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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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7-25 November 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

AUSTRIA

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Austria on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.28) at its 35th to 37th meetings, held on 9 and 10 November 2005 (E/C.12/2005/SR.35-37), and adopted, at its 58th meeting held on 25 November 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Austria, which was prepared in general conformity with the Committee's guidelines, and the written replies to its list of issues.

3. The Committee welcomes the constructive dialogue with the delegation of experts from the State party.

B. Positive aspects

4. The Committee welcomes the publication, in February 2005, by the Austrian Federal Ministry for Finance, of strategic guidelines for Austrian engagement with international financial institutions reinforcing the need for coherence between the human rights approach and the policies of international financial institutions.
5. The Committee notes with satisfaction that half of the ministers of the federal Government are women, who are in charge of key ministries such as External Relations, Interior, Justice, Social Affairs, Education and Health and Women Affairs.
6. The Committee welcomes the comprehensive programmes that the State party adopted to combat domestic violence, human trafficking in, and sexual exploitation of, women and children.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Austria.

D. Principal subjects of concern

8. The Committee notes with concern that the Covenant is not directly applicable in the State party and that the rights recognized in the Covenant cannot directly be invoked by individuals in courts, as reflected by the absence of court decisions containing references to the Covenant.
9. The Committee expresses its deep concern about the persistence of racist and xenophobic attitudes among some sectors of the population.
10. The Committee notes with concern that, despite the recent amendment of the Federal Law on Equal Treatment extending its scope of application to all working environments, women are disproportionately represented in poorly paid part-time jobs and often receive lower remuneration than men for equal work.
11. The Committee is concerned about the fact that the wages fixed in certain collective agreements reportedly fall far below, and sometimes do not even reach, 50 per cent of the average net wage in the labour market.
12. The Committee notes with concern that foreign workers cannot stand for election to work councils unless they are nationals of a member State of the European Union or of the European Economic Area.
13. The Committee is concerned about the lack of childcare facilities for children under the age of 3 years and of effective measures to facilitate the re-entry of women into the labour market following parental leave.
14. The Committee is deeply concerned that 13 per cent of the population and 18 per cent of the families with many children are exposed to poverty and that, if the State party were not to pay social benefits, the extent of poverty among the population would be even more alarming.

15. The Committee is concerned about reports that social assistance benefits provided to asylum-seekers are often considerably lower than those received by citizens of the State party.
16. The Committee deplores the high rates of tobacco and alcohol consumption, as well as the abuse of illicit drugs such as cannabis, especially among minors.
17. The Committee is concerned about the introduction of university tuition fees in 2001 and the related decrease in the number of first-year university students.
18. The Committee notes with concern the low representation of women in university teaching posts.

E. Suggestions and recommendations

19. The Committee recommends to the State party to consider the adoption of a comprehensive national human rights action plan and the establishment of a national human rights institution, in accordance with the Paris Principles, with a view to promoting, inter alia, the role of civil society in protecting economic, social and cultural rights.
20. The Committee urges the State party to ensure that the provisions of the Covenant are given effect by its domestic courts, that legal and judicial training take full account of the justiciability of all Covenant rights, as defined in the Committee's general comments, and that it promotes the use of the Covenant as a domestic source of law. The Committee draws the attention of the State party to general comment No. 9 on the domestic application of the Covenant and invites the State party to include, in its fourth periodic report, information on case-law concerning the rights recognized in the Covenant.
21. The Committee calls on the State party to continue and intensify its efforts to promote tolerance and respect for cultural diversity, through school education, training of police officers and other State employees, and awareness-raising campaigns aimed at the general public.
22. The Committee recommends that the State party adopt measures to enforce the principle of equal pay for equal work, as well as enact legislation to strengthen the protection of persons working under atypical employment contracts, and that it intensify its efforts in the field of qualification programmes for women working in low-paid jobs and unemployed women.
23. While noting the principle of neutrality of the State in the collective bargaining process, the Committee urges the State party to ensure that any wages negotiated in collective agreements must secure workers and employees a decent living for themselves and their families, in accordance with article 7 (a) (ii) of the Covenant.
24. The Committee recommends that the State party consider amending its legislation to ensure that foreign workers who are not nationals of a member State of the European Union or of the European Economic Area have the right to stand for election to work councils.

25. The Committee requests the State party to provide, in its next periodic report, detailed information on the implementation of the Law on the Harmonization of Pensions of 2005 which takes the entire professional career as the basis for calculating old-age pension benefits. The Committee further requests the State party to provide it with comparative statistical data on the levels of old-age pensions, disaggregated by sex, number of children, income groups and other relevant criteria, so as to enable an assessment of the impact of the Law on the pension benefits of women and of members of disadvantaged and marginalized groups who are frequently exposed to interruptions of their professional careers.

26. The Committee urges the State party to adopt effective measures to reconcile professional and family life for women and men by increasing the capacity of childcare facilities for children under the age of 3 years, promoting training measures to facilitate the re-entry of women into the labour market following parental leave, and providing incentives for the use of parental leave by fathers.

27. The Committee recommends to the State party, in its efforts to combat poverty, to strengthen its support for families with many children and to consider introducing a minimum guaranteed income for everyone without a sufficient source of income.

28. The Committee urges the State party to ensure that adequate alternative housing is provided in all of its provinces whenever forced evictions take place, in line with the Committee's general comment No. 7,¹ and to include updated statistical data on an annual basis on the number of forced evictions, arrangements for alternative housing and the extent of homelessness in its next report.

29. The Committee calls on the State party to ensure that adequate social support is provided to asylum-seekers throughout their asylum proceedings.

30. The Committee recommends that the State party educate young people about the risks of drug abuse and of tobacco and alcohol consumption, to intensify its campaigns against such abuse and excessive consumption, as well as its information campaigns for children, parents, teachers and the general public, and to ensure that adequate counselling services are available to all persons affected by drug, tobacco or alcohol addiction.

31. The Committee urges the State party to ensure by all appropriate means, in particular through a comprehensive system of adequate study grants, that applicants from low-income families have the same access to higher education as applicants from higher-income families.

32. The Committee recommends that the State party take initiatives in providing more opportunities for women, with a view to encouraging them to undertake academic careers.

¹ CESCR, general comment No. 7 (1997) on the right to adequate housing: forced evictions (art. 11 (1) of the Covenant), at para. 16.

33. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

34. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement the recommendations contained therein in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

35. Finally, the Committee requests the State party to submit its fourth periodic report by 30 June 2010.
