

**STATUS OF THE IMPLEMENTATION OF
THE BEIJING PLATFORM FOR ACTION
AUSTRIA**

**Federal Minister for Women's Affairs
and Consumer Protection
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PART 1
**SUMMARY OF THE AUSTRIAN FOCAL POINTS IN THE IMPLEMENTATION OF THE
BEIJING ACTION PLATFORM**

The Austrian Federal Government has taken a number of measures for the implementation of the Beijing Platform for Action. The topics as illustrated below can be emphasised as particularly successful strategies of the past years.

Violence against Women

The activities in connection with combating violence against women and children were continued and intensified in the past years.

With the **Federal Act on Protection Against Domestic Violence**, which came into force on May 1, 1997, the legal prerequisites were considerably improved so as to ensure a rapid and efficient protection of victims of violence in the domestic sphere. It now authorises law enforcement personnel in situations of domestic violence to ban violent persons from the family home and to issue a restraining order against said persons. This means that since the implementation of the law it is no longer the woman who is forced to flee from a violent spouse in order to bring herself and her children to safety, but instead the attacker or perpetrator is forced to leave the family home.

In the time from January 1998 through December 1998, law enforcement has made use of its new powers in **2,673 cases**. After the internal review of these police orders,

123 cases were repealed. Police records show that a further 252 police orders were ignored, which led to administrative criminal proceedings against the perpetrator. It should be noted that several of these proceedings related to one and the same perpetrator.

As a concomitant measure to this Act, so-called "**intervention agencies against violence in the family**" were set up. These institutions act as pivotal and networking points between all institutions that deal with this matter, such as law enforcement agencies, courts and homes for battered women, in order to provide quick and unbureaucratic help for women and children affected by violence. Currently, five such intervention agencies exist throughout Austria. The further expansion of these institutions has already been initiated so that by the end of 1999 there will be complete coverage throughout Austria with one intervention agency for each province.

For the purpose of consolidating and further developing the measures for preventing violence in our society, the Federal Government additionally decided in September 1997 on an extensive action programme against violence in society. The central items of this **25 point catalogue of measures** are expanding the services for the protection of victims, working with offenders, reform of penal law on sexual offences, measures for the protection against trafficking in human beings, prevention of misuse of weapons, enhanced training and research, sensitisation and networking for avoiding and combating violence as well as measures against violence in the media.

The implementation of the programme signed by five Members of the Federal Government is reviewed in regular intervals by the **Advisory Council for Principal Questions on the Prevention of Violence** as set up in the Federal Ministry of the Interior. Activities have been undertaken in virtually all of the aforementioned areas.

For example, in 1998 a **separate intervention agency for women affected by trafficking** was set up in Vienna. As a result of the new Alien Act that came into force in 1998, victims of trafficking now additionally have the possibility of being granted a limited residence permit for humanitarian reasons. This will ensure that victims of

trafficking in human beings are available as witnesses for criminal prosecution and have the opportunity to file claims under civil law against the perpetrators.

Penal provisions against the sexual abuse of children and youths as well as the intensification and extension of the possibilities to reduce mental stress to sexually abused children and youths in giving evidence at court were tightened in the **penal law on sexual offences** by the 1998 amendment to the penal code. Moreover, the statute of limitations concerning criminal liability was changed in the respect that the time limit will only start to run once the victims have come of age.

The topic of "combating violence against women" was purposefully promoted during Austrian EU Presidency by two conferences: the "**East-West Conference on Trafficking in Women**" in Vienna focused, on the one hand, on determining the status of the development since the Declaration of the Council of Ministers in The Hague in April 1997 and, on the other hand, the intensification of the networking of the NGOs between east and west, i.e. even beyond the European Union. The co-operation of the law enforcement and judicial agencies, preventive and repressive measures of the police against violence against women, special aspects of violence against women migrants and the co-operation of the NGOs were the main topics of the experts' conference "**Police Work for Counteracting Violence Against Women**" in Baden near Vienna.

The Federal Minister for Women's Affairs and Consumer Protection also started a comprehensive **anti-violence campaign** at the end of 1998 which has the preliminary focus on violence in the domestic sphere and aims at setting up a central and easily accessible contact point for the entire country. The help line's objective is to provide competent answers to inquiries made and to direct the callers to the correct local institutions (intervention agencies, homes for battered women, service agencies for women, etc.) which offer specialised counselling and individual personal support.

Since the beginning of the anti-violence campaign of the Federal Minister for Women's Affairs and Consumer Protection, an **information folder** has been available which contains information on the legal situation since May 1997 for

improved support for women and children affected by violence and a respective service section with addresses of respective institutions for women.

For the sensitisation and further education of professional groups and institutions involved in this field, an extensive **series of seminars** has been staged for the past three years. Moreover, the extensive information material "Counteracting Violence Against Women and Children" was newly issued in 1998.

A large number of additional measures against violence are scheduled in the current EU focal year 1999 concerning violence against women, children and youths.

Award of Contracts by the Public Sector and Promotion of Women

The promotion of women in private industry is substantially based on a voluntary obligation on the part of the enterprises in Austria. Only a small number of Austrian companies currently have promotion plans for women. Very few have actually established informal structures for the active promotion of women employees.

In accordance with the newly introduced § 92 of the "Arbeitsverfassungsgesetzes" (Austrian Labour Relations Act), company owners are now at least obliged to consult the works council on measures concerning in-company promotion of women (hiring practices, training and further education, promotion, reduction of any existing underrepresentation of women in the total number of employees or in certain higher-level positions) and the compatibility of child-care duties and occupation. The works council has the right to submit proposals in these matters and to file measures. The conclusion of company agreements in these matters, however, is voluntary.

In Article 2b of the Austrian Equal Opportunities Act it is additionally stipulated that subsidies by the Federation will only be granted to companies that meet the provisions of the Austrian Equal Opportunities Act.

The **joining of the public award of contracts with the goals of promoting the employment of women** is regarded as a possible approach in order to influence the willingness of companies to implement and perform special company policies for in-company promotion of women by way of criteria and preliminary conditions placed on the award of the contract. Upon the initiative of the Federal Minister for Women's Affairs and Consumer Protection, an official inquiry took place on October 24, 1997 on the topic of "Award of contracts by the public sector as an instrument for the promotion of women". This event aimed at clarifying the EU, federal and provincial legal framework conditions which would preferably allow the award of contracts by the public sector to such companies which pursue an active company policy for the promotion of women.

At the beginning of 1999, a decision was made on the basis of these principles to issue supplementary guidelines for the consideration of **measures for the promotion of women in proceedings for the award of contracts in accordance with ÖNORM A 2050**, thus securing in future that all regulations under labour law, and the equal opportunities laws in particular, will be observed in Ministries controlled by the Social Democrats, and the employment of trainees and the measures concerning the promotion of women will be taken into account in particular. Respective guidelines which govern the modalities in the award proceedings have already been implemented in the Federal Chancellery's Office. This evaluation scheme has been included and implemented in all Ministries controlled by the Social Democrats since the beginning of 1999.

Not more than 4% are considered for social measures in the evaluation of an offer: 2% each are considered for the promotion of women and the number of apprentices in a company. The competitiveness of an offer still counts for 96% of the evaluation. The evaluation of the measures for the promotion of women and the employment of apprentices is based on an itemised catalogue which the company will receive and fill in prior to filing the offer. The tenderers declare that they will meet the legal provisions on equal opportunities. In the event of any false declarations contractual

penalties will be imposed and the tenderers will be barred from the award proceedings.

Implementation of the Gender Mainstreaming Strategy

The topics of equal opportunities and employment were among the focal points of the Austrian Council Presidency of the European Union in the second half of 1998. During the informal meeting of the Ministers for Labour, Social and Women's Affairs from July 8 to 9, 1998 in Innsbruck, important impetus could be given for a restructuring of the EU's guidelines in respect of labour policy.

Both at national as well as European level, a separate guideline for gender mainstreaming was created in the pillar of "equal opportunities for women and men" in the 1999 employment guidelines on the basis of the results of the Austrian EU Council Presidency and, particularly, due to the efforts of the Austrian Federal Minister for Women's Affairs and Consumer Protection. Member states are urged in this guideline to base gender mainstreaming in the implementation of the other guidelines in all four pillars and to ensure that suitable data survey systems and methods are available. Further items that were included in the employment guidelines as a result of the Innsbruck meeting are measures for the reduction of differences in income between women and men, the reduction of segregation, mutual sharing of responsibility for family welfare between spouses, and the demand of affordable, available and high-quality offers for child care.

The employment guidelines are to be implemented by the member states of the European Union in a National Action Plan for Employment (NAP) to be newly drafted each year. The Austrian Federal Government has already applied the principle of gender mainstreaming in the 1998 NAP and will further specify it in the 1999 NAP.

Respective gender-sensitising measures will be implemented in order to create adequate prerequisites in future for the implementation of the gender mainstreaming approach by all decision makers. These measures will include hiring external gender

experts, educational measures, workshops, training and conferences which allow international comparisons of best practice models of the gender mainstreaming strategy, process-concomitant and -implementing structures such as the evaluation of gender-specific effects of all measures as well as the drafting of reports by all ministries and involved institutions.

Women and New Information and Communications Technologies

The Austrian Federal Government, and the Federal Minister for Women's Affairs and Consumer Protection in particular, focused on the topic of women and new information and communications technologies.

This further focal point in 1998 was taken into account by a number of events and by drafting a recommendation by the Federal Minister for Women's Affairs and Consumer Protection.

Within the scope of Austria's EU Presidency, experts and politicians from the entire EU area discussed the labour market and equal opportunities, telework in Europe and new ways of working and living in the information society during a conference under the title of „**Arbeit 2002 - Zukunft der Frauen**“ ("Work 2002 - the Future for Women") that took place on September 3 and 4, 1998 in Linz. Topics under discussion were the access of women to information and communications technologies with respect to their opportunities on the labour market and the needs for adaptation to the globalised market with the chances and risks that this challenge entails for women.

On the invitation of and in co-operation with the European Commission and the Federal Ministry for Science and Transport, a workshop of experts on the topic of "Women and the Information Society" was staged within the scope of the "IST Information Society Technologies, Vienna" at the beginning of December in Vienna. The "**Vienna Declaration**" was presented by the Federal Minister for Women's Affairs and Consumer Protection within the scope of this event. It represents a comprehensive recommendation for a Europe-wide action plan for the promotion of

the participation of women in the development, design and application of information and communications technologies on the basis of the principle of "social inclusion".

The Action Plan intends to achieve the following goals:

- to increase the share of women in projects for the development of technology;
- to develop new software applications that meet the needs of women in day-to-day life;
- to develop Internet services that are aimed at women as users;
- to implement promotion plans in order to increase the share of women in classic male-dominated fields of technology;
- to draw up concepts for publicly accessible terminals that allow women to gain experience with the Internet;
- to arrange technical courses and computer training at schools in view of equal promotion of both genders;
- to implement measures for the promotion of women in the field of universities with the objective of increasing the share of women in the studies of technology;
- to implement measures of support for helping women to rejoin the labour market by qualification programmes in the ICT area
- to apply the mentoring principle at universities, institutions, in industry and, in particular, in the development of software;
- to establish institutions for women research in the technical research areas at universities and colleges.

The Austrian Federal Minister for Women's Affairs and Consumer Protection will continue to promote the topic of "Women and IC Technologies" at the European and international level. Accordingly, she has requested the subsequent German EU Presidency to continue the pursuit of this topic at the EU level and she will make every effort on her part to initiate the drafting of an action plan at the European and international level.

PART 2

FINANCIAL AND INSTITUTIONAL MEASURES

Financing of Measures for the Implementation of the Beijing Platform for Action

The budget of the Federal Minister for Women's Affairs and Consumer Protection has been increased over the budget of the preceding years.

With these funds, the Federal Minister for Women's Affairs and Consumer Protection finances studies and events on topics that are relevant to women politics, the production of information brochures on women's affairs and the promotion of women projects. Moreover, grants are given within the scope of EU programmes with joint financing of the European Union as long as respective competence is given and within the terms of available funds.

Important measures and projects concerning women politics which are not explicitly disclosed as budgetary measures for the promotion of women are funded by other ministries such as the Federal Ministry of Education and Cultural Affairs, the Federal Ministry of Science and Transport and the Federal Ministry of Labour, Health and Social Affairs.

Institutional Co-operation for the Implementation of the Beijing Platform for Action

The implementation of the Beijing Platform for Action is given particular attention in Austria. In addition to measures that are implemented by state institutions, NGOs are given special attention since they have made important and relevant contributions for discussion. In the past years a number of events, often in co-operation with

governments and NGOs, were staged for the implementation of the Beijing Platform for Action.

Accordingly, **an international conference** under the title "**Beyond Beijing**" took place in **December 1995** on the initiative of the Federal Minister for Women's Affairs and Consumer Protection. It was staged to fulfil a number of objectives. It intended to outline which results and goals as formulated by the Fourth World Conference on Women are of particular relevance for the women from various countries from all over the world, which implementation strategies are regarded as promising, in which fields women of different origin can learn from one another and, finally, where our solidarity is required.

A meeting on the implementation status of the action platform of the World Women's Conference under the title of „**Frauengezeiten - Beijing far away**“ was organised in the Austrian Parliament in **October 1997** by the society "Women's Rights Human Rights" under the honorary protection of the Federal Minister for Women's Affairs and Consumer Protection and of the Austrian Federal Chancellor. The political concerns of NGOs were presented to and discussed with persons in responsible positions in seven workgroups. Representatives from politics and administration as well as social partners and media people jointly drew up measures and strategies for the future. Experts gave lectures on trends and the realisation of concrete demands.

The Federal Minister for Women's Affairs and Consumer Protection continuously holds talks with representatives of other ministries and NGOs concerning the implementation of the Beijing Platform for Action and the realisation of the measures required for this purpose.

In March 1998, the United Nations were presented with an action plan within the scope of the Austrian national report on the implementation of the Beijing Platform for Action.

PART 3

IMPLEMENTATION OF THE "12 CRITICAL AREAS OF CONCERN"

Austria's measures for the implementation of the Beijing Platform for Action as illustrated below supplement and update Austria's national report which was issued in March 1998 by the Federal Minister for Women's Affairs and Consumer Protection.

A. Women and Poverty

A predominant reason for the feminisation of poverty is due to the more unfavourable labour market situation for women. It applies generally that lack of opportunities for gainful employment, unemployment, inadequate qualifications and low income are the main reasons for poverty. Households with working mothers are considerably less threatened by poverty than households with only one earner.

Men achieve a considerably higher income than women. According to the data of the Main Association of the Social Security Institutions, men earn 45% more than women, based on median income without adjustment of working time. If part-time workers are omitted, the income advantage of men decreases from 45% to 29%. The gender-specific differences in income (as a result of an approximate adjustment for part-time work) are caused to approximately one third by women's higher rate of part-time work.

Since the amount of pension is primarily determined by the amount of the income and the term of insurance, serious gender-specific differences can be observed. Although there has been an improvement in the crediting of times for raising children, there is still a serious gender-specific difference in the amount of pension between men and women (concerning further measures for providing women with equal opportunities in the labour world please see Chapter VI. "Women in the Economy").

Families with several children and single mothers and fathers are among the population groups that are most seriously threatened by poverty. In order to increase

the efficiency of family promotion and to counteract the threat of poverty, the distribution effects of state allowances granted in the field of family politics are continuously examined. A study performed in 1998 confirmed the vertical distribution efficiency of family allowances. Accordingly, the rate of poverty of children was reduced from 11.5% to 6.25%, for children from families with only one earner from 20% to 9% and for children from single-parent families from 21% to 12%. It was also noticed that an above average number of single-parent families, as well as families with several children, are still affected by poverty.

Following the full implementation of the family package in the year 2000, families will annually receive ATS 6,000.—more per child in comparison with 1998 by the increase of family allowances. The amount of the family allowance is graded according to age and number of the children. Moreover, a monthly mark-up of ATS 400.—(from the third child) has been introduced for low-income families with several children. An additional monthly allowance in the amount of ATS 1,800.—is granted for handicapped children.

B. Training and Education of Women

Action Plan 2000

The implementation of the Action Plan 2000 "99 measures for the promotion of equal opportunities in the area of schools and adult education" which was drawn up by order of the Austrian Federal Ministry of Education and Cultural Affairs has taken place since 1997. This action plan is based on the action platform which originated during the 1995 Fourth World Conference on Women and governments have undertaken to realise it. It concerns a comprehensive catalogue of goals and measures which are to bring about a fundamental change in the direction towards the equality of women and men.

The Action Plan 2000 focuses especially on the topics of "**Job Orientation**", "**Girls and Technology**" and "**Expanding the Perspectives of Girls and Boys in Life and Occupation**". Girls and women are still strongly underrepresented in training courses

and professions in the technical, craft and scientific fields. Efforts by ministries of education therefore focus on information and awareness enhancement and the support of societies and initiatives that purposefully offer consultation and support for girls in order to counteract the one-sided choice of jobs by girls which is caused by socialisation. Moreover, materials for job orientation are developed and published, and information and consultation efforts are made within the scope of study and job information fairs.

For the purpose of increasing the share of girls at higher-secondary technical schools, special computer and Internet courses are offered for girls (but not throughout Austria) or special campaigns are performed which help to make women aware of technical jobs (role model effect) and are to encourage girls/women to pursue an education in technological fields. At the same time, teachers, school administrations, students and parents are to be made aware of this topic, gender-specific role models are to be questioned and prejudices removed.

Moreover, an examination on the topic of "girls at higher-secondary technical schools" was performed which is used as a basis for the measures to increase the number of girls at these schools and to improve their situation there.

Occupational training and further education

In this field the **National Action Plan for Employment** provides measures for the promotion of women and girls such as the purposeful invitation for the participation of girls and women in EU training programmes, consideration of equal opportunities both with respect to the contents of the curriculum as well as in training and further education of the teaching staff, qualification modules for the preparation of girls seeking apprenticeships, extension of the offer of open apprenticeships for girls in promising non-traditional areas, invitations for the attendance of higher technical colleges and technically-biased colleges for women, generally stronger job orientation for girls/women and special promotion measures in higher secondary schools, academies and universities in non-traditional occupations, establishment and extension of counselling institutions for women wishing to set up companies, increasing the attractiveness of existing counselling institutions for women wishing to

set up a company by improved approach of interested women, easier accessibility for information, help in gaining an overview of existing opportunities for advice and subsidies, outlining the viability of possible business ideas.

Promotion of young female scientists - Hertha Firnberg positions

The Federal Ministry of Science and Transport has commissioned the Fund for the Promotion of Scientific Research (Fonds zur Förderung der wissenschaftlichen Forschung - FWF) to carry out a promotion programme for women.

The idea behind the programme was the fact that women can still manage the path up to their doctoral thesis relatively easily. The following inclusion in scientific institutions that is required for an academic career, however, is very difficult for the young female scientists. This model intends to develop qualification opportunities within an international context.

The **Hertha Firnberg positions** are set up at institutes which are able to show innovative research results in an international context and are willing to guarantee the inclusion of the woman researchers in the institute's operations. Originally, a total of 15 positions were intended to be allocated in three batches for three years each. 10 positions have already been assigned in the course of a first selection process which the scientists will fill as of October 1, 1999.

The prerequisite for an application for a Hertha Firnberg position is a completed doctorate. An age limit was intentionally not provided for, since it is well known from many surveys that life planning patterns of women have other priorities than those of men.

An extensive training offer for acquiring specialised, personal and entrepreneurial skills and for pursuing various professional activities in agriculture, home economics, accommodation of guests at farms, direct marketing and social services is offered to **women farmers** by the Chamber of Agriculture and the LFI (Rural Education Institution).

C. Women and Health

The causes of women's illnesses is frequently determined by the way women live. The improvement of the social framework conditions for women is also an important key for the improvement of their health situation. In five Austrian provinces there are women's health centres which care for women's health and provide information, advice and courses on many health and women-specific topics.

In 1975 the so-called "**Fristenlösung**" (non-punishable termination of pregnancy during the first three months of pregnancy) came into force in Austria. It concerns a law that allows the termination of a pregnancy up until the 12th week without being punishable. Women who have unintentionally become pregnant are still subject to a very difficult decision and are additionally also placed under pressure by society and by politics. With the support of the Federal Minister for Women's Affairs and Consumer Protection, a brochure called „**Ungewollt schwanger?**“ ("**Unwanted pregnancy?**") was published at the beginning of 1999 with the intention of providing women in such a situation with absolute support. The brochure provides information about existing laws, methods of contraception in order to avoid any unwanted pregnancies and institutions where abortions are performed and where advice is provided free of charge by social workers, psychologists and gynaecologists.

A service brochure „**Körper & Gesundheit - Ein Ratgeber für Frauen**“ ("**Body & Health - Advice for Women**") as issued by the Minister for Women's Affairs and the women of the Social Democratic Party offers information on rights and opportunities that form the basis for dealing with one's own body and health in a self-assured manner.

D. Violence against Women ¹

Counteracting violence against women and children

The Federal Minister for Women's Affairs and Consumer Protection has focused on measures to prevent violence against women and children within the family in particular.

Particularly during the Christmas holiday season does violence in the family tend to escalate frequently, which is why the Federal Minister for Women's Affairs and Consumer Protection made Christmas 1998/1999 the starting point for a wide-scale anti-violence campaign. An especially established 24 hour help line was advertised in a TV spot. The help line's objective is to provide competent answers to inquiries made and to direct the callers to the correct local institutions (intervention agencies, homes for battered women, service agencies for women, etc.) which offer specialised counselling and individual personal support.

Training programmes

The educational series "Counteracting violence against women" was also continued in the year 1998. It was set up on the initiative of and with the funding by the Federal Minister for Women's Affairs and Consumer Protection. The seminars that span several days are used for the training and further education of employees of women's facilities throughout Austria that are involved in this field. Further seminars on the topic of "violence against women" are planned in the year 1999.

Sexual exploitation of women migrants

A study day on human rights education took place in Vienna on December 9, 1998 in co-operation with the UNIFEM national committee. The event was the latest of a series of events staged by the Federal Minister for Women's Affairs and Consumer Protection in Austria on the topic of "trafficking in women". One of the main topics of the event was discussing how human rights education, on the basis of international projects and experience, can be used as an effective tool for preventing and

¹ also see Part 1 "Violence against Women"

combating trafficking in women, particularly by making potential victims of trafficking aware of the risks in connection with migration.

F. Women in Business

Statutory regulations:

There are two laws in Austria that exclusively deal with equal opportunities for men and women at work:

An equal opportunities law for private industry and a federal equal opportunities law that deals with equal opportunities and the promotion of women within the federal civil service.

The "**Bundes-Gleichbehandlungsgesetz**" of 1993 (Federal Equal Opportunities Act) not only contains a demand for equal opportunities, but also a demand for the promotion of women. This means that equal opportunities are actively promoted in accordance with CEDAW as ratified by Austria. For this purpose it is necessary

- to draw up promotion plans for women for the individual departments;
- to admit women in a preferential manner to measures of training and further education that allow them to assume higher-level jobs in accordance with the demands of these promotion plans for women;
- to hire and promote women preferentially in those areas where they are underrepresented "as long as they are not less qualified than the best suitable other candidate".

Women are regarded as underrepresented if their share in the sum total of permanently hired employees in the respective job classification or the functions which are assigned to the permanently hired employees in the respective job classification is less than 40% in the purview of the respective authority.

In order to enforce the regulations, the affected persons (all applicants and employees who are affected by a breach of the demand for equal opportunities or promotion of women) can file an application with the equal opportunities committee for obtaining an expert opinion or a verification of a discrimination.

Since 1994 most Austrian provinces, following the federal equal opportunities law which partly acted as a role model for the provincial regulations, decided upon own provincial equal opportunities laws for persons employed by the respective provinces as well as mechanisms for supervision and consultation for implementing the legal regulations and promoting equal opportunities for women in the civil service of the provinces.

In contrast to this, **the equal opportunities law for private industry** only contains a demand for equal opportunities, but not for the promotion of women.

The **fourth amendment to the Equal Opportunities Act** which came into force on **May 1, 1998** introduced improvements in the enforcement of the equal opportunities law by the equal opportunities spokesperson and equal opportunities committee.

The most important item of the amendment is the regionalisation of the equal opportunities spokesperson by setting up regional offices of the spokesperson for equal opportunities affairs. This is to help in the practical enforcement of the existing legal possibilities for complaints in the regions. The establishment of regional offices and the determination of their local and professional sphere of action are performed by an ordinance issued by the Federal Chancellor.

The first regional office of the equal opportunities spokesperson was set up by the **Federal Chancellor's ordinance that came into force on November 1, 1998**. It is locally responsible for the provinces of the Tyrol, Vorarlberg and Salzburg and has its seat in Innsbruck (Tyrol).

In addition, the amendment clarified that sexual harassment by a third party (colleague, customer), and thus discrimination, is also given even when the employer did not culpably refrain from providing reasonable remedy. Moreover, the amendment governs matters of procedural law such as compensation of travel and accommodation expenses of witnesses and the determination of the time frame for the litigation of claims under the equal opportunities law.

Currently, an **amendment of the federal equal opportunities law** is being drafted. It is intended that in future the capping on claims for damages will be dropped in future for the best qualified applicant. Moreover, the burden of proof will be eased in committee proceedings in the case of sexual harassment and an extension of the scope of the law will be made. Up until now only employees were protected under the law. In future, persons without a service contract such as students and trainees will be included in the scope of the law.

Award of Contracts by the Public Sector and Promotion of Women

The promotion of women in private industry is substantially based on a voluntary obligation on the part of the enterprises in Austria. Only a small number of Austrian companies currently have promotion plans for women. Very few have actually established informal structures for the active promotion of women employees. In accordance with the newly introduced § 92 of the "Arbeitsverfassungsgesetzes" (Austrian Labour Relations Act), company owners are now at least obliged to consult the works council on measures concerning in-company promotion of women (hiring practices, training and further education, promotion, reduction of any existing underrepresentation of women in the total number of employees or in certain higher-level positions) and the compatibility of child-care duties and occupation. The works council has the right to submit proposals in these matters and to file measures. The conclusion of plant agreements in these matters, however, is voluntary.

In Article 2b of the Austrian Equal Opportunities Act it is additionally stipulated that subsidies by the Federation will only be granted to companies that meet the provisions of the Austrian Equal Opportunities Act.

On the initiative of the Federal Minister for Women's Affairs and Consumer Protection, the federal ministries that are headed by social democratic government members will give preference, concerning the award of contracts from the public sector that are below the threshold value, to companies that pursue the active promotion of women and employ persons still undergoing training. Respective guidelines have already been drawn up for the area of the Federal Chancellery's

Office in co-operation with the constitutional department of the Federal Chancellery's Office. This evaluation scheme has been included and implemented in all Ministries controlled by the Social Democrats since the beginning of 1999.

The joining of the award of public contracts with measures for promoting women, which are weighted with 2% in the evaluation of the offer, a further 2% in the promotion of apprentices and 96% for the competitiveness of the offer, is restricted to orders which lie below the threshold of the "Bundesvergabegesetz" (Austrian federal procurement law) and the EU procurement directives, thus ensuring compatibility with the Austrian constitutional law as well as EU law.

Other labour policy measures for women in Austria

The majority of labour policy measures for women are performed and financed by the "Arbeitsmarktservice Österreich" (Austrian Labour Exchange). A labour policy programme for women has existed since 1989 to promote the equal opportunities for women which takes the special situation of women on the Austrian labour market into account. This programme focuses on qualification measures with the goal of creating and opening up new employment opportunities, job orientation measures as well as measures for the support of women with child-care obligations.

The branches of the Austrian Labour Exchange are obliged, according to their mandate, "*.....to counteract the gender-specific partition of the labour market and the discrimination of women on the labour market by appropriately employing the benefits.*"

The Austrian Labour Exchange contributes to the implementation of the equal opportunities goal with its **labour market policy for women**. It forms the framework for the development and implementation of specific measures for women.

It focuses on the promotion of

- equal opportunities for girls in the choice of jobs and vocational education
- equal opportunities for women by qualification

- equal opportunities for women in access to employment
- improved compatibility of occupation and family

An important measure of the latter item is formed by the special programmes for women returning to the labour market (1996 and 1997).

Dedicated budget funds in the amount of ATS 160 million were available in 1996 for the implementation of additional measures. In 1997 this amount totalled ATS 100 million.

Whereas in 1996 the emphasis was placed on a general extension in the range of offers for the target group (in total approx. 3,500 women were additionally supported in their return to the labour market), measures in the areas of qualification and employment were emphasised in 1997.

Women spokespersons have been appointed at all provincial and regional branches of the Austrian Labour Exchange **as experts for questions relating to women in the labour market**. This was done in order to define the equal opportunities for women on the labour market within the Austrian Labour Exchange's areas of action. It is their duty to support the organisation in the planning, appropriate design and implementation of specific measures for women.

National Action Plan for Employment

The Austrian **National Action Plan for Employment**² contains a whole range of measures for securing and **promoting the employment of women**:

- **Qualification** of unemployed and job-seeking women by information, support, qualification and employment of women **in non-traditional areas** as well as improved qualification of women **in traditional occupations** in order to secure and strengthen existing jobs and to open up accessibility to other professions.
- Extension of **regional women's foundations**
- Development of models for **discrimination-free evaluation of work**

² also see "Implementation of the gender mainstreaming strategy"

- Incentives for drawing up **in-company plans for the promotion of women**
- **Providing additional flexibility during maternity leave** by creating a maternity leave time account for flexible sharing of maternity leave between the two parents, providing additional flexibility of reporting periods and creating an original claim for maternity leave for fathers.
- Improvement of **institutionalised child-care facilities**, e.g. by increased support of different forms of child care which better consider the compatibility of occupation and family, for example, more appropriate opening hours of child-care facilities.
- Promotion of **further education during maternity leave**
- **Qualification campaign for women returning to jobs after maternity leave** by providing qualifications that ensure gaining a livelihood on a long-term basis; special emphasis is to be given to women with lacking or outdated qualifications, women from depressed areas and women that seek education in new promising job areas.

On initiative of the Federal Minister for Women's Affairs and Consumer Protection the Federal Government declared its willingness to make available a sum of ATS 600 million in the years 1997 and 1998 for the creation of **additional child-care places** in order to promote the compatibility between job and family. It was thus possible to create nearly 19,000 additional child-care places. The majority was assigned to the age group of children of three to six years of age in nurseries (approx. 15,700 places).

This successful measure will also be continued in the years 1999/2000. It will mainly focus on child-care facilities for children under the age of three and the provision of care for school children during the afternoons and holidays. A further improvement of the compatibility between job and family is to be achieved by expanding child-care facilities and their appropriate flexibility.

In view of the fact that women are particularly affected by problems on the labour market (the annual average unemployment rate of 1998 for women was clearly above

that of men³), the Federal Minister for Women's Affairs and Consumer Protection will also take specific action in the year 1999 for the improvement of employment opportunities for women.

Equal opportunities and employment: Campaign by the Federal Government for part-time work

The Federal Government has undertaken to promote part-time work in federal civil service within the scope of the 1998 National Action Plan for Employment in order to promote the employment of women and the compatibility of job and family for both parents.

Federal civil service already had better legal framework conditions than private industry for part-time work. Female civil servants have a legal claim to part-time work until the child reaches school-entry age.

On the initiative of the Federal Minister for Women's Affairs and Consumer Protection and in co-operation with the State Secretary for Finances, a campaign was launched by the Federal Government in the summer of 1998 to inform the civil servants in detail, by means of an information brochure, about the various possibilities for claiming part-time work. In addition, the Federal Government decided to ease the conditions for hiring substitute workers for civil servants wishing to switch to part-time work. Despite general hiring restrictions, federal institutions can now hire substitute works for civil servants that switch over to part-time work.

"Business Women Centre"

A "Business Women Centre" was set up in the year 1996 as a pilot project in Vienna and Graz by order of the Federal Minister for Women's Affairs and Consumer Protection.

³ Women 7.5%; men 6.9% (national method of calculation)

The Business Women Centre is a service facility which offers personal assistance for women by women, ranging from the development of an idea to setting up a company until the first successes and the stabilisation of the company are achieved.

It is intended to create permanent and promising jobs for women by helping them to overcome founding obstructions and thus to help them become self-employed. The declared goals of this institution include information in founding companies, staging information evenings and workshops, networking of women and activities and public relations work.

Amendment to the Austrian Labour Relations Act

The amendment to the Austrian Labour Relations Act which came into force on May 16, 1998 led to a further improvement for working women. It implemented an improvement in the rights of participation by the works council in measures of in-company promotion of women and the compatibility of job and family. By extending the regulations in the Labour Relations Act (duty of company owner to consult about measures of in-company promotion of women as a subject matter of a facultative plant agreement) companies are to be required to develop promotion plans for women.

G. Women in Positions of Authority and Decision

The principal demand for equality in the Austrian legal regime is stipulated in the equality principle of Article 2 of the Austrian Basic Law of 1867 and Article 7 of the Federal Constitutional Law of 1929.

According to legal opinion prevailing in Austria, this general principle of equality does not lead to any constitutive arrangement of the legal system in the direction towards a material equalisation of the sexes.

An express order to the legislature was not included, particularly in view of the permissibility of temporary special measures for the accelerated achievement of the de-facto equality of women which is recommended by Article 4 of the "Convention on the Elimination of Any Form of Discrimination Against Women" (CEDAW) for eliminating any form of existing discrimination.

In 1998, an amendment of Article 7 of the Federal Constitutional Law of 1929 was made, according to which, measures for the promotion of factual equality of women and men are now also included by the principle of equality. The newly inserted Section 2 of Article 7 of the Federal Constitutional Law of 1929 runs as follows: "The Federation, Provinces and Municipalities profess the actual equality of man and woman. Measures for the promotion of factual equality of women and men, particularly by eliminating any actually existing inequalities, are permissible."

Concerning the question of positive measures in the administrative sphere, reference is hereby made in particular to the information provided above in connection with the **federal law on equal opportunities** which not only contains a demand for equal opportunities, but also a **demand for the promotion of women**.

Since 1994 most Austrian provinces, following the federal equal opportunities law which partly acted as a role model for the provincial regulations, decided upon own provincial equal opportunities laws for persons employed by the respective provinces as well as mechanisms for supervision and consultation for implementing the legal regulations and promoting equal opportunities for women in the civil service of the provinces.

Principally, all five parties represented in the Austrian National Assembly profess the stronger inclusion of women in politics. The **SPÖ** (Social Democratic Party) has determined at a federal level that by the year 2000 40% women must appear at all party levels. The **ÖVP** (People's Party) intends to pursue the equality of women in politics by introducing a minimum quota of one third of the public mandates. The **Green Party** demand, for example, that subsidies to parties should be linked to the quota of women of the respective party. Moreover, election lists of the Green Party must not show fewer than **50%** women. The **Liberal Forum** does not have any regulations on women quotas, because the quota is currently fulfilled anyway (5 out of 9 provinces have a provincial spokeswoman, 4 out of 9 members of parliament are women). If this ratio cannot be maintained, a quota regulation cannot be excluded. The party programme of the **FPÖ** ("Freiheitliche Partei") does not contain any quota on women.

Currently, 4 women are among a total of 16 government members, three as federal ministers and one state secretary. There are 14 men and 7 women out of the 21 members of the European Parliament. The share of women in the Austrian National Assembly is approx. 26% of the 183 members.

Women farmers also have a well-organised interest representative body/women farmers' organisation (municipal, district, provincial and federal level). Their representatives are represented in public decision-making processes in the development groups of the chamber of agriculture, the co-operatives, in the National Assembly, the "Bundesrat" (upper house of the Austrian Parliament) and the social security institutions.

H. Institutionalised Mechanisms for the Promotion of Women

The concerns and interests of the women in Austria are represented at government level since 1991 by a Federal Minister assigned to the Federal Chancellery's Office. She has three departments of Section VII "Women's Affairs and Consumer Protection" at her disposal.

In 1997 a separate Internet homepage of the Federal Minister for Women's Affairs and Consumer Protection was set up for the presentation of the department (www.bminfv.gv.at) which provides information about the goals, publications, events and other activities of the Minister.

On the occasion of Austria's EU Presidency in the second half of 1998, the Federal Minister for Women's Affairs and Consumer Protection, together with the Federal Minister of Labour, Health and Social Affairs, assumed the chairmanship in the informal EU Council of Ministers for Social, Labour and Equal Opportunities Affairs. With the Austrian focal topic of "equal opportunities and employment", it was intended to make a stronger contribution at the EU level.

I. Human Rights of Women

The **42nd meeting of the UN Commission on the Status of Women** in March 1998 assumed a key role in the ongoing evaluation and monitoring of the implementation of the Fourth World Conference on Women. The Beijing demand for a consequent implementation of the gender mainstreaming principle is taking shape in more and more areas throughout the United Nations. Highly satisfactory progress in the implementation of women's rights are thus noticeable.

The four topics that were treated during this meeting according to the UN Commission's working programme over several years include the most controversial topics of the Beijing Platform for Action: "Human rights - Women's rights", "Women in armed conflicts", "Girls' rights" and "Violence against women".

The Austrian Federal Minister for Women's Affairs and Consumer Protection presented Austrian efforts and achievements in the area of combating violence on the occasion of a panel discussion. Moreover, The Austrian action plan for the implementation of the results of the Fourth World Conference on Women in Beijing was presented. The Austrian delegation to the UN Commission on the Status of Women with observer status stood out with their expertise in all areas of negotiation.

The Austrian delegation also made valuable contributions on the occasion of the **43rd meeting of the UN Commission on the Status of Women in March 1999** which dealt with the last two chapters of the Beijing Platform for Action "Women and Health" and "Institutionalised Mechanisms for the Promotion of Women" as well as within the scope of the **2nd meeting of the preparatory committee for the special General Assembly of the United Nations in the year 2000 "Beijing+5"**.

As a contracting state of the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** Austria undertook efforts both in the year 1998 as well as 1999 to achieve an optional protocol to the Convention within the scope of the workgroup set up by the UN Commission on the Status of Women under

Austrian chairmanship. It was not possible to conclude the optional protocol during the third meeting of the workgroup in March 1998 in New York.

Before this year's 4th meeting of the workgroup in March 1999, the Austrian EU Presidency organised a meeting of the Council workgroup on human rights for the harmonisation of the EU positions so as to enable a co-ordinated procedure of the EU during the negotiations. In the 4th meeting of the working group of the UN Commission on the Status of Women for drafting an optional protocol to the CEDAW, it was managed to come to an agreement on a text which contained all essential parts of the Austrian chairman's draft and was accepted by the workgroup and the U.N Commission on the Status of Women without a ballot.

The topic of "human rights and women" was of particular relevance within the scope of the 54th Meeting of the UN Human Rights Commission in Geneva in March/April 1998, particularly by staging a special meeting on the integration of women-specific aspects (mainstreaming of a gender perspective) whose objective was the improved co-operation of the UN Commission on the Status of Women with the Commission on Human Rights.

The two resolutions on the topic of women's rights that were also contributed by Austria, namely "Integration of women's rights in the UN system" and "elimination of violence against women", were accepted by the Commission on Human Rights by consensus.

The high-level **operational segment of the UN Economic and Social Council (ECOSOC)** passed a resolution on "Women and Development". This text demands the consistent implementation of the gender mainstreaming concept in the area of development co-operation.

Within the scope of the **53rd UN General Assembly**, a title was determined for the extraordinary General Assembly to verify the implementation of the 4th World Conference on Women (New York, June 5 to 9, 2000): "Women 2000: Equality, Development and Peace in the 21st Century". The resolution on the Beijing World

Conference on Women underscores the important role of the NGOs in promoting the implementation of the Beijing Platform for Action.

Two resolutions of the 53rd General Assembly are dedicated to the topic of eliminating violence against women. Special emphasis was placed on the necessity of stronger efforts at the international level to combat trafficking in women and the international co-operation for the elimination of "traditional customs that impair the health of women and girls".

The EU actively supported an initiative by the SADC on the "Rights of Girls". The text stresses traditional aspects of need for special protection for girls. It also contains a specific demand to promote girls so as to ensure the full development of their personality.

A resolution that was negotiated with much attention in the 1998 "year of human rights" is dedicated to the Convention on the Elimination of All Forms of Discrimination Against Women and the work of the UN committee in charge.

All resolutions with relevance to women of the 53rd General Assembly were also contributed by Austria.

J. Women and Media

Measures for furthering and promoting women in cultural areas:

Women artists are underrepresented in the media, classical procurement institutions and the art market, and are paid considerably less. That is why the Federal Minister for Women's Affairs and Consumer Protection commissioned a woman expert in 1998 to draw up a study in which for the first time the social and economic situation of women artists is to be examined throughout the various fields of art in Austria and where the measures and strategies which hinder women are to be analysed as are those that promote them. The goal of the study, which will be completed in April 1999, is to evaluate possible innovative schemes for the promotion of women in the area of art and culture.

For the purpose of specifically promoting women artists, the Federal Minister for Women's Affairs and Consumer Protection has established an own art prize for women. The prize, which will be awarded in 1999 for the first time on the occasion of the international women's day and from then on annually, has been endowed with ATS 700,000.--, will be awarded each year in a different field of art and will be awarded to a maximum of five prize winners.

L. Girls

Counteracting violence against girls

The modular information kit "Counteracting Violence Against Women and Children" (see chapter D1) which was produced by order of and with funding from the Federal Minister for Women's Affairs and Consumer Protection in the year 1993 and was reissued in 1998 in an updated and improved new version, contains two parts that deal especially with exposure of children to violence: "Counteracting violence against children" and "Counteracting sexual violence against boys and girls".

Moreover, the Federal Minister for Women's Affairs has also funded practice-oriented further training seminars for specific occupational and professional groups (legal enforcement agents, nursery-school teachers, teachers, social workers, etc.). The purpose of these seminars, which were held in 1996/97 for more than 700 persons, is to impart theoretical and practical knowledge about sexual abuse, the behaviour of victims and perpetrators, awareness for and revelation of sexual abuse of children, crisis intervention strategies and coping with the consequences of sexual abuse and extending one's own scope of action. Moreover, a number of additional interdisciplinary seminars were organised for the exchange of opinions and increased co-operation among the individual occupational and professional groups.

Moreover, a two-year model project was started in 1998 on the topic of counselling during court proceedings for youths and children who are victims of sexual abuse. It

will be continued in 1999. The purpose of this project is to prevent any secondary victimisation by providing optimal support to the victims and their relatives during the legal proceedings.

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