg, Karin (2006): Eine glückliche Familiengesellschaft – oder: Schöne Erwartungen. Das Hochzeitsbuch – eine Sammlung schöner Erwartungen der Sozialministerin an heiratswillige ÖsterreicherInnen, in: juridikum (2006:2), 65-69.

Recommendations:

- All information measures by or on behalf of Federal Ministries should be explicitly and continuously committed to overcoming stereotyped gender roles of men and women on a textual and visual level.
- Publications commissioned or supported by the Unit for Men's Policy Research of the Ministry for Social Affairs should be explicitly and continuously committed to overcoming of stereotyped male roles; such measures should not be restricted to the target group of fathers but include all men irrespective of whether they are father or not. No support should be given to voices calling for a restriction of women's access to abortion.

## Violence against Women

*Rosa Logar & Maria Rösslhumer, Austrian Women's Shelter Network*

Austria has made considerable efforts in the field of eliminating violence against women in the recent years such as introducing the Domestic Violence Bill and establishing Intervention Centres. Also the recent efforts to improve the situation of victims of violence in criminal proceedings by providing psycho-social and legal support have to be acknowledged. However, despite these positive developments, a lot of challenges and problems remain to tackle and eliminate all forms of violence against women. This part of the shadow report will focus on violence against women in the domestic sphere, since our NGO has a lot and long-term expertise in this field.

### **Missing Plan of Action and Body to implement and monitor progress**

A general problem lies in the fact, that there is no action plan to eliminate violence against women and also no governmental body to implement and monitor the plan. The Ministry of Interior has established a so called "Prevention Council", but this body is solely a consultative body to the minister of the interior (not to any other ministry or governmental body) and has no competence to make or carry out policy decisions.

Recommendations:

- The government should establish a medium and long-term policy action plan to eliminate all forms of violence against women including implementation and evaluation steps as well as adequate resources to successfully implement the plan. The action plan should be developed by a commission of governmental bodies in cooperation with women's NGOs and approved by government as a binding policy document. It should contain concrete indicators and timeframes to make it possible to evaluate progress. The monitoring of the implementation should be carried out annually by an independent commission consisting of academics and women's NGOs with expertise in the field of VAW.

## Women's Shelters in Austria

At the current time there are 28 women's shelters in Austria, with about 600 beds for abused women and their children. Along with the women's shelters, there are five women's counseling centers whose work emphasizes domestic violence against women and children. According to a recommendation of the European Parliament's Committee for the Rights of Women from 1987, one living space for women affected by violence should be made available for every 10,000 residents. In Austria, that would mean around 800 beds. The experts' group of

the Council of Europe, which published a report and action-plan in 1997 on combating violence against women, found that one bed for every 7,500 residents should be necessary<sup>4</sup>. Shelters are very important for the victims: 2005, 3256 women and children take refuge into the 25 autonomous shelters.

Women's shelters in Austria are, for the most part, financed through public monies. The financing is the responsibility of the individual state governments. The financial situation of women's shelters is, in many states, precarious. Financing does not cover actual costs and is not anchored in law in all of the states (exceptions: Upper Austria, Styria and Burgenland), so that shelters must fight, year after year, for the funds necessary to keep running. Due to insecure finances, it is often the case that international standards for women's shelters (anonymity, data protection, security measures, etc.) can not be implemented.

As an example, the only autonomous women's shelter in Tyrol has been fighting for survival for years. This year, employees were again faced with the possibility of having to close the shelter, because neither the state of Tyrol nor the city of Innsbruck were prepared to provide sufficient funding. The Tyrol Women's Shelter is also in urgent need of a new facility, since the current 20-year old house is dilapidated, and life for the women there has become ignoble.

Although both women's shelters in Styria were granted fixed legal status in March 2005, the law (Styrian Law for Facilities for Protection Against Violence) only offers an insecure and insufficient financial status, because of the method of financing it is bound together with (Tagsatzfinanzierung). Protection for the women in question is, through specific provisions in the law, not guaranteed, especially not data protection.

#### Recommendation:

- *We demand, therefore, sufficient and legally fixed financing for all women's shelters, so that high-quality, professional support for the shelters' residents is guaranteed for the long run.*

#### **National Helpline for Women**

We are happy to report that Austria has had a nation-wide, free helpline for women to fight domestic violence since 1998. It is financed through the Ministry for Health and Women. Through it, Austria fulfills international standards and the recommendations of the Council of Europe. (Recommendations 2002). The Helpline for Women 0800/222 555 is the first and easiest-to-reach place of help for all victims of violence, especially for women affected by violence. A professional team of social workers and psychologists takes calls and listens to the concerns of those who seek help around-the-clock, 365 days a year. A recently published study (Club for Women March 2006) shows that violence against women is still not recognized as a widespread phenomenon by the Austrian public, and that education and publicity work is therefore urgently needed. The emergency number of the Helpline for Women is still little-known, and little to no money is being made available for publicity work.

#### Recommendations:

- *The telephone number of the Helpline for Women must be known and posted in all households, just the same as other emergency numbers. More money for publicity work is abso-*

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<sup>4</sup> Council of Europe/Group of Specialists for Combating Violence against Women (EG-S-VL): Final Report of Activities of the EG-S-VL including a Plan of Action for combating violence against women, Strasbourg, June 1997

*lutely necessary in order to be able to continually advertise and inform the public about the number.*

- *The telephone facility is also insufficiently financially secure. No subventions exist for multiple years; instead, financing is extended for only one year. This insecure form of financing leads to continual fluctuations in personnel, and the quality of the counseling suffers because of it.*
- *Many people try to call the Helpline for Women, but employees can only take about half the calls, because the lines are usually busy. An increase in personnel is urgently necessary. (2005, the counsellors offered 16.720 calls support from about total 29.100 trials of Calls and Calls).*
- *The Helpline for Women offers, according to the demand, counseling in callers' native languages for important languages such as Arabic, English, Bosnian-Croatian-Serbian and Turkish. An increase in personnel is also needed in this area, in order to be able to support migrant women threatened by violence.*

### **Immigrant women and protection from violence**

*Paula Bolyos, Domestic Abuse Intervention Centre, Vienna*

In spite of a few advancements in the course of implementation of the new Austrian immigration laws there are still very problematic aspects for migrant women who are victims of domestic violence. There are no rules which are conducive to preventive strategies towards domestic violence like an independent right of residence for women, who follow their partners to Austria. Thus there is the paradoxical situation that migrant women have to suffer violence before they can claim support from immigration laws.

§27 of the Aliens`Domicile and Residence Act (NAG) says, that women who follow their partners from Not-EU-member-states have to remain within the marriage for the first five years to maintain their right of residence. Also only after that time they have the possibility to get a work permit. There are a few exceptions in the NAG for victims of domestic violence (§27 para 3 and 4 NAG), which are not sufficient.

Women, who are victims of domestic violence can get the same right of residence as they had in dependence of their husband (§27 para 5 NAG). This exception is applicable only if there is a divorce on grounds of fault of the woman`s partner or if there a court order was issued following § 382 b EO (Execution of Orders Code) against the perpetrator (who has to be the person, from whom the women`s right of residence depends). The rule concerning the divorce is very problematic because most of the divorces are accomplished amicable, especially because of the high costs but also because for a divorce the law of the state of origin of the two spouses is applicable and some states do not have rules for a divorce on grounds of fault of s.o.<sup>5</sup>

If the woman wants to get a divorce anyhow, she has to fulfill the qualifications for the right of residence herself: She needs a domicile which is customary in the place, and she needs the means of subsistence – her`s and maybe the children`s. The rate of means of subsistence is following §293 General Social Insurance Act (ASVG) and amounts to EUR 662,99<sup>6</sup>. Many women do not have an adequate income to show such a large amount.

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<sup>5</sup> Schumacher, Sebastian/Peyrl, Johannes: Fremdenrecht, ÖGB Verlag, Wien 2006. S. 140

<sup>6</sup> Krenn, Michael (2006): Neuerungen durch das Fremdenrechtspaket 2005. Wien. S.15 Unter: <http://www.helpinghands.at> 15.11.2006

Recommendation:

- *The longtime requirements of victim supporters have to be affirmed: An independent right of residence and employment for all migrant women is essential for an effective prevention of domestic violence.*

## **Good practice model from Lower Austria: The importance of the health sector in cases of violence against women**

*Anneliese Erdemgil-Brandstätter, Women's Counseling Centre Kassandra*

For every fifth woman living in a relationship in Austria, the sociopolitical and political health problematic of male violence is a reality. Actual representative studies on the extent of violence against women are, as in other EU countries, lacking. Even the Study on the Costs of Violence against women (in Austria), presented on the 10<sup>th</sup> of July, 2006, had to rely on foreign data. Because many women out of fear of further violence, or feelings of guilt and shame, remain silent about the cause of their injuries and/or psychosomatic problems, it is a common occurrence in the daily practice of the health system that they are not recognized as victims of abuse. A recent study in Germany shows that more than a third (37%) of all abused women require medical attention because they can no longer cope with the effects of violence on their health.

As a result, doctors, nurses, health professionals, midwives, psychologists and social workers (among others) in hospitals accessible round-the-clock are commonly their initial persons of contact. This fact makes it clear that employees of the health system have a central role in the recognition of abuse, the process of gaining assistance and the prevention of further violence against women and children. Continuing education initiatives in healthcare, as in Lower Austria and Vienna, do not exist in all of the federal states. That means that there are neither legally binding federal political terms of reference nor goal-bound financial resources on the part of the Federal Ministry for Health and women.

Recommendations

*To achieve modern and gender-equal health policies*

- *New studies are required (prevalence studies about the scale of violence against women, its acute and long-term health effects on women and children and about its costs for society and healthcare, among other things).*
- *Unified continued education concepts must be instated in the other federal states of Austria as well, and/or current initiatives from the state and federal level must be sufficiently supported and financed*
- *Implementation of the theme of "Violence against women" is required in the education, continued education and further training of healthcare professionals (federal and state competencies)*
- *A unified documentation and securing of evidence is needed that meets medico-legal standards*
- *Interdisciplinary cooperation and publicity work must be furthered*
- *Initiatives in healthcare must be bound together in an (inter)national "action plan to fight violence against women"*

## Article 6 Traffic in women and exploitation of prostitution of women

*LEFÖ – Counseling, Education, and Support for Migrant Women*

### 1. Trafficking in Women

In Article 6 of the “Convention on the Elimination of All Forms of Discrimination against Women” it is stated that the signing countries must create measures to eliminate all forms of trafficking in women and exploitation of the prostitution of women.

As a result of /in answer to various European guidelines and documents<sup>7</sup>, LEFÖ has built an “Institute for Victim Protection” for those affected by trafficking in women, that was renamed in 1998 as the **“Intervention Centre for Women affected by trafficking” (LEFÖ-IBF)**. Starting in 2006, LEFÖ-IBF began working within the framework of a commissioned contract out of the Federal Ministry for Internal Affairs and the Federal Ministry for Women’s Affairs. LEFÖ-IBF is, as ever, the only recognized “Institute for Victim Protection” for those affected by trafficking in women in all of Austria. The work includes (among other things) psychosocial, legal, and health assistance and care, crisis intervention and psychosocial stabilization, and accommodation in an anonymous and staffed emergency shelter.

The actual availability in Austria (10 permanent and 2 emergency beds at LEFÖ-IBF) does not by far match the need implied by EU, UN and OSCE estimates.

**Austrian Criminal Law:** Although §104 “Trafficking in Persons” of the Criminal Code (StGB) was introduced already in 2004, in practice no significant execution can be discerned. In the case of the suspicion of trafficking in women, the authority responsible in Vienna is requested by way of official instructions to contact LEFÖ-IBF. § 77 Alien’s Police Act (FPG) makes it possible in this case for the authorities to abstain from putting the person concerned in a detention center and to respond using a milder method (in our case that is accommodation in an emergency shelter). Unfortunately, it is still true that a large percent of those affected by trafficking in women are not recognized as victims under § 104a and § 217 StGB, and are therefore deported.

**Criminalization:** In practice, women affected by trafficking are often not recognized as such from the outset. In these cases they are penalized for breaking the law in conjunction with trafficking in women, for example they may be given penalties for illegal secret prostitution, illegal residence or identity falsification. No regulated mechanism exists to remit such penalties for women who are recognized as victims. With the criminalization and deportation of these women, which could be avoided but takes place anyway, it is not only the chance to fight trafficking in women that is lost, but the chance to understand new forms of trafficking, along with the chance to give encompassing care to affected women – to recognize that they are victims of a violation of human rights and criminal law. The request to the executive powers, effectuated by official order, to send women suspected of being affected by trafficking to LEFÖ-IBF is not enough. Fair treatment of women affected by trafficking is not ensured. Their treatment remains dependent upon the good will and readiness to cooperate of individual authorities.

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<sup>7</sup> Vienna Conference 1996 and the following European Union documents: Joint Action of 29 November 1996, Joint Measures, February 1997 and the Ministerial Declaration on European guide-lines for effective measures concerning the prevention of and the fight against trafficking in women for the purpose of sexual abuse, The Hague, April 1997.

**Residence on humanitarian grounds:** One legal basis for action is the §72 NAG, that makes possible the issuance of a residence permit on humanitarian grounds for a limited time (for at least 6 months). Otherwise, the §72 NAG deserves criticism: First of all, rulings are made by discretionary decision; no legal claim exists for the affected persons. Secondly, the issuance of the residence permit is tied to the willingness of the witness to remain at hand. The formulation of §72 NAG must therefore be clarified, that means that the damage to those affected should be in the foreground and not criminal law.

Women must usually wait several months for the granting of a residence permit, even when they are considered legal witnesses from the start. This is generally a time of extreme instability and existential insecurity, because a person never can be 100% sure if a residence permit will be granted. In this way, women are traumatized a second time.

It is questionable to use the women's readiness to speak out against those responsible for trafficking them as an indication of the degree of the impact of their experience on them. Their willingness to speak out is and will be dependent upon whether they can expect sufficient protection and fair treatment. The securing of a short-term residence permit on humanitarian grounds should be made the basis of an effective victim protection program.

One important question is **who decides whether a woman is affected by trafficking or not**. Up to this point, the police alone decide; it is important and necessary to start bringing in "external" experts. For example, a team from the police and LEFÖ-IBF could decide together. The decisions must be oriented around human rights, and once a favorable decision is made, a residence permit must automatically be issued.

**Judicial preliminary investigation, video-link testimony, main trial:** Within the framework of judicial preliminary investigations, women affected by trafficking testify by remote video-link. If there is not enough time for contact between LEFÖ-IBF and the affected woman in conjunction with this testimony, we find again and again that she believes the testimony to be anonymous. One part of legal assistance is therefore to confront these women with the fact that they will not testify anonymously.

This problem brings up another of the basic lacks in the area of trafficking in women: the **stabilization period!** Affected women need sufficient time to gain a certain distance from what they have experienced. That's why it is important to establish a sufficient stabilization period in which the women can be comprehensively assisted. Furthermore, appointments for giving video-link testimony need to be made with consideration for the traumatization of the woman, and clarified with her counseling center.

**Work permits:** Women who are granted the right to residence must apply for a work permit (limited by quotas). That means they have a renewed dependency, this time on their place of work for one year, because the employer receives the permit. Women affected by trafficking must be given a real possibility to seek gainful employment in Austria.

**Cutbacks in Social Benefits:** The situation for victims of trafficking in women has been made even more precarious, through some external factors linked to societal developments like general cuts in social benefits and the further worsening of conditions for migrant women. Migrant women have no health insurance during the time they wait for the granting of their visas.

Since May of 2004, women affected by trafficking, like asylum-seekers, receive money for basic subsistence (180 €/month). The impossibility to cover basic costs with that amount creates a handicap in the renewal of an independent life, and a prolongation of dependence on LEFÖ-IBF.

Recommendations:

- *Women affected by trafficking should not be criminalized: no possibilities for penalties because of secret prostitution, no indictments due to facts of the case that lie within the context of trafficking in persons.*
- *Women affected by trafficking must be recognized as victims of an international offense and should therefore not be expelled, deported or prohibited from residing.*
- *When trafficking in women/persons is suspected, the security authorities should contact an employee of LEFÖ-IBF or an employee of another women's NGO in the federal states, so that immediate assistance for the woman is made possible.*
- *During the recording of police and judicial testimonies, appropriately trained/sensitized translators, psychologists, or intercultural mediators from IBF as well as more female detectives should be brought in, in order to create a trust-building basis for the conversation.*
- *Legal claim to a work permit or public assistance and right to recourse to health insurance for women affected by trafficking*
- *A residence permit of at least 6 months (stabilization phase) must be issued to all women affected by trafficking, regardless of whether the situation comes to a trial. (This affects specifically the group of women affected by trafficking that are not witnesses at a trial.) This is the minimal period of time necessary to be able to give women psychological assistance, with the goal of stabilizing their situation. Change in §72 NAG, introduction of a legal claim to rights.*
- *In the event of a criminal trial, (this affects the target group of women that are victims and witnesses), meaning in the event of the statement of charges by the public prosecution department, a residence permit for one year should be granted that may be renewed in case the trial takes longer.*
- *In the event of a civil trial, a residence permit for one year should likewise be granted, that may be renewed a further year in case the trial takes longer.*
- *When the judicial trial is over and if for reasons of security a return to the country of origin of the affected woman is not possible, an unlimited residence permit and work permit must be granted.*
- *Women affected by trafficking whose lives are in danger must be taken into a witness protection program – and when necessary, also given a new identity.*
- *Damages for pain and suffering and claims for damages should be addressed in the criminal trial, in order to spare the victim the renewed burden of a civil trial; if it does come to a civil trial, the trial ought to have the possibility of proceeding without the personal involvement of the victim, at least then, when the basis of the claim is already established.*
- *Additional personal and financial resources for LEFÖ – IBF that make possible counseling and assistance within the entire federal territory.*

## **II. Prostitution:**

### **Regulation**

The situation of prostitutes in Austria is given little to no space in CEDAW 6. The report confines itself to reporting the statistics of registered and unregistered prostitutes in Vienna. The system of registration represents a practice that discriminates against these women, and through which they accrue obligations but no legal claim to rights. Data collection in Vienna by the security forces of the police represents a further criminalization of this area of work. Since registration is coupled with a residence permit, many foreigners are excluded from the possibility to register-- at the same time, adequate possibilities for work and residence are lacking in aliens' rights.

### **Federal Laws**

Obligatory health controls for registered prostitutes are regulated at the federal level, these controls are, however, limited to checking for so-called "work-related" diseases. (STD BGBI.591/1193, AIDS-Law BGBI 293/1986 – 728/11993). In this way, prostitutes are subject to strict controls for sexually transmitted diseases which stigmatizes and discriminates against these women as being carriers of STDs, while they are otherwise excluded from the health system. According to tax law, prostitutes have since 1983 been subject to the income tax law, without having any claim to basic labor rights.

### **Changes at the Federal State Level**

In 2004, a new Viennese Prostitution Law came into effect. The Viennese Federal State Security Law was changed at the same time. Generally, the changes head in the direction of more controls, limitations and regulations. In practice, these new limitations mean a stronger criminalization of affected women and their increased dependence on the system. Additionally, the changes made have been increasingly backed by strongly moralizing contents. The emphasis made on fulfilling the legal health requirements for the permission to practice prostitution, (§ 3) and the extenuating circumstances in connection with conditions for punishment (§ 8), back up the prejudice that one assumes a danger of infection with a sexually transmitted disease from prostitutes. What is ignored is the massive pressure, from customers, club owners and others, that is put on these women. It is in these cases especially important to ensure and to support their rights, in order to establish safe working conditions. Since health control is also regulated at the federal level, the Viennese Prostitution Law also means a tightening of the already-existing control system. Women's health and/or women's access to health care and promotion—and the creation of the necessary conditions for them—do not stand at its core. Additionally, within the penalty system the connection between prostitution and criminality has been repeatedly established—for instance, by way of a reduction in penalty amounts. In comparison to the actual income situation of prostitutes, the penalties are never the less still too high; this leads prostitutes into a downward spiral of debt and keeps them trapped in dependency. The law consolidates the idea of prostitution as immoral and aims to keep prostitution in this sphere for the future, whereas in actuality, steps in the direction of recognition and decriminalization are urgently needed.

### **Aliens Act**

The Aliens Act of 1997 contains no special regulation of prostitution. Since the year 2001, possibilities for residence and work for prostitutes and exotic dancers (third-country nationals) have been regulated through a special edict: § 7 paragraph 4 provided for a residence permit for „self-employed persons without an office“. This was achieved through a limited residence allowance that is bound by certain conditions—as for example the assent of club owners. It enacted a massive worsening in the situation of women affected by it, whose residence permit

and purpose of residence could now no longer be altered. In this way, the dependence of these women on club owners, procurers and others was increased.

A special case represented by Romanian women has been on the table since February 2005: because of a discrepancy between the Austrian and Romanian governments, Romanian women have not been issued any more residents permits for the purpose of prostitution. This contradicts the basic rights of self-determination of the affected women, and represents an unacceptable discrimination against citizens of particular countries. Additionally, it increases the vulnerability, exploitation and dependence of the women who have been made illegal by these measures.

On 01.01.2006, a new law on Aliens' rights came into effect that brings with it a dramatic aggravation of the law for third-country nationals: instead of the previously issued residence permit as „self-employed without an office“, the new Visa C+D (resident-travel visa, § 24 Foreigners' Police Act) regulates both residence and occupation. This short-term visa is issued under specific conditions for three to maximally six months. The application must be made personally by the authorities of the country of origin of the applicant. By the issuance of consecutive visas, the total length of employment within a one year period (this must be proven by showing a work contract) may not exceed six months. This requirement worsens the status of migrant women prostitutes. It serves the demands of the marketplace and encourages a permanently fluctuating supply of migrant women. The women themselves have no possibility to ensure their permission for residence and/or long-term permanent employment, and so are forced to circulate between different countries.

The existence of sex-workers having already been working for years in Austria, pay income tax and are integrated into society has been ignored, which represents an insult not only to their customary rights, but to their basic human rights.

### Recommendations

- *The abolishment of the legal concept of immoral practices („Sittenwidrigkeit“) is urgently needed, in order to place the occupation of prostitution on equal footing with other employment. Legal de-criminalization and social de-stigmatization are unavoidable conditions for equal rights for prostitutes and for an active and conscious policy of anti-discrimination. Every legal measure must ensure the protection of the women affected and guarantee their rights to self-determination. It is the duty of policy to establish the legal ground conditions that accept and recognize prostitution as a social reality, in order to strengthen the position of these women and to minimize dependence and exploitation.*
- *National legislation must take world-wide developments into account, such as globalization in general and also the globalization of migration in particular. In these areas, the increasing feminization of migration and poverty can be fought against. In the legal arena, legislation consistent across federal and state levels that equalizes and ensures the rights of women and migrant women prostitutes is needed. That also means the establishment and guarantee of other humane working conditions, such as regulations to protect part-time employees, assurance of social rights, free access to health-care and – promotion/prevention. One main point of criticism in reference to discrimination against women lies in the connection exclusively to women in the use of the word, „prostitution“. This ignores once again the fact that there is also a demand for male prostitutes.*

## **Article 7 Political and Public Life Elimination of discrimination in political and public life**

*Erna M. Appelt, Associate University Professor, Institute for Political Science at the University of Innsbruck*

*Rosy Weiss, International Alliance of Women (IAW)*

**Women in political roles:** The percentage of female National Assembly representatives has marginally increased, however it doesn't match the percentage of women in the population by a long shot.

National Assembly (current status: out of 183 members, 62 women (33.9%).

Federal Assembly (current status: 62 out of 62 members, 16 women (25.8%).

Constitutional Court (current status): total (including proxies) 20 members, out of which 5 are women. President: male, Vice-president: female, 12 members, out of which 3 are women (25%), 6 proxies, out of which 2 are women (33%).

A similar result was found in the representation by women in the Austrian state parliaments. Status in 2004: Burgenland: 19,4%, Carinthia: 16,7%, Lower Austria 19,6%, Upper Austria: 25%, Salzburg 33,3%, Styria 26,7%, Tirol 19,4%, Vorarlberg 30,6%, Vienna 41%. Total 27,67%.

The percentage of female Governors among the federal states is likewise very low: 1 out of 9.

The percentage of women among mayors is in some federal states almost 0. In 2003, Austria had just 45 female mayors (=1,9%) out of a total of 2359 municipalities.

**Women in political parties:** An equal ratio of women was reached in neither of the two larger parties (SPÖ and ÖVP). Only in the Green Party this ratio is 50% or more.

The programs and actions taken up until now in five federal states toward increasing the ratio of women to men in political offices should be thoroughly **(externally) evaluated** and, after the evaluation is complete, adapted and broadened. Intensifying cooperation with the **universities** would be beneficial. **Additional programs** should be developed that target political **decision-makers**. In each case, it is important to look towards solving the "problem" of under-representation not among women, but rather in those rural regions that have an especially male-dominated culture in public life. Additional programs that target political decision-makers (i.e. training courses in gender mainstreaming for federal, state, and local politicians, information campaigns about gender budgeting) should be developed. The introduction and adherence to equalizing quota rules in all political committees.

**Women in public offices:** Despite state and federal equal opportunity laws, women are strongly underrepresented in higher positions of the state administration. Although the percentage of women in leadership positions at the federal level was able to be increased, women in leadership positions at the state level remain the rare exception.

### **Recommendations:**

- *External evaluation of current programs and agendas for the fostering of women in political occupations.*
- *External evaluation of the Federal Equal Opportunity Law*
- *Development of new programs to increase the ratio of women to men in higher positions in the state administrations*

- *Implementation of gender mainstreaming in the management concepts of public administration*
- *Introduction and adherence to equalizing quota rules in all political committees.*

## **Article 10 Education**

*Claudia Schneider, EfEU*

As a supplement to Article 10 a, b and d (6<sup>th</sup> Austrian Report to CEDAW, p. 39), according to which deficits with regard to eliminating discrimination should be removed “through a change in the practice of education”, the following is recommended:

- *Obligatory admission of the category “gender” in the education and continuing education of teachers at all school levels (including the following contents: theoretical knowledge of gender relationships, reflections on personal ideas of gender, implementation in teaching practice – lesson plans, teaching materials, gender-sensitive methods and didactics).*

In Austria, the half-day school is the most common form of schooling. This could be the reason why it is still difficult for schools as organizations to combine “woman” with “employment.”(Tiedemann 1999). Half-day schools rely on (and reproduce the role of) mothers as teacher’s helpers (as supporters of school activities and homework assistance) and as part-time earners. In order to make an independent economic life for women/mothers possible, an across-the-board introduction of full-day school, in which children also complete their homework and learning responsibilities, must be put into effect.

In order to break open the gender-specific segregated job market and to “enable” men to take over (private) child care and housework, “housework for boys” (Kaiser 1997) should be introduced from kindergarten on through elementary school and up to the secondary level, as part of a comprehensive social furthering of boys. The German education researcher Astrid Kaiser speaks of “measures against male social incompetence” in schools, in order for competence in social relationships, empathy, and interpersonal conflict skills to develop and to help boys to take on child care and housework responsibilities equally and responsibly in their adult lives.

The “Guide to the Representation of Women and Men in Teaching Materials” (described in the 6<sup>th</sup> Austrian report to CEDAW, p. 41) must—in an edited, updated form—be used as an obligatory basis for the approval of schoolbooks. Assessment commission members should be trained in its contents.

In the project evaluation of “Gender Mainstreaming in Academies” (described in the 6<sup>th</sup> Austrian report to CEDAW, p. 39) the following limiting factors are named:

- no clear position and no clear mission of the gender appointees
- lacking or unclear competencies
- lacking or insufficient resources (Paseka/Hasenhüttl 2004)

These limitations must be clarified and eliminated. Appropriate resources must be put at the disposal of those wishing to implement gender mainstreaming in the areas of school and education: these are, above all (external) expert knowledge, money, and time.

## The Situation of Women in the Universities

*Paula Bolyos, Susi Stanzl, ÖH (Austrian Students' Union)*

The new University Law (UG 02) came into effect on the first of January 2003. Although a separate section of the law is dedicated to equality between women and men, and the advancement of women, the remaining text of the law (above all as concerns the creation of decision-making committees) stands in opposition to the order to support women, which is referred to in the law UG 02 itself.

Recommendations:

- *Quota regulations for all university committees*
- *Equal opportunity co-participation for students and faculty*
- *Right of work-groups on questions of equal treatment to participate in all decision-making committees*

**Student fees<sup>8</sup>:** Starting with the winter semester 2001, all Austrian students and students from EU/EEA countries and Switzerland must pay student fees of 363,36 € per semester. A study produced by the Federal Ministry for Education, Science and Art entitled "Effects of the Introduction of Student Fees on Participating Students and Student Behavior" (cf. Kolland 2002)<sup>9</sup> gives information on which persons are negatively affected by student fees. The number of drop-outs rose with the introduction of student fees. 38% of female students who dropped out (against 29% of male students who dropped out) named student fees as their reason. Women of lower education and earning levels (Kolland p. 96) are especially affected by student fees when they must themselves earn a living or be supported by a partner in order to finance their study.

Foreign students with the exception of those from the EU/EEA countries and Switzerland must pay 726,62 € in student fees. Excepted from this rule are those from the "least developed countries" according to the Student Fees Ordinance (StubeiV 2004). Since the Student Fees Ordinance came into effect, student fees are no longer reimbursed through the Austrian Foreign Exchange Service (ÖAD), rather that must be decided by the respective rectors, because of the financial autonomy of the university.

For many women it is not possible to study at a university under these conditions. If they do not drop out, they will (according to Basma Abu-Naim from the Department for Foreign Students at the Student Union) be forced to work illegally. (an.schläge 10/2004 p.16)<sup>10</sup>.

Students from the newly acceding countries of the European Union have been up to now excluded from student fees, that includes students from Lithuania, Poland, Slovakia, Slovenia, the Czech Republic, Hungary, Estonia, and Latvia. Not excluded are those from Malta and Cyprus. The Student Fees Ordinance attempts to create equality among the member-states of the EU, although students from the newly acceding countries have as ever no possibility of gainful employment in Austria.

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<sup>8</sup> Franz Kolland unter Mitarbeit von Silvia Kahri und Ingrid Frick: Auswirkungen der Einführung von Studienbeiträge[n] auf die Studienbeteiligung und das Studierverhalten. Endbericht. Vienna, Mai 2002

<sup>10</sup> Paula Bolyos, Susi Stanzl: Frauenstudien. In: an.schläge 10/2004

*Recommendations:*

- *Elimination of student fees*
- *As a stepping-stone, the elimination of student fees for all students from developing and reforming countries.*

**Amendments to Student Union Law (HSG):** Student Union law, to which an amendment was passed by the National Assembly on the 10<sup>th</sup> of December 2004, regulates the organization of the Austrian Student Unions, (ÖH) which represent all students of higher education in Austria. The amendment changed the voting method of the ÖH: up until now, students elected federal representatives directly. With the new voting method, federal representatives are delegated by the 21 Austrian university representatives.

The budget of the federal representation office was cut from 30% of the total budget to 15%, to the advantage of the universities. For the federal representation office that means that services, especially those that women – for example a female student with a child— are dependent upon, must be reduced.

The Student Union's “getting closer to students” through a “strengthening” of the university representation offices that was propagated by the government has not taken place. Instead, the federal representation office can no longer adequately serve students' interests when opposed to institutions such as the Ministry for Education, Science, and Art.

*Recommendations:*

- *Elimination of student fees*
- *As a stepping-stone, the elimination of student fees for all students from developing and reforming countries.*
- *Return to direct voting of the federal representation office of the ÖH*
- *Reversal of budget cuts*
- *Equality of votes among the electorate*
- *Passive voting rights for foreign students*
- *Creation of seminars and outline of basic conditions for educational efforts*

### **Case study: Situation of women in the areas of Planning, Construction, and Secondary Contract Work**

The number of students in the majors of Engineering, Architecture, Urban and Regional Planning, respective doctoral students in the technical sciences from the winter semester 2003, graduates of similar majors from the school year 2002/03 and the numbers of all those at the technical universities in Austria (as of the 1<sup>st</sup> of January 2003) present the following picture (cf. Federal Ministry for Education, Science, and Culture)<sup>11</sup>

In absolute numbers:

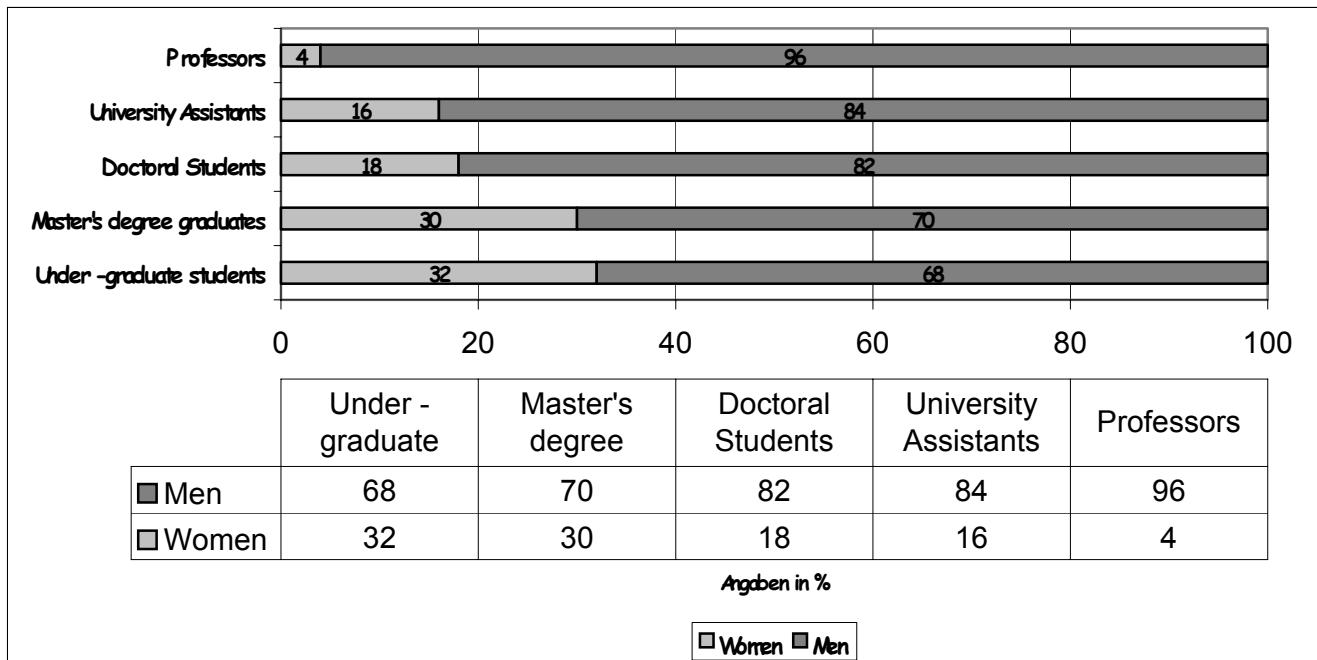
- 11 female professors at the Technical Universities of Vienna and Graz, mostly in the departments of Architecture and Computer Science
- 196 female university assistants at the Technical Universities of Vienna and Graz
- 411 female doctoral students in the technical sciences
- 266 female master's degree graduates in the departments of Engineering, Architecture and Urban and Regional Planning

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<sup>11</sup> Bundesministerium für Bildung, Wissenschaft und Kultur: Statistisches Taschenhandbuch 2004

- 3.244 female students in the departments of Engineering, Architecture and Urban and Regional Planning
- 252 male professors at the Technical Universities of Vienna and Graz
- 1.003 male university assistants at the Technical Universities of Vienna and Graz
- 1.858 male doctoral students in the technical sciences
- 620 male master's degree graduates in the departments of Engineering, Architecture and Urban and Regional Planning
- 6.750 male students in the departments of Engineering, Architecture and Urban and Regional Planning

The data show that, above all on the level of university assistants and professors, far fewer women are employed by the technical universities than men.



A similar picture is to be seen in job practice: "Out of close to 1200 construction engineering consultants in Austria, not even 1% are female. In planning departments, the ratio of women to men is a little higher at 7%. The dominance of men is in these careers even stronger than in the preparation for them." (VCÖ: 1996, 27)<sup>12</sup>

In construction, only 8 from 100 employed persons are female. (Federal Ministry for Social Security and Generations, women's section: 2002, 41)<sup>13</sup>

The discrimination against women in the areas of planning, construction, and secondary contract work is made clear by these examples of statistics.

<sup>12</sup> VCÖ Verkehrsclub Österreich (Hg) (1996):Frauen & Mobilität, Wissenschaft & Verkehr Nr.3, Vienna

<sup>13</sup> Bundesministerium für soziale Sicherheit und Generationen, Frauensektion (Hg.) (2002), Geschlechtsspezifische Disparitäten, Vienna

### Recommendations (see also Art. 2)

- To convey a differentiated picture of technology in initiatives for “women, girls in technology”
- In the context of “women in science and research”, research outside of universities, and research in SMEs should also be supported.

## Articles 11 and 13 Employment/ Economic and Social Benefits

*Sybille Pirklbauer, AK-Vienna, department for women*

The employment rate is increasing in Austria, however when calculated for full-time employment, the number of employed women has decreased and lies at 49%. The reason for that is the strong increase in part-time employment. The rate of women working part-time was long beneath the EU-average, but with a rate of 39% Austria has in the meantime not only caught up with but far surpassed the EU-average of 31%. That means that four out of ten women now work part-time – a trend that is still increasing. Parallel to that, unemployment is also increasing, on a greater scale than that of the official unemployment rate. If unemployed persons in training courses are counted and only those who are currently working counted as employed (for example, looking at calculations of persons on maternity leave), the unemployment rate for women in 2005 is above the official unemployment rate, standing at 8.8% and is therefore almost as high as that of men (8.9%). (Source: adjusted figures: Hauptverband and AMS, own calculations; official figures: BALI (Website of the Federal Ministry for Economy and Labor). The figures show that women are in no way less affected by unemployment than men.

**Service Check:** Service checks make it possible to legally buy household services, because the check covers all social rights requirements. The check is only good for single, unrepeated activities, otherwise legal working rights would have to come into play. Because, in practice, this is hardly to control, those employed with the check are subject to worse conditions than other workers and have for example no continuation of pay if they are sick or must take a leave of absence to care for someone.

**Combination pay:** The goal of this bill is to fill those jobs in the low-pay sector with gross incomes up to 1,000 €. The difficulty in filling these jobs lies in their limited attractiveness, namely that they have low wages, working times difficult for families to manage and lack of upward mobility. Through combination pay, unemployed persons who take a job in the low-pay sector receive a part of their unemployment benefits in the form of a grant and the employer receives a subsidy. While the grant for unemployed persons has at least a positive effect on the rate of wages, the subsidy for employers is purely an encouragement for low wages. There is no chance that such assistance will be passed on to the employee; it will only lead to an increase in profit for businesses that offer low-wage jobs. The only reason given for the employer subsidy is the comment that it should stimulate employment of persons who are difficult to place. Why the low-wage sector should get any benefit out of an employer subsidy is, however, not comprehensible.

**Part-time Work:** 44 percent of women employed part-time cite family obligations as the reason. Not even 15 percent of part-time employees state that they do not want full-time work.

Above all, the part-time boom is problematic because the incomes from it are very commonly insufficient to ensure basic needs. This is not only because of more limited working time, but because of the lower wages per working hour: In the production and service sectors, the average hourly wage for full-time employees is 11, for part-time employees only 8 € (Earnings Structure Census 2002). The reason for that is that part-time work is more seldom offered for qualified positions and is more unstable; discrimination in continued education and in promotions strengthen these problems even more.

Part-time work is also worse when it comes to overtime: while full-time workers are paid 50% extra for each hour overtime, extra work by part-time workers is not paid any additional amount. In some branches, part-time is therefore increasingly being used for getting flexibility into working times cheaper.

### c) Atypical employment and the Working Poor

Marginal employment, an especially precarious form of part-time work, is also on the rise: in 2000 there were on average about 197,000 persons with marginal employment status, but by 2004 this number had increased to around 223,000. Marginal employment is typically female. The ratio of women to men is about 70 % (2005). If it is the case with this form of employment that a transitional job is desired, it can considerably ease entrance to and advancement in the job market. However, studies show (Huber et al. 2004) that marginal employment all too often becomes a permanent state.

The number, too, of quasi-freelances e.g. holders of a non-standard contract that are not subject to unemployment insurance is continually on the rise. In 2000, 22,218 persons held this status, by 2004 the number had risen to almost 25,000 (+12%), half of this number are women. The atypically employed have a clearly higher risk of poverty (Riesenfelder/Fink/Talos ). In light of this background, it is hardly surprising that in Austria ever more people are poor, despite being gainfully employed. While in 1999 184,000 people were poor despite having work, by 2004 had become 277,000. (Source: ECHP, EU-SILC).<sup>14</sup> If one considers this poverty as a reality in households, 277,000 persons live under these conditions. If one thinks, however, also of the family members that live with these members of the working poor, the number of persons living under the poverty line despite employment rises to 656,000 people.

### d) Family Benefits

Austria gives out 800 € of family assistance per resident per year, and counts itself among the top countries in Europe—only Luxembourg, Denmark and Norway give more money to families.<sup>15</sup> The majority of Austrian family assistance is given as **direct money benefits**. For combating child poverty, however, encouraging the combination of career and family is decisive. All existing data on poverty risks show that the best strategy for fighting child poverty lies in the employment of both parents. This finding is also supported by Austrian statistics: families in which the wife is employed have only half so high a risk of poverty as those where that is not the case. (Till-Tenschert et al 2004, p.221).

Despite this, the priorities of the government lie elsewhere: instead of investing money in child care, in 2005 230 million Euro were, within the scope of the Tax Reform, set aside for

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<sup>14</sup> ECHP; Persons between 20 and 59 years; EU-SILC: Persons between 20 and 64 years. Rather limited comparability due to a change in data collection method.

<sup>15</sup> Source: Eurostat; Vergleich in Kaufkraftstandards (angepasst an das jeweilige Preisniveau)

the assistance of single-income families. (see below.) With these means, the acute deficit gap in child care—86,000 placements unavailable or insufficient—could have been closed.

**Child care:** Without question, there have in recent years been clear improvements in child care, which nevertheless in no way means an offer appropriate to meet total need was produced. Altogether there is still a lack of 46,000 placements, and a further 40,000 are insufficient- above all with regard to business hours.

The obligations that Austria has committed to on the EU-level are also not being fulfilled. The so-called Barcelona Goal of the EU, to have a child care rate of 33% in the under-3-years category, is clearly out of reach. Even when all other forms of child care (daycare centers, day parents, all-day schools, boarding schools) are counted, the rate of available Austrian child care has only risen to 0.7% since 1995. The EU goal would at that rate be reached **in 30 years**. 52,000 child care placements for small children would have to be created before Austria could fulfill the EU target.

Both the problem areas of child care for small children and after-school child care (outside of school) continue to exist, only in Vienna one might speak of an adequate offer for these age groups. The highest child care rate by far is reached for the ages of 3-5 years. 83% of all children in Austria in this age group have a child care placement, although the placements are of varying quality. Because of business hours and other conditions, many of these placements only offer limited opportunities for successful combination with employment.

f) Rates of child care availability by age group and Federal Provinces (all forms) 2004

	Bur	Car	LA	UA	Sal	Styr	Tir	Vor	Vie	Aus-tria
<b>0 to 3 years</b>	11	11	9	6	10	7	4	10	24	<b>11</b>
<b>3 to 5 years</b>	95	70	92	84	84	79	81	85	82	<b>83</b>
<b>6 to 9 years</b>	15	12	15	11	10	10	4	5	53	<b>18</b>

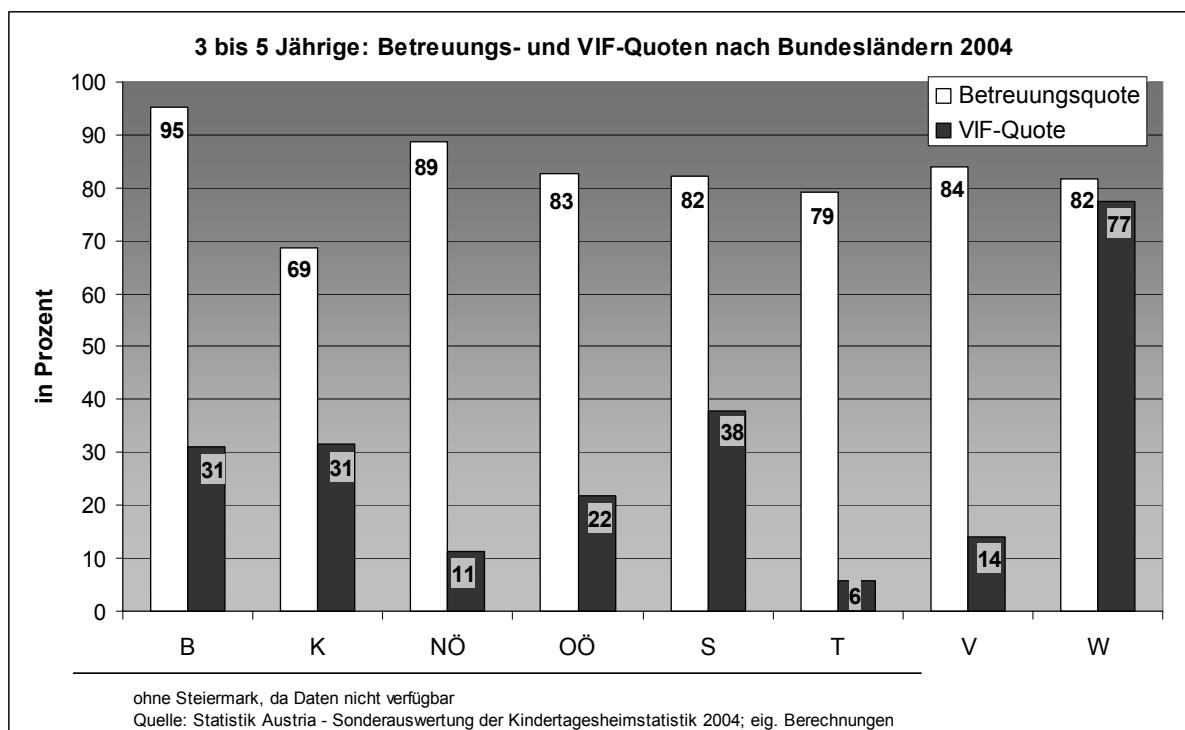
Source: Daycare statistics: Statistik Austria; own calculations

### Career-friendly child care: the “VIF”-Factor

One method to show to what extent the availability of Austrian child care enables the combination of family and career is through the indicator for joining family and career (Vereinbarkeitsindikator von Familie und Beruf, or “VIF”) The indicator measures how many children are given child care at centers that are both open all day and are also able to offer the necessary meals.<sup>16</sup>

The indicator shows that although the number of placements in centers for 3-to-5 year olds to cover everyone are available, the quality is grossly inadequate. Austria-wide, only just 32% of 3-5 year olds have VIF placements. The business hours in Federal Provinces are very limited: for example, 50 % of daycares outside of Vienna close at 3 pm. In Tirol it is 80%, added to that, in Tirol every 7<sup>th</sup> daycare closes for a midday break. (see graphic below)

<sup>16</sup>Opening hours at least 40 hours/week, 8 hours/day, for 4 days until 5 p.m., including lunch.



As differentiated by facility, “Krippen” or day-nurseries (age 0-3) best serve the needs of working parents, followed by the “Horten” or daycares (age 3-6). These are however also the facilities where it must be said that those (outside of Vienna) are clearly insufficient. Daycares do not take enough consideration for the needs of working parents. Only 40% of all daycare facilities for all age groups meet the criteria of the VIF.

### Money for child care

Starting on 1.1.2002, monetary assistance for child care was introduced. With that came a new definition of this type of assistance, as a family compensatory allowance instead of an income compensatory allowance. That resulted in a **widening of the circle of those eligible for benefits**, because the requirement to have been employed beforehand no longer exists. For employed persons the **lengthening of the benefit period** is the most important change, because it has proven consequences for re-entry into a career.

With monetary assistance for child care, **payment** can now be continued to the end of the 30<sup>th</sup> month of the child’s life (by one parent) or up to the end of the 36<sup>th</sup> month (when both parents share). Legally, length of maternity leave has remained unchanged; up to the second birthday of the child. In this case the length of maternity leave and the length of possible payment of monetary assistance for child care conflict with each other.

Additionally, regulations concerning additional income were changed and the maximal earnings amount set at 14,600 €/year. Those whose earnings cross the line for about 15% must pay back the entire amount of child care assistance for that year.

Through the wider circle of eligible persons and the longer benefit period, the number of recipients has more than doubled since 2000 and is now stable around 164,000 persons. All the same, a fifth of benefit recipients fall into the category of the newly eligible group, that is housewives/husbands, women farmers and high school and university students.<sup>17</sup> At this point, the restricted access of immigrant women to this benefit has to be mentioned.

<sup>17</sup> Source: NÖ GKK

The percentage of participating men has grown, but is still around a meager 3 %, so that no redeployment of reproductive work between the sexes can be claimed. The main reason for the increase in the father-percentage may lie in the configuration possibilities of additional income for self-employed persons and farmers. The percentage of men among the self-employed benefit recipients is 21%, among farmers it is 15%; much higher than the average of 3%.

**Assuring basic needs:** With the introduction of monetary assistance for child care, the level of the earlier available maternity leave assistance was only raised by/to 7 %. Due to the fact that the inflation rate has been 10.6 % since 2000, parents on maternity leave had to take a substantial loss.

Also, in comparison with the standard rate of the equalization supplement reference rate (AZR), the following development appears: whereas in 1995 maternity leave assistance lay just under that of the AZR, it was 34% in 2005. The benefit rate is therefore increasingly distant from the minimum level to assure basic needs. Measured against the poverty line of 848 € (that is 60% of median earnings),<sup>18</sup> a gap of 51 % exists in the case of child care assistance.

**Growing unemployment of women re-entering careers:** As shown in a study by WIFO under the aegis of the Austrian Chamber of Labor (AK), the current construction of child care assistance has a negative effect on career re-entry. One central finding of the study is that the return of women to the workplace is clearly postponed by the longer benefit period. In the time period from birth to 33 months afterwards, time spent in employment (not self-employment) sank from 7 months to 4.9 months. That means a reduction by 30 %. In comparison to the old maternity leave compensation regulation, the percentage of women employed (not including self-employed) 33 months after the birth of their child has gone down to 7%, the percentage of unemployed women has risen to almost 40%. (Lutz 2004).

**Part-time for parents:** The most important change for labor rights of recent years was the introduction of part-time work for parents in the context of the Law for the Protection of Mothers or Law for Paternity Leave. As of 1.7.2004 there exists the right to part-time employment, and/or the right to a change in working hours. Parents now have the right, during a certain time period, to receive a reduction or change in their working hours.

The law differentiates, as far as the maximal length of leave and type of legal enforceability is concerned, between business sizes up to 20 employees and from 21 employees up. How long the employee has worked at the same job is also important—whether or not it has been longer than three years.

The regulations concerning the length of employment and the size of the business yield considerable limitations in Austria's small-structured economy, as over 90% of businesses have a maximum of 20 employees. Within these businesses, around 830.000 people are employed representing about 30% of all employed persons.<sup>19</sup> The Austrian Institute for Family Research documented the concrete numbers of those with the right to request part-time work in a study. It turned out that just over half of men between 20 and 49, and only a third of women between 20 and 44 have a real right to claim it. (Dörfler 2004, p.9). Synthesis estimates through the recipients of monetary child care assistance that 35,800 women and 700 men will actually claim this new right.

What can be seen as positive is that the right to part-time for parents can be claimed by both mothers and fathers simultaneously, offering a possibility for sharing responsibility in a partnership.

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<sup>18</sup> EU-SILC 2006

<sup>19</sup> Source: Hauptverband der Sozialversicherungsträger

**Tax assistance for families:** Family policies can also be made through tax policies. One element, assistance for single-income families, was strengthened with the Tax Reform of 2005. A child allowance for single-income (and single parent) deductions was introduced, retroactive to 2004. The deduction, at the time 364 € per year, was increased for the first child by 130 €, for the second by 175 € and for every further child by 220 €. If the parent's income lies under the income tax limit, it is paid out negatively. For intact marriages with children, the additional income limit of 6.000 € per year may not be exceeded, otherwise, the entire deduction is invalidated (including the child allowance).

From a women's point of view, a basic problem of the single-income deduction is that a husband's income is usually increased by tax write-offs, because the wife's income is low or non-existent. In addition, with the child allowance comes the fact that children are differentially supported-dependent upon in which division of labor their parents belong or if they can even afford to give up a second income of adequate level. That means that a very specific model of the family is being advanced: that of a single-income earner with a female partner working the part-time maximum.

Under these circumstances, parents that both wish to follow their careers lose considerable tax advantages. For example, if the single-income earner deduction is lost for a family with three children (= 889 € per year) because of exceeding the additional income limit, net income would have to be increased by 63 € per month to equalize the loss. With that, women are encouraged to stay under the additional income limit - with problematic middle-term effects, especially when it comes to later pension claims.

**Gender-specific distributional effects of family policies:** At first, monetary assistance for child care seems really to be a measure to redistribute money from men to women. On the collection side, it is (among other things) financed through payroll taxes and so more strongly supported by men, because they have higher incomes. On the other hand, the persons eligible to receive it are 97% female; women profit almost exclusively. From a woman's point of view, however, this observation is not valid; eligibility for child care assistance is almost always coupled with a break in employment. Women who were previously employed will have a loss of income that is in no way compensated for by the transfer of benefits. In 2003, women earned on average 12,000 € net income per year,<sup>20</sup> child care assistance benefits for one year are 5,300 €. That is a decrease of 56%! Even when it is argued that many women want this break, they must cope with the middle- and long-term effects, because as was stated above, the long period of benefit eligibility has a disadvantageous effect on career re-entry. Women affected by child care assistance accrue immediate costs through the further loss of payroll. The loss is especially high when insufficient entitlements to unemployment were earned beforehand, so that no benefit is available and there is no chance of receiving compensation. Also affected by a 100% loss of income are those women who, because of long unemployment, would receive unemployment assistance, but do not receive them because of the crediting of their partners' income. In 2004, 13,000 women were affected by this phenomenon (see also the chapter on social benefits)

WIFO calculated in the study "Estimating Direct and Indirect Costs of Children" (2003) the loss of income for women through having children, and came to the conclusion that women with children (under 19 years) and a career before the first birth who re-enter the job market with one child earn on average 540 € less than childless women with similar qualifications.

In total life earnings, this equates to a considerable sum: up until the first child is 17, mothers lose on average 106.600 € and up to 130,000 € for two or more children. If a women breaks

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<sup>20</sup> Einkommensbericht des Rechnungshofes, Bruttoeinkommen unselbstständig Erwerbstätige ohne Lehrlinge, Median 2003

off her career completely because of her children, the loss is around 223,600 € (see also the chapter “Income differences – women’s income”)

The deduction for single-income earners is overwhelmingly advantageous for men. According to income tax statistics of 2001, the deduction was claimed 3.5 times as often by men as by women. As a rule, the deduction increases the income of the husband, because his wife earns very little or nothing. The effect is, as portrayed above, career-limiting for women and contributes to income differences between the genders.

Less clear is the effect of the increase in the additional income limit for the partner’s income (up until 2004 it was 4,400 € per year, with children, 6,000 €). What at first looks like an easing of women’s employment is actually ambivalent. It is now possible to be employed in a fully insured position—for example, a low-wage part-time job, without having one’s partner lose out on the single-income earner deduction. However, the decision strongly depends on the question of whether a woman—often with the increasing age of the children—is receiving promotion at the work place or not. If the promotion is not high enough, the increase in income falls short of the loss of the (now higher) deduction, and a strong impetus exists to forgo the promotion.

**Gender Pay Gap:** The difference in incomes between men and women has remained constant since the year 2000, according to the Income Tax Report of the Austrian Court of Audit. Women employees (not including self-employed) in 2003 earned on average only 60% of the middle income of men. The gap has been somewhat reduced among permanent women employees, where the number has climbed from 54 to 56% of the income of men. The situation for women blue-collar workers has gotten worse: they earn only 45% of the middle income of men. In 2000, this rate was 47%. Also, in the case of female civil servants, who compared to others enjoy the least pay gap to male colleagues, the number has gone down from 94% to 89%.

**Occupational incomes below the poverty line:** According to the Income Tax Report of the Austrian Court of Audit, in 2003 almost 40% of blue-collar and more than a fifth of white-collar employees had a yearly net income below the poverty line of 9,425 € (=60% of the average available income including social benefits.) There is a big difference between men and women in these statistics. While over 70% of male blue-collar workers earn an income over the poverty line, not even half of female blue-collar workers achieve that number. The difference among white-collar workers is also remarkable. While over 90% of male white-collar workers achieve an income that ensures basic needs, 30% of female white-collar workers must find a way to live with an income under the poverty line.

**Blue-collar women workers:** Female blue-collar workers are doubly threatened by income poverty: on the one hand, their incomes are mostly lower than those of blue-collar workers; on the other hand, nowhere is the rift between men and women so large: female blue-collar workers do not even reach (with 9,501 € gross income per year) half (45%) of male blue-collar workers’ income. The gap has again increased since 2000, by 2 percentage points. Among women blue-collar workers, the situation of the lowest quarter-sector of incomes is especially dramatic: here, women earn, at 3,360 € gross per year only a third of the income of their male colleagues, mainly because they often find employment only a few months out of the year.

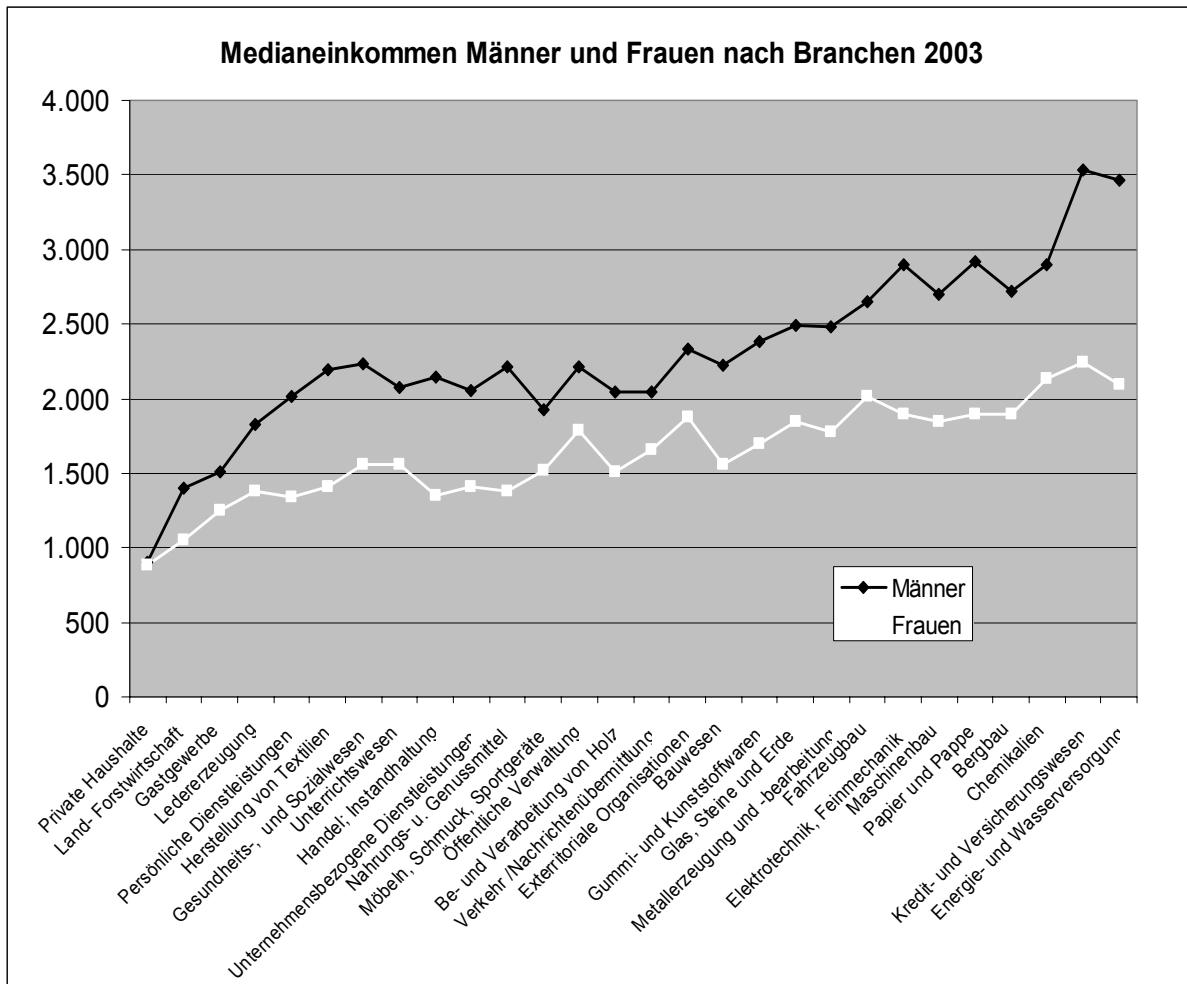
**Full-time:** A more limited schedule for working-times is a factor in the limitation of women’s incomes, however it is not a sufficient explanation for it. Among all employed (not including self-employed), women in full-time permanent positions catch up considerably, reaching 82%

of men's incomes. However in this case men still earn one fifth more than women, despite working the same number of hours. It is important to note that these numbers refer only to continuous incomes, that means that if one-time income components like severance indemnity and termination compensation are added to them, the difference between men and women—even in full-time permanent positions—stands at 31%!

**Part-time and occupational stability:** If one looks at the length of employment periods, it becomes clear that part-time workers experience far less employment stability than full-time workers. 17% of part-time employment periods are shorter than one year, compared to only 12% of full-time employment periods. 37 % of part-time workers must look for a job after a period of three years, which is true for only 28% of full-time employees. Women are more strongly affected by this insecurity, because of the much greater number of female part-time employees. 116,000 women have a part-time job that ends after less than one year, but only 25,300 men (for less than three years: 303,000 women and 57,000 men).

**Economic classes:** Women work much more often than men in low-paying industries. By a division into 59 economic classes, this disadvantageous ratio shows up: 52 % of women work in the 15 lowest-paid industries, but only 28% of men. The lowest 10 industries have 36% of women and 21% of men. Added to that, entry into better-paid industries for women is in no way automatically connected to much better pay, because of the fact that the better paid an industry is, the bigger would be the pay-gap that women must accept.

Part-time work leads to lower income not only because of the more limited hours, but is in general disadvantaged in comparison with full-time work. Part-time hourly rates are also lower than those for full-time: in the production and services sectors, the average hourly rate for full-time work is 11 € while that for part-time workers is only 8 € (VESTE 2002). Lower incomes for part-time work stem not just from the limited working hours, but also from the lack of part-time jobs for skilled workers, and fewer chances for promotion. One third of all part-time workers are unskilled laborers or work with simple tasks, only 3% are in management positions. Managing higher and leading positions part-time is obviously easier to do for men than for women. One fourth of male part-time employees work at this level, among women it is only 11%.



**Gender Budgeting in Federal Cost Estimates:** As welcome as the acceptance of gender budgeting (GB) into federal cost estimates is, its implementation is severely lacking. A consistent strategy and clear definition of goals for equality by which GB should be facilitated are missing, not to mention indicators for the monitoring of established goals. The way experiences from individual departments are packaged out of and how GB will be further developed do not transpire from background documents. Financing gender budgeting out from the Women's Assistance Budget, without even any increase in funds, must be rejected. The consultation of external expertise may be, according to current knowledge, limited to the analysis of addiction prevention in the form of a research project. On the level of general strategies, there has so far been no progress, however in single areas there were further developments. Severe deficits remain. One positive development lie in the attempt to at least make a gender-specific analysis about the effects of tax reform on taxpayers, in the area of wage and income taxes. Other tax cuts were not considered, specifically the corporate income tax cut, although this cut was calculated at almost one billion Euro. Although one can assume that the drops in revenue will have different effects on each gender, these effects are not being analyzed. Positive examples can be given in gender budgeting analyses concerning scientific areas (BMBWK, BMWA, BMVIT) where disparities in gender among research programs are to be examined, and in evaluating assistance funding of the Austrian Health Fund. Because of the lack of general goals, it is not possible to monitor inasmuch measures to achieve goals of equality have contributed and/or will contribute. In the **social** domain, measures to assist disabled persons are listed in the chapter on gender. The measures are very positive in the direction of gender mainstreaming, however an explicit connection with budgetary considerations is lacking. It is problematic that the greater areas of social security and the Family Burdens

Compensation Fund remain completely left out. In the area of internal affairs, despite much criticism, intervention centers for victims of domestic violence continue to be cited as gender-examples. The **judicial** chapter shows that in part, important basic data are missing that would allow gender-specific analyses to be conducted. In the area of national defense, it is always claimed that women have the same career chances as men. Analyses or appropriate measures are lacking.

Large areas of the budget, like the financial balance between Federal, provincial, and local governments, the Family Burdens Compensation Fund or Social Security continue to be left out. For a goal-oriented implementation of gender budgeting, a clarification of goals and a systematization of basic approaches to GB, as well as a systematic broadening of it up to a thorough examination of all chapters of the budget is urgently needed. It should be noted that as regards the process of its fulfillment, a credible implementation can not be effected without the inclusion of external expertise, as also shown by international examples. A broad discussion is required, especially with regard to establishing goals.

Recommendations:

- Efficient measures to increase full-time work for women and decrease part-time
- Reduction of unemployment for women as well
- Active employment policies e.g. fiscal policies that react anti-cyclically and investments in public infrastructure-- especially in the areas of child care and maintenance
- An unburdening of low and middle incomes, above all through the elevation of the negative tax and its broadening to include retired persons
- Possibilities for adults to go back to school and a broad network of educational possibilities
- The expansion of job market qualifications for women - especially for women re-entering careers, and for older women
- Right for part-time workers to be preferred, in times of new hiring, for more work time (up to full-time) Apart from that, part-timers should be consulted during the firm's career planning process
- In analogy to overtime pay allowances, employees should receive pay allowances for extra work hours
- Measures of positive discrimination in the context of furthering women, as for example workplace assistance for equal opportunity (plans to foster women's employment)
- Engendering of transparency in the incomes of employees in corporations
- No support for precarious working conditions; instead, engendering of a range of services close to home that is compatible with working conditions with fully fledged social and labor rights
- Reform of monetary assistance for child care: One should not lose out on child care assistance because of a shorter maternity leave. Instead, women should receive this money in a shorter time and in larger payments. Outside of that, the extra income must be ameliorated, in that parents ought to be able to choose a work limit of up to 24 hours a week instead of having the money limit.
- Closing of the gaps in child care placements and bringing opening hours in line with the working world
- The right to parents' part-time must be given to mothers and fathers regardless of firm size and length of employment
- More specific measures to qualify women for career re-entry; maternity leave and/or the period of benefit for child care assistance should be made suitable for career orientation.

- Expansion of support benefits of the AMS (Job Market Service), for example high-quality qualifications for women re-entering careers, offers of career advice
- More in-house continued education
- Active employment policies that create work through more investment—and an increase in consumer buying power through tax cuts for middle and lower income earners
- Closing the gaps in child care. In order to cover the needed child care placements and the deficiencies in opening hours, 288 million € for the first year and 240 million for the subsequent years will be necessary. That money for family policies is available, however is not used for combining career and family, as shown in the so-called Family Package of the 2005 Tax Reform: It is endowed with 230 million € and encourages women to leave their employment
- The monetary assistance for child care is in urgent need of reform. Persons who take a shorter maternity leave should not lose out on child care assistance. Instead, women should receive this money in a shorter time and larger payments. Outside of that, the extra income requirements must be ameliorated, in that parents ought to be able to choose a work limit of up to 24 hours a week instead of the money limit. That will make it possible for more men to decide in favor of a phase of child care
- For extra work from part-time employees, obligatory pay allowances should be introduced, so that the stimulus for corporations to use part-time employees as a cheap labor time buffer sinks.
- Parents' part-time should be a right for all mothers and fathers, independent from the size of their firm or the length of their employment—so that part-time work may be increasingly freed from the stigma of low worth and precariousness
- A new definition of work is necessary. The informal sector does not have any estimation of economic worth, although “people production” is a condition for the functioning of the market economy and the state
- Career re-entry should be regulated parallel to the period of benefits for child care assistance
- The disadvantage for single mothers in the length of benefits must be eliminated
- The additional income limit is at this time different for those receiving child care assistance with and without extra compensation—it is necessary that they be made uniform
- Consideration for periods of child care and child-raising needs to be improved for retirement funds
- Consciousness-building measures for paternity leave and fathers' part-time are necessary, the propagated “papa-month” can only represent a beginning
- Child care assistance proportional to income (Sweden as model) to encourage fathers to participate
- The Mother-Child-Passport should be broadened to include distribution to fathers in order to increase sharing of child care
- The extra-income limit should be increased, as a stimulus for paternity .

## Article 14 Rural Women

*Maria Vogt, organic farmer, cabaret performer*

Agricultural businesses have been confronted with EU agrarian policies since Austria's entry into the EU. Goal-setting was aimed strongly toward a world-market orientation, liberalization of agro-markets and competition by means of the Agenda 2000. As a result agricultural product prices were lowered and equalization payments created, that have no social criteria as

background, but rather are made according to hectares and heads of cattle. The measure to decouple the equalization payments from production was a result of the midterm review of 2003, and was created due to unfair distribution; with it Austria did not in this case make use of various socially acceptable measures such as degression and statutory ceilings. A structural transformation in agriculture, “Wachsen und/oder Weichen” (“Grow and/or yield”), is the result strived for by EU agrarian policies. In Austria, the problem was not helped either by the second pillar of agrarian policies—“rural development”. The percentage of income from public money is rising steadily (2003: on average 80 %) in the face of sinking product prices. That means increased dependence by farmers on agrarian policies. The unequal distribution of assistance funds was also continued in 2003: 32 % of farms in the lowest level—mountain farms and small businesses—received only 1.607 € on average per farm/year, that is 5 % of the pot. However, 2,6 % of the farms on the highest level averaged € 56.678,- per farm, that is 15 % of the total. (Gerhard Hovorka. *Bäuerliche Zukunft* 283)

Nowadays only 5 % of the population of Austria are employed in agriculture. 53 % of family labor forces are female, 30% of farms are managed by women, mostly in small businesses and smallholdings, while the husband is employed outside of agriculture. Considerations of social security rights or technical reasons are the most common grounds for having a woman as business manager. Austria is in this case top-rated within the EU, however it is precisely these smaller farms, and with them women’s employment in rural areas, whose existence is threatened by agrarian policies.

#### **a) Women’s participation in agrarian politics**

Agricultural politics has long been almost exclusively the business of men. Although more than half of all those employed in agriculture are women, the percentage of women in the main assembly of the Chamber of Agriculture is only 14,6 %. Every important position in politics, management, lobbying, as well as in unions, dairies, agricultural societies, social security and machine circles are occupied by men. In the Ministry for Agriculture, Forestry, and Water, only one fourth of the departments are led by women. In contrast to this low participation rate, organization and networking of women occurs in agro-politically relevant committees. The “Labor Society of Women Farmers”, organized by the President’s Conference of the Chamber of Agriculture, is thoroughly organized; from the town, over the countryside, up to the local government. Its influence is exercised mostly on combinations of family, social concerns, education, and employment. Smaller groups of women farmers, such as the “Social-democratic Women Farmers”, “Green Women Farmers” or the nonpartisan “Women’s Working Circle of the OeBV” are also active.

#### **b) Role of women in rural development**

The meaning of women in view of their many accomplishments and innovative power for Austrian agriculture and rural areas is not to be specifically evaluated at half-time evaluations and therefore cannot be used as a source for future programs and projects. For example, it would have been interesting to represent how far women are integrated in the projects, and to make the participation of women in rural development projects until now visible, as well as to collect necessary gender-specific data.

#### **c) Education**

At present, there is unfortunately an increase in compensations and deficits in teaching for agricultural adult education offerings to be found at large educational institutions. Budget cuts from the Federal Ministries in these areas have hit educational facilities hard. Small organizations, which contribute to the variety of offerings and the development of new ideas, have been heavily affected by the austerity measures. Out of the Program for the Development of

Rural Areas, 0,9% is reserved for education. The only institutes with direct access to these funds are the Rural Institutes for Advanced Education (LFI). With the idea in mind of an educational offer that is as varied as possible that will also rectify the inequality of women in rural areas, one sees that access to assistance funds must be expanded to include a wider circle of schools.

#### **d) *Implementation of gender mainstreaming***

Formal explanations as regards anchoring equality of opportunity for women and men in the Austrian program for the development of rural areas follow no broader goal or measure formulations, as concerns for instance the reduction of inequalities, or the fostering of equal treatment of women and men. In the context of gender budgeting, future disbursement recipients in the area of agrarian policies and policies for rural development must be evaluated for gender equality. To achieve that, participating parties must receive further education in this area. Policies for the development of rural areas can not do without the potential of women, if the development process is to be strengthened.

#### **e) *Reform of retirement funds***

Budget cuts in the context of the so-called harmonization in the retirement system are being carried on the backs of women:

- claims to retirement for many women under 50 will be under or near the poverty line, because they have through their small farms a limited basis for computation
- Women's lives are so arranged that a full period of computation/ a full retirement bank account is hardly achievable and their income situation does not allow them to average contribution times
- A better appraisal of child-raising periods is necessary
- The lack of child care placements in rural areas leads to long maternity leaves
- For single mothers there is a compound of poverty factors
- Women over 50 do not benefit from a better appraisal of child-raising periods
- Women farmers receive an additional "theoretical income" for living on the premises of their farm. In this way, equalization compensation is not calculated to the full. In this case an income is supposed where none exists.
- The increase in nursing care needs for old, sick and disabled people is being covered almost exclusively by women

#### **Recommendations:**

- Supporting agrarian policies that hold onto small farming agriculture in the interests of women and men farmers, consumers, and the environment. As long as product prices are so low, fairness of distribution through modulation and caps on direct payments must be instituted.
- No genetic technology in agriculture—it fosters the dependence of farmers on multinationals and limits environmentally friendly agriculture and threatens diversity
- Formulation of clearer target goals in the program for rural development, for the benefit of small farmers, environmentally friendly farms and women's employment in the context of gender mainstreaming.
- Carrying out an investigation into the attitudes between men and women about questions of environment, ecology, sustainability and alternative forms of cultivation (i.e. organic farming).
- Retrieval of gender-specific data concerning the areas of agriculture and rural development, in order to calculate and implement assistance for women from it.

- *Anchoring of gender mainstreaming in the Federal Ministry for Agriculture, Forestry, and Water in all areas and on all levels of program implementation; use of gender-equal language in the program documents, reports, evaluations, and publicity.*
- *Increase in the funds for adult education for a broad range of players; supporting the valuable volunteer work done by women in rural areas with regional education budgets*
- *Fostering of the education of women in rural areas; for the purpose of gender-equal teaching, creating seminars on gender perspectives; behavior and methods of teachers should reference gender equality.*

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