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**Committee on the Elimination of Discrimination
against Women****Concluding observations on the ninth periodic report of
Austria*,****

1. The Committee considered the ninth periodic report of Austria (CEDAW/C/AUT/9) at its number and number meetings (see CEDAW/C/SR.1702 and 1703) held on 10 July 2019. The Committee's list of issues and questions is contained in CEDAW/C/AUT/Q/9 and the responses of Austria are contained in CEDAW/C/AUT/Q/9/Add.1.

A. Introduction

2. The Committee appreciates the timely submission by the State party of its ninth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/AUT/CO/7-8/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the well-prepared delegation and the further clarifications provided in response to the questions posed orally by the Committee during the fruitful dialogue.

3. The Committee commends the State party's high level delegation which was headed by His Excellency Mr. Helmut Tichy, Ambassador, Legal Advisor of the Federal Ministry for Europe, Integration and Foreign Affairs. The delegation also included representatives of the Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Chancellery, the Federal Ministry for Education, Science and Research, the Federal Ministry for Constitutional Affairs, Reforms, Deregulation and Justice, the Federal Ministry of Defence, the Federal Ministry for Labour, Social Affairs, Health and Consumer Protection, the Federal Ministry of the Interior, the Austrian Development Agency and the Permanent Mission of Austria to the United Nations Office and other international organizations in Geneva, and interpreters.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined seventh and eighth periodic reports (CEDAW/C/AUT/7-8) in undertaking legislative reforms, in particular the adoption of:

(a) The Amendments to the Maternity Protection Law and the Paternal Leave Law, which define a legal working time range for part-time work of parents and extend the period for informing the employer about parental leave plans, which entered into force on 1 January 2016;

* The present document is being issued without formal editing.

** Adopted by the Committee at its seventy-third session (1 – 19 July 2019).

(b) The repeal of restrictions for female workers in the Regulation Governing Employment Bans and Restrictions for Female Workers, in 2015;

(c) The Law on Equality of Women and Men in Supervisory Boards of Companies, in 2017;

(d) The Law Amending the Criminal Procedure Act, which enhance the rights of highly vulnerable victims in criminal proceedings, in 2016.

(e) The 2016 Amendment to the Social Security Act, which came into force in 2017 and establish measures to prevent poverty in the older age;

(f) The amendment to the Equal Treatment Act, the Federal Act on the Equal Treatment Commission and the Ombud for Equal Treatment, in 2013.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The Fifth National Action Plan to Combat Human Trafficking, which identify asylum seekers and unaccompanied minors as potential victims of trafficking, in 2018;

(b) The National Action Plan on the Protection of Women against Violence, for the years 2014-2016;

(c) The Austrian Programme for Rural Development for the period 2014 - 2020, which includes funds for social measures and service providers;

(d) The Operational Programme Employment Austria 2014-2020, which includes a specific focus on investment to promote gender equality in the labour market;

(e) The National Action Plan on Disability for the years 2012-2020, which sets out measures to support women living with disabilities in entering the labour market;

(f) The Austrian University Development Plan for the period 2016-2021, which includes measures to increase women's representation in all areas and at all high hierarchies levels;

(g) The 2015 Tax Reform which established measures to increase the employment rate of women and their financial independence and aims at leading towards a better distribution of paid and unpaid work.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), in 2013.

7. The Committee welcomes the fact that, in accordance with Article 28 (3) of the Convention, the State party has withdrawn its reservation to Article 11 in 2015.

C. Sustainable Development Goals

8. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

D. Parliament

9. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2). It invites the National Council (*Nationalrat*) and the Federal council (*Bundesrat*) and the Parliaments in all nine *Länder*, in line with their mandate, to take necessary steps regarding the implementation of the present concluding observations prior to the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Constitutional framework and definition of discrimination against women

10. Cognizant of the complex federal structure in the State party, the Committee notes as positive the efforts made to strengthen coordination of the implementation of the Convention, particularly at the *Länder* and municipal levels. Nevertheless, the Committee remains concerned that in areas under the exclusive responsibility of the federal states, the Convention is not applied consistently. It takes note of the information provided by the delegation during the dialogue, that the European Convention of Human Rights has been implemented as a directly applicable constitutional law in the State party and that the Parliament has decided that all other human rights treaties should be implemented by legislation. The Committee notes the complexity of the anti-discrimination legislation and commends the efforts made by the State party to gradually harmonize federal legislation. While noting the information provided by the delegation during the dialogue that the devolution system in place at the federal level may intervene to harmonize legislation at all levels, the Committee remains concerned that gender equality structures, their mandates and resources, vary between the *Länder*.

11. **Recalling articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party further strengthen legal training and capacity-building programmes for judges, prosecutors, lawyers and law enforcement officers on the Convention, the Optional Protocol, the Committee's jurisprudence and the Committee's general recommendations, so as to enable them to apply, invoke and/or refer to the provisions of the Convention and to interpret national legislation in line with the Convention. The Committee reiterates its previous recommendation (CEDAW/C/AUT/CO/7-8, para. 13) that in view of the Federal Government's primary responsibility for the implementation of the Convention, the State party should ensure that institutional mechanisms for coordination between the Federal State and *Länder* are in place and effective. Finally, the Committee recommends that the State party should also consider amending the Equal Treatment Act and the Federal Equal Treatment Act and other Acts addressing discrimination on the basis of ethnicity, disability, religion and belief, age and sexual orientation and relevant provincial laws, with a view to ensuring substantive and procedural protection against discrimination with regard to all prohibited grounds of discrimination in the private and public sector.**

Access to justice

12. The Committee is concerned that the anti-discrimination legislation, currently scattered over numerous federal and provincial laws, and the complex distribution of institutions at the federal and provincial levels, may negatively affect the ability of victims to claim their rights and obtain a remedy, providing varying degrees of protection for different grounds of discrimination which may result in confusion and legal uncertainty. It is also concerned that the current anti-discrimination legal framework fails to afford equal protection against all forms of discrimination.

13. **The Committee, taking into account the legal responsibility and leadership role of the federal Government in the implementation of the Convention, recommends that**

effective coordination of the structures at all levels be strengthened in order to ensure the uniformity of results in the implementation of the Convention throughout the State party. The Committee further recommends the State party to ensure that all elements of the Convention are incorporated in the Federal legislation.

National machinery for the advancement of women

14. The Committee commends the State party on several measures taken to strengthen the national machinery for the advancement of women, in particular the achievement in 2013 of a gender balanced public budgeting in all federal ministries and bodies. Furthermore, the Committee acknowledges the efforts made by the State party to strengthen the Federal Minister of Women, Families and Youth / Division for Women and Equality, and notes the funding currently allocated to this body.

15. The Committee recommends that the State party allocate adequate human, technical and financial resources to the Federal Minister of Women, Families and Youth / Division for Women and Equality, to enable them to effectively implement in a coordinated manner their mandates for the promotion of gender equality and protection against discrimination. The Committee further recommends that the State party ensure the budget allocated to this entity on an annual basis.

National human rights institution

16. The Committee notes with appreciation the comprehensive mandate of the Austrian Ombudsman Board (AOB) in promoting women's rights in accordance with article 148 of the Austrian Constitution. The Committee takes note of the information provided by the delegation on the historical reasons why the AOB members are appointed by the three main political parties in Parliament. It remains concerned, however, that such appointment continues to raise issues regarding their independence, as reflected by its accreditation as a "B" status national human rights institution by the Global Alliance of National Human Rights Institutions (GANHRI).

17. The Committee recommends that the State party ensure an independent appointment process for the members of the Austrian Ombudsman Board, and provide it also in the future with sufficient human, technical and financial resources to implement its mandate to promote and protect women's rights and engage with the Committee during its reviews of Austria, and encourage the State party to comply and seek accreditation for A status from the Global Alliance of National Human Rights Institutions (GANHRI).

Temporary special measures

18. The Committee commends the State party on the wide-ranging temporary special measures adopted in the reporting period as a means of advancing the achievement of substantive equality of women and men in all areas covered by the Convention. In particular, it welcomes the establishment in 2011 of a 35-per cent quota in supervisory boards of state-owned and state-related enterprises with a 50 per cent share or more held by the federal state. The Committee further welcomes the 2015 Amendment to the Law on Universities, which increased from 40 % to 50 % the quota for women in University collegial bodies.

19. In line with article 4 (1) of the Convention and recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) **Adopt and implement temporary special measures and establish time-bound targets to accelerate substantive equality between women and men in all areas where women, including rural women, migrant and asylum-seeking women and women with disabilities, continue to be disadvantaged or underrepresented, such as in political and public life, education and employment;**

(b) **Undertake capacity-building programmes, targeting all relevant State officials and hiring managers, on the non-discriminatory nature and importance of**

temporary special measures for achieving substantive equality of women and men in all areas in which progress is slow or absent.

Stereotypes

20. The Committee remains concerned at the persistence of discriminatory stereotypes concerning women's responsibility for child care, which ultimately reduces their career prospects in the labour market. The Committee is also concerned about the increase in hate speech against women and girls in Internet forums and social media, in particular against women from ethnic minorities.

21. The Committee reiterates its previous recommendations (CEDAW/C/AUT/CO/7-8) that the State party:

(a) Continue its efforts to eliminate stereotypical images and attitudes regarding the roles of women and men in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention, in particular by promoting equal sharing of domestic and family responsibilities;

(b) Adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, by, *inter alia*, strengthening the coordination among the existing institutions and improving the joint monitoring mechanism to assess the impact of the steps taken and design remedial action;

(c) Continue monitoring the portrayal of women in the media and on the Internet, as well as in statements by public officials, and encourage the media to convey positive images of women and their equal status with men in public and private life and to eliminate the portrayal of women as sexual objects, including in advertisements.

Gender-based violence against women

22. The Committee welcomes the adoption by the State party of the Protection against Violence Law and the creation of the Inter-Ministerial Working Group on the Protection of Women against Violence. However, the Committee notes with concern:

(a) The high number of femicides in the State party and the lack of comprehensive and updated statistical data on the phenomenon;

(b) The underreporting of domestic violence against women and the low prosecution and conviction rates, resulting in impunity for perpetrators;

(c) Incidents of hate crimes and attacks on refugees and asylum seekers, including women and girls, in both shelters and houses, causing severe danger to women and girls;

(d) That financial support for civil society organizations providing support to women victims of gender-based violence is insufficient.

23. Recalling the provisions of the Convention and its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) Expedite the adoption of comprehensive measures to prevent, combat and punish all forms of gender-based violence against women, and ensure that adequate human, technical and financial resources are allocated for their systematic and effective implementation, monitoring and assessment;

(b) Monitor and assess the responsiveness of the police and the judiciary in cases of sexual crimes and introduce mandatory capacity-building for judges, prosecutors, police officers and other law enforcement officers on the strict application of criminal law provisions on gender-based violence against women and on gender-sensitive investigation procedures;

(c) Strengthen the investigation and prosecute all cases of hate crimes or attacks against refugee and asylum-seeking women and girls;

(d) **Reinforce the protection and assistance provided to women who are victims of gender-based violence, including by strengthening the capacity of shelters and ensuring that they meet the needs of victims and cover the entire territory of the State party, and strengthen financial support to and cooperation with non-governmental organizations providing shelter and rehabilitation to victims;**

(e) **Collect statistical data on domestic and sexual violence disaggregated by sex, age, disability, nationality and relationship between the victim and the perpetrator.**

Trafficking and exploitation of prostitution

24. The Committee welcomes the efforts of the State party to enhance the early identification and referral to appropriate services of victims of trafficking. It further notes the increased number of investigations and prosecutions of traffickers resulting in 63 arrests for trafficking and 75 arrests for cross-border prostitution in 2017. However, the Committee notes with concern that:

(a) The State party remains a destination and transit country for trafficking in women and girls for purposes of sexual exploitation (95 percent) and forced labour;

(b) The lenient sentences imposed on traffickers by the courts of the State party despite the fact that Article 104 (a) of the Criminal Code provides for penalties of up to 10 years imprisonment;

(c) Efforts to identify women as victims of human trafficking are undermined by the restrictive asylum policies in place, which often involve speedy deportation;

(d) Temporary residency permits for victims of human trafficking are issued only for a one-year period that is renewable, in accordance with §57 of the Asylum Law of 2005;

(e) Women coming from European Union member states who are trafficked into the State party might have difficulties in fulfilling the required criteria to receive a registration certificate under the Settlement and Residence Act, especially in cases of unemployment, lack of health insurance and lack of sufficient means of subsistence;

(f) The structural violence and exclusion faced by foreign women in prostitution, in particular those in an irregular situation, and the lack of measures taken by the State party to provide exit programmes and alternative income-generating opportunities to women who wish to leave prostitution.

25. **The Committee recommends that the State party:**

(a) **Intensify international, regional and bilateral cooperation with countries of origin, transit and destination, in particular with countries in the region, including by exchanging information and harmonizing legal procedures for prosecuting traffickers;**

(b) **Strictly enforce article 104 (a) of the Criminal Code by investigating, prosecuting and imposing adequate sentences on perpetrators of trafficking in persons, especially women and girls;**

(c) **Create a uniform national system for identifying and following up on women victims of trafficking, ensuring the continuity of rights and entitlements when there is a change in the residence or legal status of the victim, conducting awareness-raising campaigns about human trafficking and discontinuing the return of victims of human trafficking under the Dublin Regulation;**

(d) **Ensure that women coming from the European Union member states who are trafficked are sufficiently protected under the Settlement and Residence Act;**

(e) **Revise immigration policies to ensure that laws and policies on the deportation of foreign women are not applied in a discriminatory manner, do not deter migrants, refugees and asylum seekers from reporting crimes of trafficking and do not undermine efforts to prevent human trafficking, identify or protect victims or prosecute perpetrators;**

(f) **Continue strengthening capacity-building for the police, the judiciary, lawyers, law enforcement officers, border control officers, social workers and health workers on early identification and referral to appropriate services of victims of trafficking as well as on gender-sensitive investigation methods;**

(g) **Regularly review the situation of foreign women who are engaged in prostitution in order to protect them, and strengthen the assistance provided to women and girls who wish to leave prostitution, including by providing exit programmes and alternative income-generating opportunities.**

Participation of women in public and political life

26. The Committee welcomes the measures adopted by the State party to advance the participation of women in political and public life and the introduction by political parties of voluntary gender quotas into their nomination processes, resulting in an increase in the representation of women in Parliament. Nevertheless, it remains concerned that the State party has not adopted statutory minimum quota for the representation of women on electoral lists of political parties at the federal, *Länder* and municipal levels.

27. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to increase the number of women in decision-making bodies at the federal, *Länder* and at the municipal levels, both in elected and appointed positions with a view to achieving equal representation of women and men in political and public life;**

(b) **Implement legal requirements and economic incentives for minimum representation of women in rankings or nomination for election to the national council and the nine provincial parliaments;**

(c) **Implement awareness-raising campaigns to enhance the understanding that the full, equal, free and democratic participation of women in political and public life is a requirement for the full implementation of women's human rights;**

(d) **Establish legislated quotas for the equal representation of women and men in all appointed and elected positions in the State party, in particular in local government, senior leadership positions, the armed forces, the Foreign Service and the judiciary, and encourage the trade unions to do the same.**

Nationality

28. The Committee notes that non-citizens applying for Austrian citizenship, among other requirements, must have proof of a "sufficiently secured livelihood" far above the indicative national rates of guaranteed minimum income. It is concerned that this threshold requirement has a structurally discriminatory effect on women as only their own income and legal claims to maintenance, child allowance and insurance benefits can be taken into consideration for this purpose, thus not taking into consideration unpaid work performed by them, such as childcare, housework or taking care of older family members. Furthermore, the Committee is concerned that under the special provision for bestowal of nationality to children born stateless in Austria (Article 14 of the Austrian Nationality Law), stateless children can only apply for citizenship after reaching the age of 18 years and not later than two years after having attained majority age.

29. **The Committee recommends that the State party:**

(a) **Ensure that unpaid work is taken into account for the determination of a "sufficiently secured livelihood" in the context of citizenship applications by foreign women;**

(b) **Remove barriers to the acquisition of Austrian nationality by children born out of wedlock, including the restrictive age requirement, and accord Austrian citizenship to otherwise stateless children born in the State party, unless a child can acquire citizenship of one of his/her parents immediately after birth through a non-discretionary procedure such as consular registration, declaration, the right of option or other similar procedures.**

Education

30. The Committee welcomes the State party's continuous efforts to eliminate discrimination against women in the education sector and the progress achieved so far, including through the implementation of multiple initiatives, such as the FEMtech project, aiming at supporting women in industrial research. However, the Committee notes with concern the concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in science, technology, engineering and mathematics (STEM areas). Furthermore, the Committee is concerned about:

(a) The decision taken by the State Party to ban "ideologically or religiously influenced clothing" in schools and that this may have a discriminatory impact on migrant girls;

(b) The low-level participation of women and girls in atypical apprenticeships which reduces their chances in the labour market;

(c) The need to revise educational materials to ensure that all textbooks use gender sensitive languages and images;

(d) The disproportionately high dropout rate at the upper secondary level of education of girls with a migration background or whose parents have lower levels of education;

(e) The lack of progress made to support inclusive education for persons with disabilities and that the programme "Together for our Austria 2017-2022" may strengthen the special school system currently in place in the State party for women and girls with disabilities rather than ensuring inclusive education at all levels;

(f) The limited access of refugee and asylum-seeking women and girls to integration and language courses beyond obligatory schooling, which are currently accessible only to refugees with prospects of staying in the State party.

31. The Committee recommends the State party to address discriminatory stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of studies and career paths, such as science, technology, engineering, mathematics and information technology. It further urges that the State party:

(a) **Mandate a comprehensive study to determine the impact of the Education in School Law (Schulunterrichtsgesetz – SchUG), which came into force in June 2019, banning the wearing of "ideologically or religiously influenced clothing" for girls under the age of 10 in primary schools on the right to education of girls and their inclusion in all facets of Austrian society as full members of the community, and indicate remedies, if needed;**

(b) **Take coordinated measures to encourage further diversification of educational and vocational choices of boys and girls and girls' increased participation in apprenticeships, crafts, science and technology;**

(c) **Ensure that gender sensitive teaching materials are used at all levels of education;**

(d) **Adopt a strategy to reduce the school dropout rate among girls at the upper secondary level of education for girls with a migration background or whose parents have lower levels of education and ensure that women and girls who have dropped out are reintegrated into the education system;**

(e) **Clearly define inclusion and its specific objectives at each educational level in order to ensure that girls with disabilities have access to inclusive learning opportunities in the mainstream education system;**

(f) **Ensure that all asylum-seeking and refugee girls have access to language courses and integration programmes, irrespective of their prospects of staying in the State party.**

Employment

32. The Committee notes that the State party in 1953 ratified the 1951 Equal Remuneration Convention (No. 100). In 2011, the State party introduced a requirement for companies with more than 150 employees to produce income reports every two years. However, the Committee notes with concern that:

(a) The gender pay gap in the State party is one of the highest in the European Union (19.9 per cent, 2017) which adversely affects women during their whole working life period and their pension benefits, where the average pension level for women is about 40% lower than that of men;

(b) Despite the relatively high employment rate of women between 15 and 64 years of age (68.69 per cent), 47,5 per cent of employed women are currently holding part-time positions, predominantly due to family responsibilities. Due to what is considered to be the roles of women and men, women continue to be the main caretakers of children and adults in need of care;

(c) The current retirement age for women is 60 years while it is 65 years for men;

(d) Only a very low number of men avail themselves of parental leave in the State party and only for short periods;

(e) The limited integration into the labour market for women with disabilities, Roma and other ethnic minority women as well as migrant, refugee and asylum-seeking women;

(f) The prevalence of special employment centers, such as "integrative companies" (Integrative Betriebe) and "vocational therapy" (Tages-und Beschäftigungsstrukturen (Beschäftigungstherapie), where workers are not covered under an independent social insurance and protected by labour legislation on equal basis with other workers.

33. **The Committee recommends that the State party:**

(a) **Effectively enforce the principle of equal pay for work of equal value in order to narrow and close the gender pay gap by regularly reviewing wages in all sectors, conducting regular labour inspections, applying gender-sensitive analytical job classification and evaluation methods and conducting regular pay surveys;**

(b) **Take measures to eliminate horizontal and vertical occupational segregation and combat the underemployment of women in full-time jobs, including by enhancing efforts to encourage women and girls to select non-traditional career paths, giving priority to the transition of women from part-time to full-time work supported by adequate high-quality childcare facilities;**

(c) **Ensure that all employers are aware of the right of women to stay in their jobs as long as men and encourage women to continue working as long as men;**

(d) **Lower the threshold for the requirement for companies to produce income reports to companies with fifty or more employees;**

(e) **Strengthen measures aimed at facilitating the reconciliation of professional and private life, improve the conditions for paid maternity leave and encourage men to avail themselves of parental leave and extend the length of paid paternity leave, so as to promote the equal sharing of responsibilities between women and men, and collecting gender-disaggregated data on the use of flexible working arrangements by women;**

(f) **Ensure that workers in special employment centers are covered by an independent social insurance, receive wages, and are protected by labour legislation. It also invites the State party to develop programmes to facilitate the transition towards an inclusive and open labour market;**

(g) **Take into account the needs of disadvantaged groups of women, especially women with disabilities, Roma and other ethnic minority women as well as migrant, refugee and asylum-seeking women, and consider the use of targeted measures,**

including temporary special measures, to create further employment opportunities for those groups of women.

Health

34. The Committee commends the State party for the adoption of the Action Plan for Women's Health in 2017 and welcomes the measures adopted to integrate a gender perspective into all health sector programmes. Nevertheless, the Committee remains concerned about:

(a) The challenges in accessing affordable contraceptives for women living in poverty;

(b) The fact that abortion service and contraceptives are not paid for by health insurance;

(c) The use of conscientious objection among medical practitioners, thereby limiting access to safe abortion services, which are guaranteed by law;

(d) The lack of comprehensive sexual and reproductive health education for adolescents;

(e) The lack of free and informed consent for medical treatment on the grounds of severe disability;

(f) The fact that language barriers and lack of awareness often prevent migrant women from accessing health-care facilities, including sexual and reproductive health services;

(g) The difficulty that undocumented migrants have in gaining access to non-emergency health care, while attempts to obtain the documentation necessary for non-emergency health services often lead to the claimant being reported to the authorities and subsequently deported;

(h) Reports of mostly irreversible medical and other treatments that are performed on intersex persons.

35. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Ensure that modern contraceptives are accessible, affordable, covered by health insurance and available throughout the territory of the State party to all women and girls, in particular those living in poverty;**

(b) **Ensure access to safe abortion, mainly by allowing doctors working outside of hospitals to provide the retroprogesterone pill and ensure that such procedures are reimbursed by the health insurance;**

(c) **Ensure that the exercise of conscientious objection by health-care personnel does not pose an obstacle for women who wish to terminate a pregnancy;**

(d) **Ensure that education includes mandatory and age-appropriate education in school curricula for girls and boys on sexual and reproductive health and rights, including responsible sexual behaviour. In particular, education programmes should integrate a special focus on eliminating sexual and gender stereotypes that might hinder access to health for lesbian, bisexual and transgender women and other vulnerable groups of women;**

(e) **Guarantee the free and informed consent for any medical treatment without exception, and, when necessary, provide supporting decision-making services;**

(f) **Ensure that medical professionals are aware of the cultural and linguistic barriers that migrant women face when accessing health care, and ensure the availability of female medical staff if requested; and take steps to introduce awareness-raising campaigns, in relevant languages, among migrant communities on how to gain access to health-care services, including sexual and reproductive health services;**

(g) **Ensure that undocumented migrants have access to the documentation necessary for non-emergency health services without the risk of being reported to the authorities and subsequently deported;**

(h) **Develop and implement a rights-based health-care protocol for intersex persons, ensuring that children and their parents are appropriately informed of all options, that the children are involved, to the greatest extent possible, in decision-making about medical interventions and that their choices are respected and that no person is subjected to surgery or treatment without their free, informed and prior consent.**

Economic and social benefits and economic empowerment of women

36. The Committee commends the State party for the progress made to strengthen socio-economic equality of women and men, including through the amendment of the Tax Law in 2015, the amendment of the Social Security Act in 2016, and several initiatives to increase women's representation in sports associations. The Committee further welcomes the introduction in the 2018 Tax Law of a tax refund to support single parents with low income and single income households. The Committee notes with appreciation that recipients of a non-taxable pension can also receive a deduction of a maximum of 110 euros per year.

37. **The Committee recommends that the State party revise the pension contribution system to ensure that it takes into account the situation of women, including how their remuneration is affected by their concentration in part-time employment and by the gender pay gap as well as their engagement in unpaid work.**

Rural women

38. The Committee notes the various programmes aimed at strengthening the economic empowerment of rural women. However, it is concerned about the limited access of rural women working in agriculture, participation in political life and access to professional training, social and health services, labour rights, economic opportunities and decision-making processes in relation to policies that affect them.

39. **In line with its general recommendation No. 34 (2016) on the rights of rural women and target 5.A of the Sustainable Development Goals, the Committee recommends that the State Party:**

(a) **Strengthen efforts towards the social and economic empowerment of rural women working in agriculture by ensuring that they have equal access as rural men to participation in decision-making, professional training, social protection and land;**

(b) **Strengthen and ensure the effective implementation of existing policies and programmes to protect migrant and other women working on a temporary basis in agriculture by ensuring that they have equal access as nationals to social protection and labour rights.**

Women with disabilities

40. The Committee is concerned that women and girls with disabilities, as well as mothers of children with disabilities, continue to face intersectional forms of discrimination, are frequently referred to special employment centres, forced medical treatment, institutionalization, and are insufficiently protected from gender-based violence. The Committee also notes with concern that women with disabilities who seek to complain about discrimination are often referred to mediation by the Social Ministry Service (SMS).

41. **The Committee recommends that the State party, in line with its general recommendation No. 18 (1991) on disabled women:**

(a) **Ensure that all women and girls with disabilities are able to access the open labour market, to give their free and informed consent to decide where and with whom they choose to live, and to access all services available to victims of gender-based violence;**

(b) **Ensure that women and girls with disabilities are included in all policies and programmes for gender equality and consider temporary special measures to deal with their particular situation, in all aspects of their lives and on an equal basis with other women and men;**

(c) **Adopt concrete measures to encourage women and girls with disabilities to engage in sports, including by eliminating discriminatory stereotypes and prejudices and by raising public awareness about the benefits of participation in sports.**

Refugee and Asylum Seeking women

42. The Committee commends the State party for the numerous initiatives and measures adopted to strengthen the protection of asylum seeking women and girls. However, it remains concerned that:

(a) Only if asylum-seekers claim a violation of their right to sexual self-determination do they have the right to be interviewed by a same sex officer and a same sex interpreter;

(b) Programmes aimed at the social and economic integration of migrant, refugee and asylum-seeking women do not fully address the needs of all asylum-seeking and refugee women, in particular in relation to social and labour integration;

(c) The Amendment to the Asylum Law which came into force in 2016 introduced severe restrictions on the right to family reunification and that beneficiaries of subsidiary protection have to wait for three years before their spouses, or, in the case of under-age children, parents can submit an application for family reunification;

(d) Although the State party has strengthened reception capacities for single women and female headed households, there is still a lack of specialized reception facilities for this target group, and that in several provinces women asylum-seekers or family members and their children have limited or no access to specialized shelters for women affected by gender-based violence;

(e) Protection officers and interpreters often lack training on sexual and gender-based violence.

43. **In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:**

(a) **Ensure that refugee status determination is fully gender-sensitive, and that the specific needs of asylum-seeking and refugee women and girls are addressed as a priority concern throughout the asylum process and, to that effect, incorporate into national law the provisions of European Union asylum legislation in relation to reception conditions and asylum procedures;**

(b) **Continue to apply a gender-sensitive approach in receiving refugee and asylum-seeking women and in considering asylum claims, thereby ensuring that the protection needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern;**

(c) **Reduce legal and administrative barriers to family reunification for women and men who are beneficiaries of international protection;**

(d) **Ensure the availability of specialized reception capacities for single women and female headed households, as well as access to specialized shelters and services for refugee and asylum-seeking women affected by gender-based violence irrespective of their legal status;**

(e) **Provide mandatory training for the judiciary, prosecutors, the police and other law enforcement officials on gender-based violence as a ground of international protection as well as on gender-sensitive investigation and interrogation procedures.**

Marriage and family relations

44. The Committee notes with concern:

(a) The fault-based criteria for divorce in the State party's family law, which are often more difficult for women to prove and which may have discriminatory effects that are reinforced by gender stereotyping in courts;

(b) The very low number of convictions following the reclassification of forced marriage as a standalone criminal offence in 2016 (only four convictions in 78 criminal cases in 2018);

(c) The lack of reliable statistics on the number of women who have been subjected to forced marriage or female genital mutilation.

45. **The Committee recommends that the State party:**

(a) **Adopt a no-fault-based divorce system;**

(b) **Continue to combat harmful practices, in particular forced marriage and female genital mutilation, through awareness raising and education campaigns within target communities and by prosecuting and adequately punishing perpetrators of such acts;**

(c) **Systematically collect disaggregated data on forced marriage and female genital mutilation.**

Beijing Declaration and Platform for Action

46. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action, and to further evaluate the implementation of the Convention in the context of the Beijing +25 Review to achieve substantive equality of women and men.**

Dissemination

47. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the National Council, the *Länder* Parliaments and the judiciary, to enable their full implementation.**

Ratification of other treaties

48. **The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, to which it is not yet a party.**

Follow-up to concluding observations

49. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 25 (b), 27 (b), 31 (d) and 43 (c) above.**

Preparation of the next report

50. **The Committee requests the State party to submit its tenth periodic report, which is due in July 2023. The report should be submitted on time and cover the entire period up to the time of its submission.**

51. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a**

common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I).
