



Economic and Social Council

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Committee on Economic, Social and Cultural Rights Pre-sessional working group

List of issues in relation to the fourth periodic report of Austria (E/C.12/AUT/4), adopted by the pre-sessional working group at its fifty-first session (21-24 May 2013)

I. General information

1. Please provide information on cases in which the Covenant has been invoked by the courts, as requested by the Committee in its previous concluding observations (E/C.12/AUT/CO/3, para.20). In addition, please inform the Committee of any recent initiatives taken to ensure that the provisions in the Covenant are fully given effect by domestic courts.
2. Please provide information on the Austrian Ombudsman Board and its work in relation to the promotion and protection of economic, social and cultural rights. Please also provide updated information on measures taken to strengthen and broaden the mandate of the Austrian Ombudsman Board as well to guarantee its independence, so that it can act as a national human rights institution in line with the Paris Principles.
3. Please inform the Committee whether the State party intends to adopt a comprehensive National Action Plan on Human Rights to increase awareness and coherence of human rights.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 2, paragraph 2 – Non-discrimination

4. Please provide information on measures taken to adopt a comprehensive anti-discrimination legislation which would afford the same level of protection with regard to different grounds of discrimination.
5. Please inform the Committee of the situation of ethnic minorities in the State party, and any obstacles faced by them to fully enjoy their economic, social and cultural rights, including Roma and the Jenische. In this regard, please provide relevant data, disaggregated by region and sex. In addition, please provide information on mechanisms in place to ensure that minority groups are effectively consulted and have an impact on the decision-

making process on issues that affect them, including education, media, culture, use of languages, and regional development.

6. In relation to the “National Action Plan on Disability 2012 – 2020” adopted in July 2012, please provide information on the budget allocated for its implementation, indicators to monitor progress, and measures taken to ensure the effective participation of representatives of organizations of persons with disabilities.

Article 3 – Equal rights of men and women

7. Given that the Equal Treatment Act of 2004 focuses only on discrimination against women in the field of employment, please inform the Committee of measures taken to expand the scope of the legislation to include discrimination against women in all other spheres.

8. Please provide information on the representation of women in senior posts in State bodies, including in the judiciary, the Federal and National Councils, provincial legislative bodies, and in the private sector.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

9. Please provide information on how the right to work in relation to asylum seekers is implemented beyond seasonal work.

Article 7 – The right to just and favourable conditions of work

10. Please provide updated information on the current gender remuneration gap, disaggregated by region and sector, the measures taken to close such a gap, and the impact of measures adopted thus far, including the National Action Plan for Gender Equality in the Labour Market.

11. Please provide updated information on instances of sexual harassment at the workplace as well as on the number of cases where such acts have been sanctioned.

12. Please provide updated statistical information on work-related accidents and illnesses, disaggregated by occupational sectors, and mechanisms in place to ensure compliance with the Employee Protection Act.

Article 8 – Trade union rights

13. Please provide the Committee with updated information on the current legal status of the right to strike in the State party, under what circumstances the right can be restricted, and relevant jurisprudence in this regard.

Article 9 – The right to social security

14. Please provide information on the social assistance schemes available for, as well as the conditions that apply to (a) disadvantaged and marginalized groups, including persons

working in the informal economy; and (b) non-nationals, including asylum seekers, refugees and migrants.

15. Please provide updated information concerning the pension scheme in the State party in light of ongoing reforms. In particular, please provide information on measures taken to ensure that low income-workers, as well as women, receive sufficient pension benefits to enjoy an adequate standard of living.

Article 10 – Protection of the family, mothers and children

16. While noting the information provided in paragraph 225 of the State party's report, please clarify the criteria for family reunification for non-nationals, in particular with regard to income requirements. Please also inform the Committee of measures taken to reduce the waiting time for purposes of family reunification, including initiatives to abolish the quota system for family reunification.

17. Please specify the measures that have been adopted to ensure the highest quality of alternative care institutions and family type alternative care for children in each *Länder*.

18. Please provide disaggregated statistical data over the past five years on the number of women and children trafficked for sexual exploitation and forced labour. Please also provide information on the implementation of laws criminalizing trafficking in persons and forced labour and the protection afforded to victims.

19. Please provide information on the number of registered cases of domestic violence, including marital rape and sexual abuse of women and children in the family, and the sanctions imposed on perpetrators.

20. Please clarify the definition of "light work" for children and provide information on monitoring mechanisms in place to ensure that children who engage in such work are effectively protected.

21. Please provide information on the results of the 2012 study on violence against older persons, measures taken to address the problem, and the results achieved.

22. Please provide information on measures taken to ensure that migrant women and girls have access to information concerning their rights and on assistance available to victims of domestic violence, forced marriage and female genital mutilation.

Article 11 – The right to an adequate standard of living

23. In the light of paragraphs 237 to 242 of the State party's report, please provide updated information on the impact of measures taken to combat poverty, as well as on the number of persons living in poverty in the State party, disaggregated by ethnicity, nationality, sex and region.

24. Please provide updated information on the measures taken to prevent forced evictions, arrangements made for alternative housing, and the extent of homelessness in the State party.

25. Please provide information on the measures taken to ensure that accommodation facilities for asylum seekers meet adequate living standards throughout the State party.

Article 12 - The right to physical and mental health

26. Please provide information on the impact of the Government health policy programme from 2008 to 2012 referred to in paragraph 266 of the State party's report in ensuring affordable and high quality health services to disadvantaged and marginalized groups. Please also provide data on those who still face obstacles, if any, in accessing affordable and quality health-care services.

27. Please inform the Committee regarding the impact of measures outlined in paragraph 246 of the State party's report to reverse the increasing rates of obesity.

Articles 13 and 14 – The right to education

28. Please provide statistics concerning the number of Roma children and children of migrant background in special needs schools. Please also provide information on the impact of measures taken to reduce school dropout rates, in particular among Roma students and children of migrant background.

Article 15 – Cultural rights

29. Please provide information on the measures adopted by the State party to enhance the enjoyment of cultural rights by non-autochthonous national, ethnic, religious and linguistic minorities who are not covered by article 8, paragraph 2, of the Constitution.
