

NGO Coalition Report to the Pre-Sessional
Working Group in the context of Austria's 10th
review cycle of the UN Convention CEDAW

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Women's rights put to the test:

CEDAW Shadow Report 2024, Austria

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Women's rights put to the test: CEDAW Shadow Report 2024, Austria

NGO Coalition Report to the Pre-Sessional Working Group in the context of Austria's 10th review cycle of the UN Convention on the Elimination of All Forms of Discrimination against Women.

Submitted on: 04.12.2024

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Prologue

This shadow report is an NGO Coalition Report created in the context of the 10th review cycle of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in Austria. It is addressed to the Pre-Sessional Working Group for the preparation of the List of Issues Prior to Reporting. Austrian NGOs and experts on women's rights propose important and topical questions for this.

This report was coordinated by Klagsverband (Austrian Litigation Association of NGOs Against Discrimination). It was prepared in close cooperation with Österreichischer Frauenring, the umbrella organization of Austrian women's NGOs. The statements contained in the articles reflect the opinions and views of the respective authors.

The report is structured by topic; the order follows the articles of CEDAW and is based on the UN Committee's recommendations for action to Austria during the last review cycle CEDAW/C/AUT/CO/9.

Our work – including, in part, this shadow report – is supported by funding from and cooperation with the Vienna Chamber of Labor, Section III – Women and Equality of the Federal Chancellery, the Federal Ministry of Labor and Economy, the Federal Ministry of Justice, and the Austrian Province of Salzburg.

Right to Equal Treatment and Anti-Discrimination

The legally inconsistent and incomplete protection against discrimination in Austria has not improved significantly since the last review cycle. The Federal Equal Treatment Act – which is of great importance in practice, particularly for the private sector – still does not ban discrimination based on religion/belief, age, or sexual orientation in the areas of goods and services, social protection, and education. There is largely no explicit legal protection against intersectional discrimination and discrimination based on gender identity, expression of gender, or gender characteristics. The anti-discrimination laws and the respective equality bodies at federal and province level are structured very differently, which makes access to justice difficult.

Persons affected by discrimination must usually lodge individual claims. The damages awarded in practice are low and there is no effective statutory minimum compensation or injunctive

relief. Representative action (*actio popularis*) as a collective legal protection instrument only exists in cases of discrimination based on disability.

Questions

→ What measures are taken to implement CEDAW/C/AUT/CO/9, para 11 on the harmonization of anti-discrimination law?

→ What legal measures ensure effective protection against multiple or intersectional discrimination¹⁾ and discrimination based on gender identity, expression of gender, or gender characteristics?

→ What (legal) measures are taken to improve access to justice for those affected by discrimination, especially regarding the possibility of representative action, effective redress, and compensation claims?

Theresa Hammer, Klagsverband (Austrian Litigation Association of NGOs Against Discrimination)

Gender Budgeting

Budget policy is not systematically used to fulfill the constitutional mandate of actual equality between women and men (“gender budgeting”). There is no comprehensive gender equality strategy, the mostly unambitious gender equality goals and measures are not linked to financial resources and, despite the legal obligation to conduct gender equality impact assessments, no meaningful analyses of the gender impact of budgetary and other measures are presented. Some recent fiscal policy measures have increased gender-specific inequalities, e.g., family bonus²⁾, corona aid³⁾ or income tax cuts⁴⁾.

Despite increases, the budget for women, gender equality and protection against violence is far too low at 33.6 million € (2024) and it lacks transparency. In 2016, Allianz GewaltfreiLeben⁵⁾ calculated a budget requirement of 210 million € for protection against violence alone (adjusted for inflation, this currently amounts to 270 million €).

On 02/22/2024, the parliamentary budget committee called on the federal government to massively improve gender budgeting.⁶⁾ So far, there is no information on how this will be implemented.

Questions

→ What measures will ensure sufficient budgets for ambitious gender equality goals in the future, especially for transformative gender equality measures (including sufficient funds for relieving the burden of unpaid work, such as elementary education and other care services, and measures to protect against violence) and an independent ministry of women's affairs?

→ How can the gender budgeting system be advanced, the use of funds be made transparent and how can it be ensured that Austria improves its poor gender equality performance in international comparison?⁷⁾

Elisabeth Klatzer, Netzwerk fair sorgen! (Network fair care!)

Gender Identity and Personal Status Code

In 2018, the Austrian Constitutional Court ruled that intersex persons with a variation of sex characteristics must, in line with Article 8 ECHR, only “accept those gender attributions by state regulation that correspond to their gender identity”.⁸⁾ However, the decree of the Ministry of the Interior⁹⁾ imposes restrictions on the authorities that decide on civil status entries, stipulating that only certain new gender entries are possible (“inter”, “diverse”, “open” and “deletion / no entry”) and that these are only possible with a medical certificate of “physical intersexuality”. Proceedings are currently underway before the administrative courts to challenge these restrictions.¹⁰⁾

Self-advocacy groups call for a civil status law that implements the Constitutional Court’s ruling and enables self-determined gender registration in the sense of gender autonomy without expert opinions and pathologization.

Questions

→ How can the recognition of individual gender identity be ensured in a low-threshold and comprehensive way at all levels, including authorities, personal documents, and private business transactions?

→ What measures are taken to recognize gender identity and support trans, inter and non-binary persons with a migration biography, including cooperation with countries of origin regarding name changes?

→ What concrete measures are taken to protect LGBTIQ+ people, especially inter, trans and non-binary people, from attacks and hatred, and how are these measures budgeted?

Elisabeth Holzleithner, University of Vienna; VIMÖ – Verein intergeschlechtliche Menschen Österreich (OII, Organisation Intersex International Austria); Venib – Verein Nicht-Binär (Association “Non-Binary”), TransX – Verein für Transgender Personen (Association of transgender persons)

Climate Justice

The climate crisis is already disproportionately affecting disadvantaged social groups such as women, especially in the Global South.

In Austria, climate change is felt primarily through heatwaves, droughts and floods.¹¹⁾ As a result, more care work is needed, most of which is carried out by women and that has an impact on their resources and vulnerability.¹²⁾ The increasing stress caused by the effects of the climate crisis leads to increased mental and physical violence against women.¹³⁾

Austria has not yet presented a new national energy and climate plan¹⁴⁾, contrary to the agreement under EU law¹⁵⁾, and a valid climate protection law has been missing for years.

It is important not to see women as passive and in need of protection, but to see their expertise as an opportunity.¹⁶⁾ With their unique experiences and realities of life due to

intersectional discrimination, they must be included in the development of climate protection measures.

In Austria, women are severely underrepresented in decision-making positions, particularly in the energy and transport sectors.¹⁷⁾

Questions

→ When will Austria introduce a new climate protection law and what role will gender equality play in it?

→ How is gender equality considered in national adaptation measures, especially in the National Adaptation Plan?

→ How is gender equality considered in international development packages and climate projects, for example regarding Loss and Damage?¹⁸⁾

→ How are women involved in climate protection measures in a participatory manner and how are their diverse realities and the existing discrimination structures considered in concrete planning?

Helena Mathis, Fridays for Future

Artificial Intelligence & Discrimination

AI systems often create gender-specific discrimination, especially because training data sets reflect gender-specific stereotypes and prejudices. Self-learning AI can further amplify this effect. There is insufficient data on structural and individual discrimination around AI.

Nevertheless, AI systems are increasingly used in sensitive social fields without conducting gender-specific impact assessments. An algorithm used by the Public Employment Service Austria to assess jobseekers' opportunities on the labor market and allocate support measures based on these revealed risks of discrimination, e.g. for women with care responsibilities or disabilities. Austrian anti-discrimination law does not adequately protect against AI-specific discrimination; there is no collective redress mechanism.

Questions

What concrete measures exist or are planned to

→ minimize gender-specific and intersectional discrimination risks in every phase of the life cycle of an AI system?

→ improve the data situation - both regarding discrimination in society as a whole and individual discrimination by AI systems?

→ identify and reduce gender stereotyping and bias in AI training data sets?

→ counteract the risks of discrimination in the development phase, especially by promoting women in AI development?

→ ensure effective legal protection in cases of AI-related discrimination?

Felicitas Rachinger, University of Innsbruck

Gender Stereotypes and Violence Prevention

Concepts of masculinity that correspond to traditional masculinity stereotypes bear an immense potential for violence, especially towards women. Dismantling gender stereotypes contributes significantly to the prevention of gender-specific violence.

Recent studies show that male custody and equality in the family significantly reduce violence.¹⁹⁾ The gender care gap in Austria remains large: Women do around 1.5 hours more care work per day than men.²⁰⁾

The unscientific and anti-feminist concept of “gender ideology” is increasingly invoked to question measures tackling violence against women (such as the Istanbul Convention).

Questions

→ How does Austria ensure a long-term, comprehensive strategy for the prevention of violence with appropriate financial resources, as recently called for by the Court of Audit in its report?²¹⁾

→ How are educational and teaching materials in Austria designed in a gender-sensitive way from early childhood education onwards so as not to contribute to the reproduction of gender stereotypes that promote violence?

→ What comprehensive measures is Austria taking to increase the number of men and fathers involved in care work? How is the concept of “Caring Masculinity” included in political measures?

→ Regarding comprehensive violence prevention, how does Austria react to the concept of an alleged “gender ideology” that trivializes violence?

Sophie Hansal, Netzwerk österreichischer Frauen- und Mädchenberatungsstellen (Network of Austrian counseling centers for women and girls); Erich Lehner, Dachverband für Männer-, Burschen- und Väterarbeit in Österreich (Umbrella organization for men’s, boys’ and fathers’ work in Austria)

Gender-based Violence Against Women*

According to a prevalence study by Statistics Austria, one in three women* in Austria experience physical and/or sexual violence within or outside intimate partnerships.²²⁾ This shows that gender-based violence is firmly rooted in historically grown, patriarchal structures. Women* with disabilities, with a history of migration or flight, single mothers* or LGBTIQ+* persons are at higher risk of becoming victims of violence.

The third Protection against Violence Act (2020) introduced an extension of restraining orders to include a “stay away” provision (ger. “Annäherungsverbot”, literally: prohibition from approaching), mandatory violence prevention counseling for offenders for at least six hours and a legal basis for police case conferences. However, the GREVIO report (09/2024) highlights,

among other things, the high number of femicides by international comparison, and the lack of systematic training for judges on gender-based violence. Childcare facilities and schools must be informed without exception in the event of a restraining order and “stay away” provision.

Moreover, seamless investigation and evidence-gathering procedures plus systematic data collection and evaluation are an important basis for protection against violence. Without meaningful statistics and a specialized monitoring body for femicide prevention, the prevalence of gender-specific violence remains invisible. Cases of serious violence, attempted murders, and homicides must be analyzed to identify gaps in the system.

To reduce violence and its subsequent costs in the long term, a significant increase in the annual funding is required.²³⁾

Questions

→ What is the timeline for the full implementation of the Istanbul Convention²⁴⁾ in Austria?

→ How are seamless investigation and evidence-gathering procedures and the use of pre-trial detention of offenders in case of relevant grounds for detention ensured?

→ What measures are taken to improve the data situation on gender-based violence, e.g. by systematically collecting and breaking down data and by establishing a specialized monitoring body for femicide prevention?

→ How are the health-related effects of violence against women and children reduced, i.e. by training healthcare staff, expanding victim protection groups and trauma therapy services?



Allianz GewaltFREI leben



Forced Marriage and FGM/C

It is estimated that several hundred girls and women are affected by forced marriage and 6,000 to 8,000 girls and women are affected by FGM/C in Austria. Although there are counseling and protection facilities for victims in several Austrian provinces, there is a lack of sufficient and sustainable funding. There are national coordination centers for both forms of violence. The first national basic research on forced marriage was completed in 2024.

The focus is currently on protection and counseling for victims of forced marriage and FGM/C, but not criminal prosecution. This does little to combat these forms of violence. The criminal offenses are rarely tried in court, and other harmful practices such as kinship violence are not even specifically recorded in Austria.

Necessary measures to combat forced marriage and FGM/C include sustainable funding for easy-access counseling services and staff training, especially immigration authorities, police, teachers, and social and medical staff. The culturalization of violence makes access more difficult for victims and professionals.

Questions

- When will a nationwide strategy and formalized cooperation between authorities and NGOs be presented?
- How will counseling services on forced marriage and FGM/C receive adequate and long-term funding?
- How does Austria ensure that those affected are recognized and supported independently of criminal prosecution?

Najwa Duzdar, Verein Orient Express (Orient Express Association)

Protection Against Violence for Women with Disabilities

Women with disabilities are affected by intersectional discrimination: The inequalities that disadvantage women in a patriarchal society affect women with disabilities even more. In Austria, there are no comprehensive structures that ensure appropriate support for the greatest possible self-determination when living with disabilities. Having to depend on one's social environment increases the occurrence of mental, physical, and sexual violence, though awareness of sexualized violence is often low. On the other hand, women with disabilities are much more frequently affected by more severe forms of sexual violence than non-disabled women.²⁵⁾

Although women's counseling and violence protection facilities have become more accessible, they often do not offer specific support for women with disabilities. Additional resources are

needed to be able to react swiftly to the respective needs, for example through everyday support in women's shelters or peer counseling in counseling centers.

Questions

→ What measures are taken to enable women and girls with disabilities - regardless of which type of disability - to achieve self-determination in all areas of life?

→ How are women's counseling and violence protection facilities, including peer counseling centers, equipped with sufficient resources to support women with disabilities beyond barrier-free access?



Elisabeth Udl, Ninlil

Sex Work

Restrictive and racist migration policy in Austria leads to the exploitation and poorer living conditions of sex workers.

A clear separation between sex work and human trafficking is needed. Europe-wide efforts towards the “Nordic model”, in which the purchase of sexual services is criminalized²⁶⁾, demonstrably lead to a shift of sex work into the illegal realm, they make for worsened living and working conditions for sex workers and promote discrimination.²⁷⁾ Discriminatory practices are also commonplace in Austria.²⁸⁾

The mandatory health check, which Austria practices as the only EU country, represents an intrusion of privacy and physical integrity of sex workers.²⁹⁾ A positive test for HIV means that sex workers are banned from working for life³⁰⁾, even if the viral load is below the detection limit and the HI-virus cannot be transmitted.³¹⁾

(Migrant) trans sex workers are exposed to immense intersectional discrimination, e.g., racist and transphobic behavior by authorities and doctors, such as refusal of mandatory health check-ups. This leads to a shift into the illegal realm.

Questions

→ How does Austria protect migrant sex workers from discrimination, racism, stigmatization, institutional and structural violence?

→ What measures are taken to promote the decriminalization of sex work in Austria and are sex workers involved in these efforts?

→ When will Austria, as the last country in the EU, replace mandatory health check-ups with voluntary, free services to counteract the stigmatization of sex workers?

maiz – Autonomes Zentrum von und für Migrant*innen
(Autonomous center by and for migrants)

Trafficking in Women

Multiple and overlapping forms of discrimination, marginalization, and restrictive migration policies lead to dependency, labor exploitation, and trafficking in women. Identifying trafficked persons is a prerequisite for access to their rights. A comprehensive understanding of different forms of trafficking in women and forms of exploitation among all actors involved is essential. Tying the temporary residence permit for trafficked persons to cooperation with the authorities in accordance with § 57 Austrian Asylum Act³²⁾ contradicts the unconditional protection of victims in accordance with European instruments.³³⁾

In the case of transfers under the Dublin III Regulation, the discretionary clause must be used so as not to transfer those considered especially vulnerable, but to ensure that they have effective access to their rights first. Fast-track procedures and holding in detention-like conditions greatly reduce the

possibility of identifying those affected. There is an increased risk of exploitation and dependency of migrants.

Questions

→ What measures are taken to identify the different forms of exploitation of trafficking in women and to ensure access to rights for trafficked persons?

→ How are appropriate accommodation options ensured for LBTQIA+ victims of trafficking in women and how is their situation considered in the violence protection concepts of state institutions?

→ How are trafficked women's livelihoods secured, e.g., including them in federal basic welfare support?

→ Is a residence permit granted for personal reasons in order to ensure sustainable victim protection?

→ Are transfers and deportations suspended to ensure access to victims' rights?

Maral Sayan, Sangeetha Manavalan, LEFÖ-IBF

Participation and Representation of Women* in Society and Politics

In 2023, 51% of Austrians are female, 23% have a migrant background - in the National Council, 39.3% of MPs are women and only 5% have a migrant background.³⁴⁾ Only 11% of mayors in the municipalities are female.³⁵⁾ There are no statutory quotas for women in the National Council, provincial parliaments and self-governing bodies in Austria.

In 2018, almost 500,000 voters signed the women's referendum³⁶⁾, which held the demand that 50% of all seats on electoral lists and in representative bodies at federal, state, and municipal level be allocated to women*. A 50% representation of women in political interest groups, the social partnership, and in various public advisory boards, committees, commissions as well as in management and supervisory bodies of corporations and cooperatives is needed. Despite the prominent level of approval, the women's* referendum was largely ignored by the government. Successful measures to ensure the representation of women are lacking.

Gender budgeting is legally enshrined in Austria – an explicit gender equality strategy is missing.

Questions

→ Increasing parliamentary group funding in the form of a bonus was only moderately successful in the National Council ([the share of women in the parliament increased] from 34.4% to 39% only) – what other measures are planned?

→ What measures have been taken to implement CEDAW/C/AUT/CO/9, paras 27a to d, in particular to increase the share of women* elected politicians at municipal (currently 26%) and provincial level (currently 35%³⁷), an increase of only 2% since 2013)? When will legally binding quotas be introduced?

→ What measures are taken to promote the political participation of women with a migration background, including a reform of the right to vote and be elected and multilingual political education?

**Lena Jäger, Ingrid Queteschiner, Verein Frauen*Volksbegehren 2.0
(Association for a Women's Referendum 2.0)**

Nationality & Citizenship

Women are structurally disadvantaged regarding access to Austrian citizenship. The necessary “sufficiently secure means of subsistence” require an income well above the minimum income guideline rates, often even above the Austrian median income – for at least three years within the last six years before submitting the application. Only own income, statutory maintenance claims or insurance benefits are considered. Unpaid care work such as childcare, housework or caring for relatives is not considered – except for six months of childcare allowance. The income thresholds are often impossible to meet, especially for women with multiple responsibilities, especially single parents and migrant women working in low-wage sectors.

The excessive length of the procedure is very problematic, with waiting times of up to 18 months for the initial appointment alone, depending on the federal province.

Questions

→ What measures are taken to implement CEDAW/C/AUT/CO/9, para 29a, to improve access to Austrian citizenship, which is often discriminatory for women, especially by considering unpaid care work and lowering the required income limits?



Katharina Echsel, Marianna Mkrtchian, Peregrina

Education: Girls and Women with Disabilities

The Austrian education system is not inclusive.³⁸⁾ There are not enough inclusive nursery places. Children with special educational needs are structurally excluded from upper secondary level and thus also from tertiary education. In the dual education system, children with disabilities are shunted off to special schools.

Due to intersectional discrimination, women/girls with disabilities have fewer educational opportunities than boys/men with disabilities. Educational materials and textbooks continue to reinforce traditional gender roles and stereotypes. Girls and women with disabilities are made invisible in mass media.³⁹⁾

For the few women with disabilities who reach university level, no adequate measures are in place, leading to high drop-out rates.

Women and girls with disabilities often do not receive sexual and reproductive health education and are seen as “asexual” and “passive beings.” As a result, they are often unable to recognize sexual assault in all its forms and report it.⁴⁰⁾

Questions

→ What special support is available in the education system for girls from marginalized groups (e.g., with disabilities or a migration background)? How are CEDAW/C/AUT/CO/9, paras 31b and e and CRPD/C/AUT/CO/2-3, paras 58a to h implemented?

→ Why are children with a migration background more frequently diagnosed with disability-specific diagnoses such as childhood autism or special educational needs?

Österreichischer Behindertenrat (Austrian Disability Council)

Education: Women and Girls with a Migration Background

Girls with a migration background and/or those who do not speak German as their everyday language continue to have an above-average risk of dropping out of education early and educational poverty. Their choice of education is even more focused on typical female areas than the Austrian average.

According to a recent study, the mandatory German support classes introduced in 2018 have not led to any improvement.⁴¹⁾ As for other measures to prevent early school drop-out, there is a lack of evaluations that address the specific situation of girls with a migrant background.

There is also no differentiated empirical analysis by regional origin. The aggregation of different countries of origin in data mixes differences in educational aspirations and ideas of gender roles, thereby reinforcing rather than reducing stereotypes.⁴²⁾

Teachers with appropriate gender and diversity skills are needed to provide targeted support for female pupils with a migration background (especially those whose first language is not German).

Questions

→ What structures have been implemented at schools to specifically support female pupils with a non-German native language / migration background? How is their effectiveness measured and strengthened?

→ How are the barriers faced by girls and women with a migrant background addressed in measures to prevent early school drop-out, and how are these measures evaluated?

→ What motives cause girls to drop out of school and how can they be countered?

→ Are measures implemented or planned to enable women to learn German outside of formal language courses in safe spaces and with easy access?

→ How can existing data reports be advanced to be a foundation for evidence-based and intersectional education policy in light of the changing migration structure?



Andrea Leitner, Angela Wroblewski, Institute for Advanced Studies Vienna



Unpaid Care Work / “Retraditionalization”

The gender care gap in Austria in 2023 is massive: On average, women perform 3 hours and 48 minutes of unpaid care work such as childcare, housework and elderly care per day, compared to just 2 hours and 14 minutes for men. Women’s unpaid care work is equivalent to around 60 billion € per year, around 13% of Austria’s economic output in 2022.

The Covid-19 pandemic has caused a retraditionalization of role models and the distribution of unpaid care work. Women with children have been particularly affected by this.

Regardless of the Covid-19 crisis, women are doing more across all age groups.⁴³⁾

In 8 out of 10 opposite-sex couple households, the woman takes parental leave, while only 1% of fathers take parental leave for more than 6 months. The lack of social services (childcare, nursing care) also contributes to the high part-time employment rate of women in Austria. Single parents in particular would

benefit hugely from improved social services. Otherwise, the consequences are lower part-time salaries, significantly lower pensions, and poverty in old age. As a result, single parents and pensioners are particularly affected by poverty.⁴⁴⁾

Questions

→ What measures is Austria taking to promote a fair distribution of care work?

→ What expansion measures are taken around childcare and nursing care to relieve women in precarious employment and women with a migration background in particular from unpaid work?

→ What measures, including a redesign of the parental leave system, will be taken to increase fathers' participation in care work?

→ What steps is Austria taking to reduce the increased risk of poverty among single parents and pensioners?

→ How does Austria support single mothers with a migration background?

Katharina Mader, Momentum Institut

Employment

50.6% of women work part-time (2023)⁴⁵⁾, 39.5% due to caring responsibilities for children or adults.⁴⁶⁾ The availability of all-day childcare and nursing care is insufficient, especially in rural areas.

Women are often employed in low-paid sectors with a high share of part-time work, such as healthcare and social services⁴⁷⁾ or retail⁴⁸⁾. Only 3.2%⁴⁹⁾ of management positions are held by women. One in four women has experienced sexual harassment in the workplace.⁵⁰⁾

The gender pay gap is 18.4 % (2022, gross hourly wages), two thirds of which cannot be explained statistically.⁵¹⁾ Previous measures to reduce it have hardly been effective. Many women are employed in small and medium-sized enterprises, for which there are no pay transparency regulations.

Questions

→ What concrete steps have been taken to implement CEDAW/C/AUT/CO/9, paras 33a-e, and how is EU Directive 2023/970 on pay transparency being implemented? How will the share of women in management positions be increased?

→ What measures are taken to ensure that companies actively protect their employees from sexual harassment in the workplace?

→ What measures are taken to increase the inclusion of women with migrant backgrounds in the workforce and prevent their discrimination?

Julia Ilger, Gewerkschaft GPA (Trade Union GPA); Eva Burger, Arbeiterkammer Wien (Chamber of Labor, Vienna)

Employment and Vocational Training: Women with Disabilities

The labor force participation of women with disabilities is significantly lower than that of women without disabilities and of men with disabilities. Girls with disabilities often have very limited educational opportunities; Austria does not have an inclusive education system.⁵²⁾ There is also a lack of specific vocational training opportunities, e.g., part-time. Women with disabilities are severely affected by poverty and marginalization.⁵³⁾

Support services often do not meet the needs of women with disabilities; in particular, their multiple burdens (especially care work) are not sufficiently considered. There is no nationwide needs-oriented personal assistance in all areas of life and other support options that enable self-determined participation in the workplace/labor market, as well as financially supported part-time work models.⁵⁴⁾ This leads to a high level of economic dependence on partners, parents and/or transfer payments.⁵⁵⁾

There are no up-to-date statistics about women with disabilities in the labor market.

Questions

→ How have CEDAW/C/AUT/CO/9, para 33f and CRPD/C/AUT/CO/2-3, para 64 been implemented (in particular insurance and remuneration in institutional employment structures and shift to an inclusive labor market)?

→ What inclusive, accessible education and training measures are offered or planned for women with disabilities, including part-time training opportunities?

→ What concrete measures, including those to destigmatize vulnerable groups of women in the labor market and in training, have been taken (CEDAW/C/AUT/CO/9, para 33g)?

**Cassandra Cicero, Bettina Pinter, FmB – Interessensvertretung
Frauen* mit Behinderungen (Advocacy for Women* with Disabilities)**

Poverty in Old Age

Of the 235,000 people over the age of 65 who are affected by poverty or exclusion in Austria, more than two thirds are female. This corresponds to around 18% of women over 65. The average women's gross monthly pension is around 100€ below the at-risk-of-poverty threshold (1,572€ in 2023), while the minimum pension in 2024 is even 280€ lower. Two thirds of minimum pension recipients are female. The gender pension gap is significantly higher than the gender pay gap and amounts to 41%.⁵⁶⁾

The Covid-19 pandemic and the current inflation crisis have exacerbated the situation for many older women.

Lower female labor market participation, inadequate childcare facilities and the resulting career breaks or part-time work as well as the unequal distribution of unpaid care work and parental leave lead to low pensions for women. Unemployment is also

particularly high among older people. Nevertheless, the retirement age for women is gradually being raised to the same age as men. This leads to an average loss of pension income for women of around 43,000€ and increases their risk of switching from unemployment to retirement.⁵⁷⁾

Questions

→ What measures is Austria taking to counteract the risk of poverty among women in old age?

→ When will the minimum pension be substantially revised and made poverty-proof?

→ Are there regular evaluations of how the increase in the retirement age affects the risk of poverty among women in old age and what measures are taken to enable age-appropriate employment?

Sophie Achleitner, Momentum Institut

Social Security

18% of women are at risk of poverty or exclusion.⁵⁸⁾ The Basic Social Assistance Act, with its abolition of the minimum rates and the lack of a poverty reduction target, has led to a deterioration in the last social safety net, especially for women (51% of recipients are female⁵⁹⁾). The maximum rates are below the at-risk-of-poverty threshold and do not allow for a life in dignity.⁶⁰⁾ Supplements for single parents (87% of whom are women⁶¹⁾) per child are abolished in some federal states as soon as the first child comes of age.⁶²⁾

The barriers to accessing social assistance are problematic: People with subsidiary protection status and non-citizens without permanent residence status are excluded from social assistance.⁶³⁾

In addition, legal obligations to cooperate pose challenges for women: To avoid sanctions, women and migrants with childcare obligations must meet the requirement of being permanently willing to use their own labor and complete German courses.⁶⁴⁾ Due to the principle of subsidiarity, maintenance claims against ex-partners must be given priority. For women affected by violence, this can function as a deterrent and lead to them not claiming social assistance.⁶⁵⁾

Questions

→ How do the social assistance regulations ensure that the realities of women's lives are taken into account in accordance with Article 11(e) CEDAW and that women are able to exercise their right to social protection appropriately and effectively?

→ How many women with subsidiary protection status and without Austrian citizenship are affected by the statutory exclusion from social assistance?

Amnesty International Austria

Reproductive Self-Determination: Access to Contraception and Abortions

Women and people with a uterus who want to use contraception or have an abortion in Austria are severely restricted in their rights to reproductive health and self-determination. Neither contraceptive advice nor contraceptives are available free of charge.⁶⁶⁾ Abortions are punishable by law. The autonomous decision to have an abortion is only exempt from punishment in exceptional cases (“Fristenlösung,” i.e., abortion is legal in the first trimester, and indication solution).⁶⁷⁾ Provisions on access to abortion are missing. Healthcare staff have a comprehensive right of refusal.⁶⁸⁾

The costs for abortions vary, are remarkably high at up to 1,000€ and are not covered by social insurance. Up to 900€ are charged for medication abortions (with a purchase price of 85€).⁶⁹⁾ Financial aid is only available in Vienna and Tyrol.⁷⁰⁾ There are serious care gaps when seeking abortion throughout Austria. No abortions are offered in Burgenland. In Tyrol, only one single doctor in private practice performs abortions.

Questions

→ When will Austria implement Concluding Observation CEDAW/C/AUT/CO/9, para 35a regarding access to contraception and abortion? When and how will it be ensured that modern contraceptive methods and counseling are accessible and affordable?

→ When will abortions be fully legalized so that the threat of criminal sanctions no longer has a stigmatizing effect and acts as a deterrent for healthcare staff?

→ When will self-determined, local, timely and socially just access to safe abortions be ensured, in particular by obliging public hospitals to perform abortions and including abortions in general health insurance coverage? In the meantime, how are

people from economically disadvantaged groups supported when they need an abortion?

→ When will the legal provisions allowing the refusal of abortions based on conscience be repealed? In the meantime, how will it be ensured that doctors' right to refuse does not constitute a barrier to accessing safe abortions, in particular through an obligation to refer to other easily accessible and competent healthcare providers?



Johanna Schlintl, CHANGES for women



Sex Education

Modern and high-quality sexual education is insufficiently embedded in the Austrian education system. In particular, there is no nationwide, long-term funding for sex education programs, systematic integration into mandatory training and further education for teaching staff, a nationwide obligation to implement sex education and child protection concepts at educational institutions and the implementation of modern, anti-discriminatory sex education in curricula and textbooks for all subjects.

High-quality sex education is under attack. In 2019, the then governing parties passed a resolution with the aim to exclude sex education associations from schools, but this was ultimately not implemented. In 2023, a “Sex Education Office” was set up for the purpose of quality assurance and new curricula for primary and lower secondary level were introduced. Austria must provide better structural, legal, and financial safeguards for high-quality sex education in order to achieve the goals of the

policy decrees “Sex Education” (2015)⁷¹⁾, “Civic Education” (2015)⁷²⁾ and “Reflective Gender Education and Gender Equality” (2018)⁷³⁾.

Questions

→ How has the “Sex Education Office” contributed to improving the quality of sex education in schools? How are the achieved results published? Why are there no sex educators on the board of the office and how is it ensured that sex education programs comply with the policy decrees?

→ How does Austria ensure that sex education and anti-discriminatory, gender-reflective and intersectional education as defined in CEDAW/C/AUT/CO/9, para 35d, are embedded in teacher training programs, curricula, and textbooks? How will the sex education training and further training of teachers be ensured?

→ How will the nationwide obligation to develop sex education and child protection concepts be implemented and how will nurseries and schools be financially equipped for this? How will nurseries and schools throughout Austria be enabled (financially) to receive sex education support from external experts?

Kelly Kosel, Plattform Sexuelle Bildung (Platform Sex Education)

Health Care

Austria still does not consistently consider the specific health resources and disease risks of women and girls as well as intersex and transgender people. They are more frequently affected by certain diseases, inaccurately diagnosed due to gender stereotypes or a lack of research on gender-specific diseases and thus inadequately or incorrectly treated.⁷⁴⁾

If crises (such as Covid), intersectional factors (migration background, lower educational status, socio-economically difficult life situations, being a single parent) or violence are added to this, those affected have an even higher burden of disease, including a significantly lower life expectancy. Plus, they encounter obstacles in the healthcare system (language barriers, lower health literacy, lack of free care around non-medical healthcare services).⁷⁵⁾

LGBTIQ+ people are especially frequently affected by prejudice and discrimination, which has a particularly negative impact on their mental health.⁷⁶⁾

Questions

→ How does Austria ensure that health needs based on gender diversity are considered equally? How is barrier-free, non-discriminatory, and affordable access to care guaranteed?

→ How is it ensured that the determinant of gender is consistently taken into account in health research and promotion, prevention, care, and rehabilitation? What is done about the neglect of women-specific health issues such as menstrual health, endometriosis, perimenopause, menopause, eating disorders and autoimmune diseases?

→ How can the data on health issues that particularly affect women, transgender, and intersex people be improved?

→ How are barriers to access for migrants, girls, and women with disabilities, and LGBTIQ+ people removed, in particular through easy-access health information including reproductive rights, professional interpreting services and the maintenance or expansion of outpatient clinics in gynecology, general medicine, and psychiatry?

→ What services are available to improve mental health for single parents, female refugees and migrants, chronic illnesses, multiple burdens due to care work, LGBTIQ*+ people, and women during and after pregnancy?

→ When and how will women's and girls' health centers be established or secured in each federal province?

**Christine Hirtl, MPH, Frauengesundheitszentrum Graz
(Women's Health Center Graz)**



Physical Integrity of Children and Adolescents with Variations of Sex Characteristics

Intersex people and people with variations of sex characteristics are exposed to gross human rights violations and gender-based violence in Austria. Non-consensual, non-essential, irreversible, cosmetic genital surgery and other harmful medical interventions are performed on minors with variations of sex characteristics, which are prohibited for non-intersex children. Despite the recommendation of the UN Committee against Torture to end these practices,⁷⁷⁾ around 1,000 procedures are conducted annually in Austria.

Questions

→ When will Austria implement a legal ban on non-essential gender-norming medical interventions on minors with variations of sex characteristics, see CAT/C/AUT/CO/6, para 45? What

measures has Austria taken so far to protect the physical integrity of intersex people?

→ How does Austria comply with CEDAW/C/AUT/CO/9, para 35h, to establish a human rights-based health protocol for intersex people?

→ How does Austria ensure free, easy, multilingual access to psychosocial support and human rights-based, non-medical peer counseling for parents of children with variations of sex characteristics?

Luan Pertl, Tinou Ponzer, VIMÖ – Verein Intergeschlechtlicher Menschen Österreich (OII, Organisation Intersex International Austria)

Equality in the Arts and Culture

Women's access to art and culture in Austria is significantly impaired by the unequal distribution of funding⁷⁸⁾ and care work⁷⁹⁾, the occurrence of sexist abuse of power, sexualized harassment, and violence⁸⁰⁾ as well as unequal pay⁸¹⁾. Pregnant women, women with migration experience, women with disabilities, and older women are particularly affected by the exclusion from artistic and cultural practice. They are especially affected by the usual mix of self-employment and short-term employment in art and culture. This often leads to a low income for female artists. The diversity of female life plans is still underrepresented in art and cultural production. Stereotypical portrayals of female characters are detrimental to an equal image of women in society. Older women are more frequently affected by economic exclusion and educational disadvantage, which strongly impacts their participation in artistic and cultural activities. Women have less free time

available to participate in art and culture⁸²⁾, despite having a greater interest in it.⁸³⁾ Women with disabilities are often restricted from exercising their artistic freedom⁸⁴⁾ due to physical and social barriers.

Questions

→ What structural barriers for female artists with disabilities is Austria aware of and by when and with what strategy will these be removed in accordance with Art 30, para 2 of the UN Convention on the Rights of Persons with Disabilities?

→ What specific strategic goals has Austria set itself regarding the compatibility of an artistic career and caring responsibilities (e.g., tax deductibility of childcare costs)?

→ Which government programs aim to counteract poverty among female artists in old age?

Clara Gallistl, vera* Vertrauensstelle gegen Belästigung und Gewalt in Kunst, Kultur und Sport (Office against harassment and violence in art and culture)

Women in Rural Areas and in Agriculture

The situation of women in rural areas and agriculture has not visibly improved since the last report. Women are severely underrepresented in leading positions in agricultural policy and administration as well as in decision-making positions. Women are gravely disadvantaged regarding access to land and traditional gender roles. There is also no gender-disaggregated data.

The lack of a climate protection law, the pending implementation of UNDROP (especially Art 4), the inadequate implementation of the SDGs and the current agricultural policy restrict women in rural areas and in agriculture in particular, as well as their advancement opportunities.

Questions

→ How can traditional gender roles be broken down and people of all genders live a life free of discrimination in rural areas? What measures are implemented and evaluated by the government?

→ What is done to

- ensure basic [financial] security for women in employment (including migrant seasonal workers) and in retirement?
- promote awareness-raising, independent and gender-sensitive information and advice for women in agriculture and to sensitize women's counselling centers to agricultural issues?
- support women in gaining access to land, implementing non-traditional forms of farming, and to collect gender-sensitive data on access to land, business start-ups, educational institutions, property, agroecology, subsidies, working conditions, and income?
- offer women in rural areas protection from (domestic) violence, sexual harassment, and discrimination and to simplify existing (reporting) procedures?
- ratify and implement the UNDROP?



Frauenarbeitskreis der Österreichischen Berg- und Kleinbäuer_innen Vereinigung (ÖBV-Via Campesina Austria) (Women's working group of the Austrian Mountain and Small Farmers' Association (ÖBV-Via Campesina Austria))

Marriage and Family: Single Mothers

Mothers and children in Austria experience serious human rights violations, discrimination and breaches of the Women's Rights Convention, the Istanbul Convention, and the Lanzarote Convention in custody proceedings. This was confirmed by numerous cases submitted to FEM.A and the study "Custody, violence against women and violence against children" by UN Special Rapporteur Reem Alsalem.⁸⁵⁾

Judges, family court assistance, child guardians and child/youth welfare services use unscientific and misogynistic concepts such as "alienation syndrome," "attachment intolerance" or "false memories" against women and children, often on the basis of inadequate expert reports.

When victims report domestic violence in custody proceedings, they are often not believed or belittled, sometimes even retraumatized. Mothers suffer serious discrimination, including

withdrawal of custody. Added to this is financial violence: Only half of children receive child maintenance and only one in ten receive advance maintenance payments (institutional violence).

Questions

→ How is it guaranteed that independent judges and other representatives of institutions respect human rights, the Women's Rights Convention, the Istanbul Convention, and the Lanzarote Convention in custody proceedings, since the Ministry of Justice's handout on this is non-binding?⁸⁶⁾

→ How does Austria prevent human rights violations against mothers and children using discriminatory, unscientific concepts such as the "alienation syndrome"?

→ How does Austria provide financial security for single parents and their children who are unable to receive child maintenance or advance maintenance payments when 48% are at risk of poverty or exclusion?

**Jutta Mailänder, Verein Feministische Alleinerzieherinnen – FEM.A
(Association for Feminist Single Mothers)**

1)

see also, for instance, CRPD/C/AUT/CO/2-3, para 19e.

2)

<https://www.awblog.at/Soziales/Familienbonus-plus-Millionen-fuer-gut-verdienende-Maenner>
(10/23/2024)

3)

<https://www.momentum-institut.at/grafik/dotierte-corona-hilfen-bis-2024-maenner-entscheiden-ueber-eur-11-mrd-mehr-als-frauen> (10/23/2024)

4)

<https://www.parlament.gv.at/fachinfos/budgetdienst/Verteilungswirkung-des-1.-und-2.-Teils-der-Oekosozialen-Steuerreform>, S. 7. (10/23/2024)

5)

NGO GREVIO-Shadow Report 2016, https://www.a oef.at/images/03_gesetze/3-5_istanbulkonvention/GREVIO-Schattenbericht_2016_de.pdf (10/23/2024); https://www.a oef.at/images/03_gesetze/3-5_istanbulkonvention/GREVIO-Schattenbericht_2016_engl.pdf (10/23/2024)

6)

https://www.parlament.gv.at/dokument/XXVIII/I/2456/fname_1612870.pdf (10/23/2024)

7)

<https://www.derstandard.at/story/2000144066234/oesterreich-bei-gleichstellung-auf-platz-27-von-30-laendern> (10/23/2024); <https://orf.at/stories/3321031/> (10/23/2024); <https://www.derstandard.at/story/3000000224181/studie-bis-zur-gleichstellung-von-frauen-dauert-es-noch-134-jahre>
(10/23/2024)

8)

VfGH 15.6.2018, G 77/2018-9 Rz 37

9)

Gz 2020-0.571.947 vom 9.9.2020

10)

For example, it was ordered (not legally binding) that the gender entry of a transgender person must be corrected to “diverse” (LVwG Stmk, 12/20/2021, LVwG 41.8-1712/2021) or to “non-binary” (LVwG Vienna, 01/26/2023, VGW-101/V/032/11370/2022; LVwG Vienna, 03/20/2023, VGW-101/V/020/14327/2022).

11)

<https://infothek.bmk.gv.at/wie-sich-die-klimakrise-bereits-auf-oesterreich-auswirkt/> (10/23/2024)

12)

<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no37-2018-gender-related> (10/23/2024)

13)

<https://unwomen.de/klima-und-gender/> (10/23/2024)

14)

https://commission.europa.eu/energy-climate-change-environment/implementation-eu-countries/energy-and-climate-governance-and-reporting/national-energy-and-climate-plans_en (10/23/2024)

15)

<https://www.derstandard.at/story/3000000218129/kommission-oesterreich-einziges-land-ohne-klimaplan> (10/23/2024)

16)

<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no37-2018-gender-related> (10/23/2024)

17)

<https://eige.europa.eu/gender-equality-index/2023/country/AT> (10/23/2024)

18)

In the Austrian Development Agency's development aid (which presumably includes loss-and-damage projects), the share of projects financed for the specific promotion of gender equality has fallen again and is below the OECD average in Austria;

[https://liga.or.at/upr/?assignee=+UPR-Empfehlungen&cycle=+3&status=0&progress=0&number=139.5&number-id=+139.5&proponent=&proponent-id=&s_org=&s_org-id=&s_ngo=&s_ngo-id=&sdg=&sdg-id=&search= \(01/23/2024\)](https://liga.or.at/upr/?assignee=+UPR-Empfehlungen&cycle=+3&status=0&progress=0&number=139.5&number-id=+139.5&proponent=&proponent-id=&s_org=&s_org-id=&s_ngo=&s_ngo-id=&sdg=&sdg-id=&search= (01/23/2024))

19)

Coltrane, Scott (1994): *Theorizing Masculinities in Contemporary Science*. In: Brod, Harry; Kaufman, Michael (Eds.): *Theorizing Masculinities*, Thousand Oaks, S. 49; Alle, Sarah & Daly, Karen (2007): *The Effects of Father Involvement: An Updated Research Summary of the Evidence Inventory*, University of Guelph

20)

Statistik Austria (2023): Time use Survey, [https://www.statistik.at/en/statistics/population-and-society/time-use \(10/23/2024\)](https://www.statistik.at/en/statistics/population-and-society/time-use (10/23/2024)); L&R Sozialforschung im Auftrag der Arbeiterkammer (2022): Monitoring of Return to Work, [https://www.lrsocialresearch.at/wp-content/uploads/2024/03/2023-03_Wiedereinstiegsmonitoring_EV_Web.pdf \(01/23/2024\)](https://www.lrsocialresearch.at/wp-content/uploads/2024/03/2023-03_Wiedereinstiegsmonitoring_EV_Web.pdf (01/23/2024))

21)

Austrian Court of Audit (2023): Gewalt- und Opferschutz für Frauen (Violence and Victim Protection for Women), [https://www.rechnungshof.gv.at/rh/home/home/2023_21_Gewalt_und_Opferschutz_Frauen.pdf \(01/23/2024\)](https://www.rechnungshof.gv.at/rh/home/home/2023_21_Gewalt_und_Opferschutz_Frauen.pdf (01/23/2024))

22)

[https://www.statistik.at/fileadmin/announcement/2022/11/20221125GewaltgegenFrauen.pdf \(01/23/2024\)](https://www.statistik.at/fileadmin/announcement/2022/11/20221125GewaltgegenFrauen.pdf (01/23/2024))

23)

[https://www.a oef.at/images/03_gesetze/3-5_istanbulkonvention/Allianz_GewaltFREI-Leben_NGO-Stellungnahme_GREVIO_August-2023.pdf \(01/23/2024\)](https://www.a oef.at/images/03_gesetze/3-5_istanbulkonvention/Allianz_GewaltFREI-Leben_NGO-Stellungnahme_GREVIO_August-2023.pdf (01/23/2024))

24)

Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011

25)

Mayrhofer, Hemma; Schachner, Anna; Mandl, Sabine; Seidler Yvonne (2019): „Erfahrungen und Prävention von Gewalt an Menschen mit Behinderung“ (Experience and Prevention of violence against persons with disabilities), BMASK (Ed.), p. 23, [https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=718 \(01/23/2024\)](https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=718 (01/23/2024))

26)

See countries such as Sweden, Northern Ireland, France; see also Submission to the EU Parliament and vote in September 2023.

27)

see Ellison, Graham; Ní Dhónaill, Caoimhe; Early, Erin (2019): *A Review of the criminalization of the payment for Sexual Services in Northern Ireland*; Dodillet, Susanne; Östergren, Petra (2011): *The Swedish Sex Purchase Act: Claimed Success and Documented Effects*

28)

Sex workers are repeatedly discriminated against by banks that refuse to allow them to open a checking account because of their professional activity, see Gleichbehandlungsanwaltschaft (Office for Equal Treatment): Recommendation for banking institutions for the non-discriminatory opening of an account for sole traders working as sex service providers, [https://www.gleichbehandlungsanwaltschaft.gv.at/dam/jcr:43a82aee-0325-44a0-b2ac-29ba519e1509/Empfehlung%20f%C3%BCr%20Bankinstitute.pdf \(04/12/2024\)](https://www.gleichbehandlungsanwaltschaft.gv.at/dam/jcr:43a82aee-0325-44a0-b2ac-29ba519e1509/Empfehlung%20f%C3%BCr%20Bankinstitute.pdf (04/12/2024))

29)

<https://www.amnesty.at/news-events/internationaler-tag-der-sexarbeiter-innen-viele-pflichten-wenig-schutz/> (04/16/2024)

30)

§ 4 para 1 of the Austrian Federal Law on AIDS (AidsG)

31)

<https://aids.at/wp-content/uploads/2023/09/Positionspapier-AHOe-Aufhebung-Verbot-Sexarbeit-0923.pdf> (04/18/2024)

32)

Federal law on “Residence Permit for Special Protection” as amended by BGBl. I No. 100/2005, see Austria’s response (CEDAW/C/AUT/FCO/9 25b)

33)

Directive 2011/36/EU, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:DE:PDF> (10/23/2024) and Council of Europe Convention on Action against Trafficking in Human Beings; <https://www.coe.int/de/web/conventions/full-list?module=treaty-detail&treatynum=197> (10/23/2024)

34)

<https://www.derstandard.at/story/2000110191221/mehr-bauern-als-migranten-und-wenige-frauen-im-neuen-nationalrat> (10/22/2019)

35)

<https://gemeindebund.at/buergermeister-und-buergermeisterinnen/>; <https://www.staedtebund.gv.at/themen/frauen/kommunalpolitik/> (04/08/2024)

36)

<https://frauenvolksbegehren.at/forderungen-frauenvolksbegehren/> (10/23/2024)

37)

<https://www.parlament.gv.at/fachinfos/rlw/Wie-steht-es-um-den-Frauenanteil-in-Parlamenten> (10/23/2024)

38)

Segregated schools are prioritized over inclusive schools, as the concluding observations of the UN CRPD, which was ratified in Austria in 2008, stated in September 2023 (CRPD/C/AUT/CO/2-3, Committee on the Rights of Persons with Disabilities, Concluding observations on the combined second and third periodic report of Austria, 09/28/2023, p. 12).

39)

A recent study shows that people with disabilities in Austria are significantly underrepresented in the mass media and only around a third of those that are portrayed are women. (Media Affairs, People with disabilities and inclusion in Austrian Mass Media, [media affairs - Mit Medienmarktanalysen zum Kommunikationserfolg!](#) (06/14/2024)

40)

Furthermore, it should be noted that pregnancy and motherhood for women with disabilities, especially women with learning difficulties, are still taboo topics in Austria, characterized by stigmatization and subject to unequal treatment and discrimination.

41)

Spiel, Christiane; Popper, Vera; Holzer, Julia (2022): Evaluation der Implementierung des Deutschfördermodells, Wien. (Evaluation of the implementation of the German language support model, Vienna.)

42)

Kuschej, Hermann; Kirchler, Erich; Gottweis, Raphael (2023): Bildungsaspiration von jugendlichen Migrant/innen. ÖIF-Forschungsbericht, Wien. (Educational aspirations of adolescent migrants. OIF Research Report, Vienna.)

43)

Even 10 to 14-year-old girls take on around 31 percent more unpaid care work than boys of the same age. Senior women do 73 percent more than their male counterparts.

44)

<https://www.momentum-institut.at/news/equal-care-day-frauen-leisten-fast-um-die-haelfte-mehr-unbezahlte-care-arbeit> (10/23/2024); <https://www.momentum-institut.at/news/seit-40-jahren-unbezahlte-sorgearbeit-unveraendert-frauensache> (10/23/2024); <https://www.momentum-institut.at/news/weltfrauentag-2024-maedchen-leisten-mehr-fuer-familie-und-haushalt-als-buben> (10/23/2024); <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/zeitverwendung> (10/23/2024); <https://www.statistik.at/services/tools/services/publikationen/detail/1735> (10/23/2024); <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0259580> (10/23/2024); https://www.boeckler.de/pdf/p_wsi_pb_40_2020.pdf (10/23/2024); <https://research.wu.ac.at/en/publications/home-sweet-home-the-impact-of-working-from-home-on-the-division-o-11> (10/23/2024)

45)

Statistik Austria Erwerbstätigenquote (15 bis 64 Jahre) nach Bundesland und Geschlecht (2023) (Statistics Austria Employment rate (15 to 64 years) by federal province and gender), <https://www.statistik.at/statistiken/arbeitsmarkt/erwerbstaetigkeit/erwerbstaetige-merkmale> (10/23/2024)

46)

Statistik Austria Gender-Statistik Erwerbstätigkeit (2022) (Statistics Austria Gender Statistics Employment), https://www.statistik.at/fileadmin/pages/360/Infotext_Gender-Statistik_Erwerbstaetigkeit.pdf (10/23/2024)

47)

18.4 % of employed women; see Statistics Austria Gender statistics on employment (2022), https://www.statistik.at/fileadmin/pages/360/Infotext_Gender-Statistik_Erwerbstaetigkeit.pdf (10/23/2024)

48)

16.6 % of employed women; see Statistik Austria Gender-Statistik Erwerbstätigkeit (2022) (Statistics Austria Gender statistics on employment), https://www.statistik.at/fileadmin/pages/360/Infotext_Gender-Statistik_Erwerbstaetigkeit.pdf (10/23/2024)

49)

Statistik Austria Gender-Statistik Erwerbstätigkeit (2022) (Statistics Austria Gender Statistics Employment), https://www.statistik.at/fileadmin/pages/360/Infotext_Gender-Statistik_Erwerbstaetigkeit.pdf (10/23/2024)

50)

Geschlechtsspezifische Gewalt gegen Frauen und andere Formen von interpersoneller Gewalt (2021) (Gender-based violence against women and other forms of interpersonal violence); <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/kriminalitaet-und-sicherheit/gewalt-gegen-frauen> (10/23/2024)

51)

Statistik Austria Gender-Statistik Erwerbstätigkeit (2022) (Statistics Austria Gender Statistics Employment), <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/gender-statistiken/einkommen> (10/23/2024)

52)

Committee on the Rights of Persons with Disabilities, Concluding observations on the combined second and third periodic report of Austria, 28.9.2023, CRPD/C/AUT/CO/2-3 para 58 a-h.

53)

<https://www.awblog.at/Arbeit/frauen-mit-behinderungen> (10/23/2024)

54)

https://www.ams-forschungsnetzwerk.at/downloadpub/2021_Chancengleichheit_Frauen%20Behinderungen_Arbeitsmarkt.pdf (10/23/2024), p. 5 et seqq.

55)

<https://www.awblog.at/Arbeit/frauen-mit-behinderungen> (10/23/2024)

56)

The difference to an average male pension is 877 euros per month.

57)

Sources: <https://www.momentum-institut.at/news/pensionen-verlieren-trotz-erhoehung-wert#:~:text=Mit%201.,um%209%2C7%20Prozent%20steigen> (10/23/2024); <https://www.momentum-institut.at/news/pensionsverlust-durch-verschaerfung-pensionsantritt> (10/23/2024); <https://www.momentum-institut.at/news/drastische-pensionsverluste-frauen#:~:text=Wer%20erst%20im%20November%20oder,Alter%20häufig%20von%20Armut%20betroffen> (10/23/2024); <https://www.momentum-institut.at/news/armutsgefaehrung-bei-mindestpensionistinnen-am-hoechsten-stand-seit-2011> (10/23/2024); <https://www.momentum-institut.at/news/trotz-pensionsplus-ins-minus> (10/23/2024); <https://www.momentum-institut.at/news/pensionsreport-ungleichheiten-im-system> (10/23/2024); <https://www.momentum-institut.at/system/files/2024-05/wer-arm-ist-bleibt-arm-armutsreport-2024-momentum-institut-2.pdf> (10/23/2024); <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/gender-statistiken/armuts-oder-ausgrenzungsgefaehrung> (10/23/2024); https://www.statistik.at/fileadmin/pages/364/Infotext_GenderStatistik_Armut_und_Ausgrenzungsgefaehrung.pdf (10/23/2024); <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/einkommen-und-soziale-lage/armut> (10/23/2024); <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/einkommen-und-soziale-lage/soziale-krisefolgen> (10/23/2024); <https://www.volkshilfe.at/wer-wir-sind/aktuelles/newsaktuelles/altersarmut-in-oesterreich/> (10/23/2024)

58)

Statistik Austria: Armut 2023 (Poverty); <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/einkommen-und-soziale-lage/Armut> (06/04/2024). 18% of women over the age of 18 are at risk of poverty or exclusion, 43% of whom are materially deprived (compared to 15% or 3% of men). The risk of poverty or exclusion in the population as a whole is 17.7%.

59)

Statistik Austria: Mindestsicherung und Sozialhilfe 2022 (Minimum income and social assistance), <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/sozialleistungen/mindestsicherung-und-sozialhilfe> (03/21/2024)

60)

Ibid., p. 18; in 2024, a single person received a maximum of around EUR 1,156 in social assistance, while the poverty threshold was EUR 1,572 and the reference budget was EUR 1,730.

61)

siehe ÖPA – Österreichische Plattform für Alleinerziehende (Austrian Platform for Single Parents), <https://oepa.or.at/>

62)

Amnesty International Austria (2023): Das Sozialhilfe-Grundsatzgesetz in Österreich: Ein Schritt zurück für die Menschenrechte (The Basic Social Assistance Act in Austria: A step backwards for human rights), p. 12 seq., https://www.amnesty.at/media/11264/amnesty_report_das-sozialhilfe-grundsatzgesetz-in-oesterreich-ein-schritt-zurueck-fuer-die-menschenrechte-oktober-2023.pdf (10/23/2024)

63)

Federal Act on the Principles of Social Assistance (Social Assistance Principles Act), Original Version: Federal Law Gazette I No. 41/2019, § 4; Persons with subsidiary protection status receive benefits of

the lower basic provision. Note: As of January 1, 2024, six of the nine federal provinces have enacted social assistance implementation laws, [Social assistance and minimum benefits in Austria](#) (10/23/2024). Persons with subsidiary protection status are still entitled to the respective minimum security/social assistance in three federal provinces (Tyrol, Vienna, Burgenland).

64)

Although proof of willingness to work is an exception in the case of childcare obligations for children under the age of three, the lack of adequate childcare places in Austria means that children over this age are also in care. Amnesty International (2024): *Als würdest du zum Feind gehen: Hürden beim Zugang zur Sozialhilfe in Österreich*, p. 51 seqq., [amnesty-report_als-wuerdest-du-zum-feind-gehen-huerden-im-zugang-zur-sozialhilfe_oesterreich_februar2024.pdf](#) (10/23/2024) English: *„As If You Were Going To The Enemy“: Access to Social Assistance Benefits in Austria - Amnesty International* (10/23/2024)

65)

Ibid., p. 51 seqq.

66)

Except in cases of danger to life and health and with the approval of a chief physician. See BMSGPK (Federal Ministry of Social Affairs, Health, Care and Consumer Protection) (2023): *Report on Women's Health 2022*, p. 75; https://www.sozialministerium.at/dam/jcr:7157d267-ef16-4a8b-8861-56e9cbf54089/Frauengesundheitsbericht_2022_FINAL.pdf (10/23/2024); EPF, *European Contraception Policy Atlas 2022*, <https://www.epfweb.org/sites/default/files/2023-01/EPF%20Contraception%20Policy%20Atlas%20Europe%202022.pdf> (10/23/2024)

67)

Fristen- und Indikationenlösung, §§ 96, 97 para 1 Austrian Penal Code

68)

§ 97 para 2 and 3 Austrian Penal Code

69)

See BMSGPK (Federal Ministry of Social Affairs, Health, Care and Consumer Protection) (2023): *Report on Women's Health 2022*, p. 80 seq.; https://www.sozialministerium.at/dam/jcr:7157d267-ef16-4a8b-8861-56e9cbf54089/Frauengesundheitsbericht_2022_FINAL.pdf (10/23/2024); Lehner (2023): *Criticism of gaps in care sector*, 09/27/2023, <https://orf.at/stories/3332659/> (10/23/2024); Motion for a resolution on securing abortions, 3697/AE 27. GP, https://www.parlament.gv.at/dokument/XXVII/A/3697/imfname_1595252.pdf (10/23/2024)

70)

see BMSGPK (Federal Ministry of Social Affairs, Health, Care and Consumer Protection) (2023), *Report on Women's Health 2022* p. 79 seq; https://www.sozialministerium.at/dam/jcr:7157d267-ef164a8b-8861-56e9cbf54089/Frauengesundheitsbericht_2022_FINAL.pdf (10/23/2024); <https://www.schwangerschaftsabbruch-tirol.at/finanzhilfen.php> (10/23/2024); https://www.wien.gv.at/sozialinfo/content/de/10/InstitutionDetail.do?it_1=2100594 (10/23/2024).

71)

“Sex Education” policy decree (Austrian Federal Ministry for Education, Science and Research, circular no. 11/2015)

72)

Basic decree “Political Education” (Austrian Federal Ministry for Education, Science and Research, circular no. 12/2015)

73)

Policy decree “Reflective Gender Education and Gender Equality” (BMBWF, circular no. 21/2018)

74)

Austrian Federal Ministry of Health and Women's Affairs (ed.): Women's Health Action Plan. 40 measures for women's health in Austria. Vienna, 2017, https://www.sozialministerium.at/dam/jcr:9334268b-5282-4444-855e-e62391561895/aktionsplan_frauengesundheit.pdf (04/15/2024); Gaiswinkler, Sylvia; Antony, Daniela; Delcour, Jennifer; Pfabigan, Johanna; Pichler, Michaela; Wahl, Anna (2023): Women's Health Report 2022. Federal Ministry for Social Affairs, Health, Care and Consumer Protection (BMSGPK), Vienna, https://www.sozialministerium.at/dam/jcr:7157d267-ef16-4a8b-8861-56e9cbf54089/Frauengesundheitsbericht_2022_FINAL.pdf (04/15/2024)

75)

Office for Women's Health and Health Goals/Vienna Program for Women's Health in the Department of Strategic Health Care of the City of Vienna (ed.): Women's Health and Corona. Collection of the Vienna Program for Women's Health. Publication Series Women*Health*Vienna No.1 Vienna, 2020. <https://www.digital.wienbibliothek.at/wbrup/download/pdf/3845885?originalFilename=true> (04/15/2024)

76)

Gaiswinkler, Sylvia; Pfabigan, Johanna; Pentz, Richard; Teufl, Lukas; Winkler, Roman (2023): LGB-TIQ+-Health Report 2022. Federal Ministry for Social Affairs, Health, Care and Consumer Protection (BMSGPK), Vienna, https://www.sozialministerium.at/dam/jcr:cb600519-990c-4b45-a6a1-8122e30bac1e/LGBTIQ_Gesundheitsbericht_2022.pdf (04/15/2024)

77)

CAT/C/AUT/CO/6 para 45.

78)

see, for instance, The Second Austrian Film Gender Report (May 2022), Austrian Film Institute (ed.).

79)

see <https://www.momentum-institut.at/news/equal-care-day-frauen-leisten-fast-um-die-haelfte-mehr-unbezahlte-care-arbeit> (10/23/2024)

80)

75 % of those affected were female in 2022, see https://www.ots.at/presseaussendung/OTS_20231109_OTS0092/vera-wirkt-90-faelle-im-ersten-jahr-der-vertrauensstelle-gegen-belaestigung-und-gewalt-im-bereich-kunst-und-kultur (10/23/2024)

81)

<https://www.statistik.at/statistiken/bevoelkerung-und-soziales/gender-statistiken/einkommen> (10/23/2024)

82)

Schönherr, Daniel; Glaser, Harald (2023): Cultural Participation in Austria, Final Report, Vienna, p. 16.

83)

Culture Monitoring (2007), p. 6.

84)

UN Convention on the Rights of Persons with Disabilities Article 30, para 2.

85)

Reem Alsalem (2023): Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Custody, violence against women and violence against children, Geneva <https://www.ohchr.org/en/documents/thematic-reports/ahrc5336-custody-violence-against-women-and-violence-against-children> (10/23/2024)

86)

Federal Ministry of Justice, Vienna (2024): "Handouts for dealing with violence in connection with custody and contact rights", <https://www.bmj.gv.at/ministerium/aktuelle-meldungen/Jedes-Kind-hat-das-Recht-auf-ein-gewaltfreies-Aufwachsen-.html> (10/23/2024)

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