



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

Karin Tertinegg and Birgit Sauer

## **State of the Art and Mapping of Competences Report: Austria**

Institute for Human Sciences (IWM)  
Vienna  
2007

Preferred citation: Tertinegg, Karin and Sauer, Birgit (2007): *State of the Art and Mapping of Competences Report: Austria*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at [http://www.quing.eu/files/results/soa\\_austria.pdf](http://www.quing.eu/files/results/soa_austria.pdf).

This State of the Art report is part of the comparative research project QUING that is financed by the European Commission. QUING will answer two important questions: What are actually gender equality policies in the practice of national and European policy making? And also: What is the quality of these current policies, especially in terms of their transformative potential, their attention for other inequalities and their openness for voices of the movements that lay at its origin? QUING studies all 27 EU-countries plus Croatia and Turkey. QUING will present results from January 2009 on, and will be finished in 2011.

For its analysis, QUING has chosen three gender equality relevant issues: non-employment, intimate citizenship and gender based violence. The comparative study will enable a better understanding of differences and similarities, and of the quality of gender+equality policies. This comparative analysis is the heart of QUING that will generate new theory, that will be relevant to the whole of Europe. These parts of QUING are named LARG and WHY. In a related part, named STRIQ, the project will further develop theories on intersectionality, on the relationship between gender inequalities and inequalities originating in ethnicity, class, religion or sexuality, and describe and analyze to what extent and how intersectionality is incorporated in gender equality policies with across Europe. Additionally, QUING will also be preparing the ground for comparative research on the history of feminist ideas in Europe. In this part, named FRAGEN, QUING will start with the construction of a database that will 'open' selected core feminist texts to researchers by storing original second wave feminist texts in the database together with an analytic description of these texts in English. QUING will open this database to the research community in its last year. In its last two years, QUING will also be very active with its fifth part, named OPERA, actively translating its knowledge in gender training for all actors in policy making, and it will develop high quality standards for such training, that will be tested in practice. For a more extensive presentation of the QUING project please consult the website at [www.quing.eu](http://www.quing.eu).

This State of the Art report has the goal of assuring that the QUING researchers start their research using the knowledge that is already available on gender equality policies in a country. In this sense, the State of the Art is a classic literature review, relevant to the different parts of the QUING project (LARG, WHY and STRIQ). Added to this, some information is asked for that facilitates the preparation of the activities in FRAGEN.

This report is structured as follows. In the first part a short assessment is made of the annotated bibliography that can be found in the second part of this report. In the second part of the report one will find the actual annotated bibliography. This part maps the most important relevant academic studies and other policy related literature (reports by IO, INGOs, experts etc.) about each country. The annotated bibliography has been divided into four separate sections. One section covers studies relating to gender equality policies, the following one is on non-employment related articles, the next one is on intimate citizenship related articles and the final one is on gendered violence related articles. In all sections, the accent is on studies that focus on the *gender equality aspects* of policies relating to these issues. The four sections itself have been divided into country language studies and English language studies. Comparative studies can be found under a separate heading within these language groups. Next to the bibliography, this part also contains a section relating to the OPERA part of the QUING project in which the most relevant gender training literature that has been produced in the country (e.g. gender equality manuals, gender mainstreaming manuals, gender impact assessment guides) is listed. There is a section related to the FRAGEN part in the QUING project listing the archives or documentation centres specialized in gender equality policies on national level.

## Table of Contents

Introduction .....	4
Annotated Bibliography.....	7
1. General Gender Equality Policy.....	7
1.1 German Sources .....	7
1.2 English Sources .....	16
2. Non-employment .....	18
2.1 German Sources .....	18
2.2 English Sources.....	26
2.2.1 Comparative studies.....	28
3. Intimate Citizenship .....	30
3.1 German Sources .....	30
3.1.2 Comparative studies.....	35
3.2 English Sources.....	36
4. Gender-based Violence .....	38
4.1 German Sources .....	38
4.1.2 Comparative studies.....	45
4.2 English Sources.....	45
5. OPERA – Gender training books and manuals .....	48
6. FRAGEN.....	52
6.1 Independent/autonomous archives and documentation centres .....	52
6.2 Institutionalised archives and documentation centres .....	54

## Introduction

Preliminary note: At the time of the research conducted for the present report, a change in government took place following national elections in October 2006. The current government is formed of a grand coalition between the Social Democratic and the Conservative Party. There exists some research on how government change affects gender equality policies, mainly covering the change from a grand coalition to a conservative right-wing government.

For Austria, there are few studies explicitly focusing on *general gender equality policies*. Studies that were found tend to analyse gender mainstreaming policies as well as the implementation of EU anti-discrimination directives in a broader sense, with gender being one of a number of categories that may result in inequality, such as ethnic origin, religion, age or disability. Within gender mainstreaming and anti-discrimination policy studies, the focus is clearly on employment policies in general or equal treatment in public service in particular, and on analysing gender mainstreaming measures undertaken by various ministries. Gender equality aspects of welfare state policies are also subject of comprehensive analyses. It is remarkable that studies on the implementation of equality policies that result as an obligation from international human rights treaties, such as CEDAW, are very rare.

Regarding empirical studies, the most recent comprehensive report on the situation of women and on gender relations in Austria (Frauenbericht) was published in 1995. In the absence of a new one (due in 2005), the City of Vienna published a smaller report on the situation of women in Vienna in 2005.

Intersectionality of various categories producing inequality is generally hardly addressed. This is especially visible in studies on the implementation of EU anti-discrimination directives.

*Non-employment* is usually dealt with in studies relating to employment policies in some form, and frequently from a European comparative perspective. Studies on how policies produce categories of people who are *non employed* were not found as such. Factors that are regarded in literature as legitimate reasons not to be employed are usually care (for children and the sick or elderly), age, disability, voluntary and unsalaried work, or further education. Consequently, there is a vast number of studies on questions relating policies around these factors to employment, with most attention to care policies, especially child-care, policies regarding financial security in old age, voluntary and unsalaried work, and disability.

The absence of studies on policies producing categories of non-employed people may be explained by the fact that there is no debate on such policies in German speaking countries. Yet there are debates on the gendered distribution of both paid and unpaid work, and on how gendered distribution of work is influenced and produced by welfare state regulations. Central to these debates is the struggle for definitions of paid and unpaid work, labour and (atypical) employment. For these reasons, some studies were included that are about employment and employment policies on the first sight but which cover important – and in most cases, gendered – insights into which persons are seen as non-employed in these policies and how non-employed persons are regulated by these policies. Examples include studies on reconciliation policies or policies on the integration of people with disabilities or elderly women into employment. Studies relating to the ban for night work for women were included, as debates on night work of women have long centred on its perceived danger for women and for families. In some professions, women were

therefore banned from work at night until the ban had to be lifted due to a ruling of the European Court of Justice.

If intersectionality is paid attention to in *Non-employment*, it is mostly in relation to gender and age, sometimes gender and citizenship or socio-economic status (migrant women).

*Intimate citizenship* studies tend to focus on issues of discrimination against homosexual and lesbian persons and same-sex partnership, partnership aspects regarding alien law regulations and reproductive technology. Policies regarding lesbians and homosexuals in Austria are extensively dealt with, mostly concentrating on discriminatory penal law regulations and policy development towards decriminalisation and partial recognition of partnership in a few areas. These studies tend to explore these issues frequently in relation to the European Convention on Human Rights and to European Union law.

Austrian policies on immigration with a focus on partnership and family are subject of a number of studies outlining the major policy changes since the mid 1990's. The focus in these studies tends to be on discriminatory policies for couples in which one partner is a third-country national and on the effects of restrictive immigration policies on migrant women in Austria. Effects of third-country citizens migrating to Austria for the purposes of 'family reunion' on the labour market are also discussed.

If intersectionality is addressed in these studies, it tends to be in the form of discriminatory effects of the combination of gender and citizenship status, sometimes of socio-economic status.

For the issue of *gender-based violence*, most studies focus on recent policy developments and legal problems regarding the introduction of laws against domestic violence, trafficking in women and stalking. Studies on prostitution were not included, as most scientific work on prostitution in Austria frames prostitution not in terms of violence but in terms of prostitutes' rights. Only trafficking in women is explicitly seen as gendered violence or as violating women's rights. A few studies concentrate on analysing definitions of sexual violence such as rape in influential decisions by the judiciary in a comparative historical perspective, combined with feminist critique of the gendered norms underlining these decisions. One comprehensive study, which was the first one of its kind world-wide, attempted to give a broad empirical overview of the situation of women and girls with disabilities and their exposure to sexual violence. The issues of 'violence based on tradition', such as female genital mutilation, honor killings and forced marriage are taken up in a few more recent studies, which tend to be from an anthropological, sociological or legal perspective.

Intersectionality is most often referred to in the issues domestic violence and trafficking, where attention is paid to vulnerability due to citizenship status and its effects on migrant women in Austria. No studies addressing gendered violence with respect to sexual orientation were found.

For the *Mapping of Competences*, experts in national gender+ equality policies were categorized according to their affiliation in academia, applied sciences, consultant experts and non-governmental experts. Experts mentioned whose names do not appear in the Annotated Bibliography were chosen because of their profound expertise in the respective area of national gender+ equality policies. Experts within current government administration were not included.

The section on *OPERA* contains information on gender training providers in Austria as far as this kind of information was made available. It is outlined that the market on gender training providers is highly heterogeneous and that it is difficult to assess the qualitative content of the trainings provided to and commissioned by public administration bodies.

On *FRAGEN*, feminist archives and documentation centres focusing on national equality policies were listed according to whether or not they are institutionalised or autonomous. There are quite some archives and documentation centres which are part of larger institutional settings, and fewer autonomous ones.

# Annotated Bibliography

## 1. General Gender Equality Policy

### 1.1 German Sources

1 Fritz, Elfriede. 2006. Gender Mainstreaming im Bundesministerium für Finanzen – Eine Strategie auf dem Weg [Gender mainstreaming within the federal ministry of finances]. In *Gender Mainstreaming – Durchbruch der Frauenpolitik oder deren Ende?*, edited by Luise Gubitzer. 145-15. Frankfurt am Main: Lang.

**Keywords:** gender mainstreaming, implementation, ministry of finances, administration, gender budgeting

The study outlines which measures have been taken in the federal ministry of finances to implement gender mainstreaming. It is emphasised that women are still underrepresented in decision-making positions within that ministry. Gender budgeting measures, such as the obligation to provide one example per chapter of the new budget, are mentioned. Results of the first study on gender-specific effects of the Austrian tax law regarding income tax are outlined. It is emphasised that further studies including the tax system on the whole, are necessary.

2 Mayrhofer, Monika. 2006. 'Was Männer bewegt'. Neokonservative Männlichkeitspolitik in Österreich im Kontext der Einrichtung der Männerpolitischen Grundsatzabteilung ['What men are moved by': neo-conservative politics on masculinities in Austria in the context of establishing the men's policy department]. *Feministische Studien – Zeitschrift für interdisziplinäre Frauen- und Geschlechterforschung* 24 (2), 276-289.

**Keywords:** discourse analysis, gender policies, men's policies, gender mainstreaming, neo-conservatism

The author analyses recent men's policy strategies in the context of the establishment of a Men's Policy Department using discourse analyses of media debates and publications by the Ministry of Social Affairs. She argues that discursive and material strategies used in the context of the establishment of a Men's Policy Department can not be seen as a single event, but that they are rather a comprehensive *dispositif* in the Foucauldian sense of neo-conservative men's policy. She concludes that supporting the establishment of the Men's Policy Department by reference to Gender Mainstreaming resulted in the institutionalisation of a conservative men's policy, which affirms traditional gender roles and is thus contrary to the transformative character of gender mainstreaming.

3 Radlingmayr, Christoph. 2006. *Die drei aktuellen Gleichbehandlungsrichtlinien der EU und ihre Umsetzung in Österreich* [The three current EU equal treatment directives and their implementation in Austria]. PHD-thesis, law. University of Graz.

**Keywords:** legal study, implementation, equal treatment directives, racism, employment, equal treatment law, equal treatment commission, equal treatment ombudsperson, disabled persons.

The author outlines the scope of the three EU directives concerning equal treatment: directives 2000/43/EC ('race'-directive), directive 2000/78/EC ('employment'-directive) and directive 2000/73/EC (equal treatment for women and men regarding access to employment, vocational training and promotion and working conditions) and analyses how they were implemented in Austria on the legal level. Non-implementation in the field of employment is outlined in the areas of holiday provisions for members of religious beliefs other than roman catholic and protestants, non-recognition of care-leave for benefits that are bound to the duration of employment, age limits for entry into public service, and other forms of discriminations due to age. The focus of non-implementation of the directives is seen as being on regulations regarding age discrimination.

4 Nadja Bergmann, Veronika Enzinger-Heinzl, Ferdinand Lechner, Claudia Sorger, Karin Spacek, Petra Wetzel and Barbara Willsberger. 2005. *Situationsbericht Frauen in Wien 2005. Studie im Auftrag der MA 57*. [Report on the situation of women in Vienna 2005]. L& R Sozialforschung. Frauenabteilung der Stadt Wien. Wien.

**Keywords:** empirical study, women, Vienna, education, employment, economic situation, health, gender relations, living, political participation, disability, migration

This comprehensive report evaluates the most recent data on the situation of women in Vienna. It focuses on the areas women and demographic development, education, employment, economic situation, health, gender relations, living, political participation, disability, and migration. Each chapter concludes with suggestions for policy makers to improve the situation of women. It was commissioned by the city of Vienna in the absence of a national report on women, which was due in 2005.

5 Angerer, Leonie. 2004. *Gender Mainstreaming. Im Lichte des Europarecht und deren Umsetzung in Österreich, insbesondere am Beispiel von EQUAL im Rahmen des Europäischen Sozialfonds* [Gender mainstreaming in the light of European law and its implementation in Austria, focusing on the example of EQUAL of the European Structural Fund]. Master thesis, law. University of Graz.

**Keywords:** legal study, gender mainstreaming, implementation, European structural fund

The author studies how gender mainstreaming has been implemented in Austria, focusing on decisions of the Council of Ministers and activities within various

ministries, employment policy, measures under the European Structural Fund and EQUAL.

6 Haidinger, Franz J., Alix Frank-Thomasser and Thomas Schmid. 2004. *Antidiskriminierung. Rechtliche Gleichbehandlung in Österreich und in der EU* [Anti-discrimination. Equal treatment before the law in Austria and the EU]. Wien: LexisNexis-Verlag.

**Keywords:** legal study, anti-discrimination law, implementation of EU-directives

This comprehensive study outlines current Austrian legislation protecting against discrimination on the basis of sex, racial or ethnic origin, religion, age and sexual orientation as well as European bases for such legislation. It shows the development of fundamental social rights and equality legislation in the EU and discusses the main legal argument against anti-discrimination legislation, which is the autonomy of the private person to freely choose his or her partner for contracts. The study concludes that implementing European anti-discrimination directives has considerable impact on Austrian law in the sense that for the first time, prohibitions of discrimination in civil law are laid down.

7 Natter, Monika. 2004. *Gender Mainstreaming im Rahmen der ESF-Ziel-3-Aktivitäten. Ergebnisse aus Österreich, Deutschland und dem Vereinigten Königreich* [Gender mainstreaming within ESF-target-3 activities. Results from Austria]. Wien: Communication-Kommunikations- u. PublikationsgmbH.

**Keywords:** Gender Mainstreaming, European Structural Fund, employment

The study outlines Austrian gender mainstreaming activities within the National Action Plans for employment. The focus lies on gender mainstreaming within the Austrian employment service (AMS) in the form of gender-sensitive guidelines for educational measures and programmes stimulating founding companies for unemployed.

8 Naylor, Isabel and Friederike Weber. 2000. *Gender Mainstreaming als Ansatz einer Politik der Gleichstellung am Arbeitsmarkt*. [Gender Mainstreaming as a policy approach towards gender equality on the labour market]. Wien: Hofstätter

**Keywords:** Policy analysis, gender mainstreaming, employment policies, Austria, Europe, good practices.

In the context of European employment strategies, the authors present an overview of gender mainstreaming definitions as used by the Austrian Labour Market Service (AMS), its importance within European employment policies, its preconditions and context, methodological approaches, analytical instruments and specific implementation measures, including two "good-practice" examples on the provincial level in Germany and Wales.

The study concludes that the gender mainstreaming measures set out in the Austrian NAP used by the Austrian Labour Market Service were mainly successful in the *individual support* of disadvantaged women but were less effective in fighting the *causes* for gender inequality. Therefore, it is emphasised that more general political measures sensitising for gender inequality are needed, provided that decision-makers share a common understanding of the goal of gender mainstreaming as well as political will to actively promote gender equality. Considering the conclusion of this study, in which it is stated that the measures used by the Austrian Labour Market Service were less effective in fighting the causes for gender inequality, it remains doubtful whether these measures correspond to the principles of gender mainstreaming.

9 Sauer, Birgit. 2004. Ein ewiges Pilotprojekt? Gender Mainstreaming in Österreich [A perpetual pilot-project? Gender mainstreaming in Austria]. In *Gender Mainstreaming. Konzepte – Handlungsfelder – Instrumente* [Gender mainstreaming. Concepts – fields – instruments] edited by Meuser, Michael and Claudia Neusüß. 169-181. Bonn: Bundeszentrale für politische Bildung.

**Keywords:** policy analysis, gender mainstreaming, equality policies, public institutions, policy formulation, policy output

The study analyses how gender mainstreaming entered the political agenda and outlines its relationship toward traditional equality policies in the formulation and application within public institutions. The author assesses that a clear definition of goals and gender knowledge are essential for successful implementation and that gender mainstreaming efforts have 'successfully failed'. Traditional women's equality policies have been continued, a general sensitising for gender aspects in 'normal' policy areas has not been achieved and most policy-relevant mainstreaming activities within ministries have never developed beyond the phase of pilot-projects.

10 Wroblewski, Angelika and Andrea Leitner. 2004. *Benchmarking Chancengleichheit. Österreich im EU-Vergleich* [Benchmarking equal opportunities. Austria compared to the EU]. Reihe Soziologie, 67. Wien: Institut für höhere Studien (IHS).

**Keywords:** Analysis of benchmarking indicators, equal opportunities, benchmarking, European employment strategy, indicators

The authors analyse the concept of benchmarking as it developed in the context of the European employment strategy and as part of the 'Open Method of Coordination' and discuss whether it is an adequate concept for the analysis of equal opportunities. The Austrian example for equal opportunities is compared to the EU. They outline the main preconditions for and problems of benchmarking and equal opportunities. Their arguments are illustrated by the indicators used by the EU for benchmarking the European Employment Strategy. They state that results are crucially dependent on whether or not the broader concept of gender relations are taken into account. They conclude that while Austria is among the top-performers concerning the quantitative integration of women in employment, the position

changes drastically if one takes into account the quality of employment and reconciliation of gainful employment and family obligations.

11 Allhutter, Doris. 2003. *Europäische Chancengleichheit von Frauen und Männern im österreichischen Recht* [European equal opportunities of women and men in Austrian law]. Linz: Trauner.

**Keywords:** legal study, European Union, equal treatment law, implementation, employment policy, social policy.

Starting from a detailed depiction of European Union law on equal treatment of women and men, the study analyses Austrian equal treatment regulations in the policy areas employment and social policy. The author argues that European Union law significantly impacted Austrian equal treatment law, but that many deficits remain, such as the prohibition of night work of pregnant women or nursing women, weak protection against discrimination in employment on the grounds of sex, or social benefits dependence on the male norm biography.

12 Dackweiler, Regina. 2003. *Wohlfahrtsstaatliche Geschlechterpolitik am Beispiel Österreichs. Arena eines widersprüchlich modernisierten Geschlechter-Diskurses*. [Welfare state gender policies: the Austrian example. Arena of an ambiguously modernised discourse on gender]. Opladen: Leske & Budrich.

**Keywords:** policy study, welfare policies, gender discourse, gender regime, discourse analysis

Starting from the point that the Austrian welfare state underwent major changes since the 1970s that resulted in both persistence and transformations of the material gender regime as well as in discourses on gender order, the study attempts to answer the question which effects these transformations had in the policy fields social policy, marriage- and family policy, employment policy and equality policy.

The author uses a feminist, ideology-critical discourse analysis approach informed by Nancy Fraser, starting from the assumption that the gender discourse produced by welfare state policies is an institutionalised construction of reality that influences every-day knowledge of social actors about men and women.

In the first chapter, central definitions and concepts such as gender policy (Geschlechterpolitik) and equality policy (Gleichstellungspolitik) are introduced. The second chapter discusses welfare state and gender regime concepts from a feminist political science perspective in order to answer how the Austrian welfare state as an institution organises gender relations by outlining its structures and ideological traditions. The third chapter identifies discourses on gender that are produced within welfare state policies. The fourth chapter discusses policy developments in marriage- und family law that were discussed in 1996 as well as in equality policies (Frauenvolksbegehren). The fifth chapter is devoted to a re-analysis of expert interviews on gender equality in order to show how an ambivalent gender discourse produced by welfare state policies informs the way actors interpret reality. The last chapter outlines the main conclusion, that welfare state policies in the four policy fields produce a gender discourse that mingles difference and equality oriented

gender norms (Leitbilder) and that this results in a perpetuation of symbolic gender inequality.

13 Jauk, Vera. 2003. Gender Mainstreaming. Eine neue Strategie zur Umsetzung der Chancengleichheit in Österreich [Gender mainstreaming. A new strategy to implement equal opportunities in Austria]. In *Gender Mainstreaming. Kritische Reflexionen*. Dokumentation der Tagung/Ringvorlesung 'Gender Mainstreaming, kritische Reflexionen vom 12. bis 14. Juni 2003 an der Universität Innsbruck, edited by Ingrid Schacherl. Innsbruck: Studia-Universitäts-Verlag, 57-75.

**Keywords:** policy study, gender mainstreaming, implementation, government

After explaining the development and meaning of gender mainstreaming and its relation to traditional women's equality policies, the study outlines steps taken by the government to implement gender mainstreaming obligations. The focus lies on activities by the inter-ministerial working group (IMAG) and their recommendations for the areas structures, guidelines, resources, data collection, training and information measures. A second focus is on pilot projects that were initiated in various federal ministries. Conclusions are that while gender mainstreaming has been accepted as a topic in administration, the responsibility of decision makers still needs to be improved as well as formulation of goals.

14 Weys, Birgit. 2003. Österreichische Rechtslage im Bereich Antidiskriminierung [Austrian legal situation regarding anti-discrimination]. In *Handbuch zur rechtlichen Bekämpfung von Diskriminierung*, edited by International Organisation for Migration (IOM), 104-137. Vienna: IOM

**Keywords:** Assessment of legal situation, anti-discrimination, equality before the law, race, ethnicity, religion, belief, disability, age, sexual orientation, implementation, Council Directives

In the context of the implementation of the two European Council Directives concerned with anti-discrimination (equal treatment irrespective of race or ethnic origin, equal treatment in employment and occupation), the author gives an overview of the legal situation regarding anti-discrimination. She analyses the constitutional, administrative, penal, and civil law levels and outlines the most urgent legal deficits regarding anti-discrimination efforts regarding race, ethnicity, religion, belief, disability, age, sexual orientation in Austria. In civil law, the principle of 'autonomy of the private person' is seen as the main obstacle to a successful implementation of anti-discrimination norms. Gender discrimination is dealt with as having already been comparatively successfully implemented.

15 Holzeithner, Elisabeth. 2002. Von der Gleichheit aller Bürger zum Gender Mainstreaming – ein Paradigmenwechsel? [From equality of all citizens to gender mainstreaming – a shift in paradigms?]. In *Gender Studies: Denksachsen und Perspektiven der Geschlechterforschung [Gender studies: axis of thought and perspectives of gender research]*, edited by Bauer, Ingrid und Julia Neissl, 17–33. Innsbruck et al.: Studienverlag.

**Keywords:** Legal analysis Gender mainstreaming, dual track strategy, equal treatment, public sector, quota, reform of Austrian universities

The author analyses gender mainstreaming in the context of Austria's legislative efforts to promote equality of women in the 1990's and critically assesses how gender mainstreaming was implemented in the draft law on the reform of Austrian universities. She concludes that the standard of equal treatment and advancement of women in universities has deteriorated. Her assessment of gender mainstreaming is ambiguous. On the one hand, she stresses that gender mainstreaming was developed because of the failure of traditional equality policies; an advantage of gender mainstreaming is seen in its more consensual, less radical approach involving more actors. At the same time, she argues that gender mainstreaming needs to be combined with traditional women's equality policies in a *dual track* strategy since traditional women's equality policies have more potential for being politicised. Attention is drawn to the dangers of ineffective implementation due to insufficient knowledge of goals and tools; as for implementation of gender mainstreaming in Austria, the draft law on the reform of Austrian universities is analysed as being ineffective to promote gender equality

16 Holzleithner, Elisabeth. 2002. Gleichbehandlung an den Universitäten [Equal treatment at universities]. In *KarriereFrauenKonkurrenz*, edited by Goldberg, Christine and Sieglinde Rosenberger, 191-204. Innsbruck et al.: Studien-Verlag.

**Keywords:** legal study, equal treatment, women, universities, restructuring, representation, discrimination

In the context of restructuring of university organisation, the study outlines the legal development of equal treatment efforts in universities. Successes and failures of legal measures are compared, focusing on discrimination of women along different steps of their university careers: entering, prolonging contracts, habilitation (postdoctoral lecture qualification) and appointment. The study argues that, while there is still a long way to go to implement equal treatment for women, a change in awareness has been achieved, which could easily be undone by new legal changes concerning time restrictions for employment.

17 Arbeitsgemeinschaft für Gender Mainstreaming im Bundesministerium für Finanzen. 2001. *Ist das österreichische Steuersystem tatsächlich „geschlechtsneutral“? Ergebnis eines Lohn- und Einkommenssteuervergleichs Männer-Frauen*. [Is the Austrian taxation system actually gender-neutral? Results of a comparison of income tax and wage tax between men and women]. Vienna: BMF <http://www.imag-gendermainstreaming.at/bmsg/imag/downloads/gender.pdf>

**Keywords:** Economic analysis, gender effects, income tax, wage tax, gender mainstreaming, tax reform, gender gap.

The report of the working group for gender mainstreaming in the Austrian Federal Ministry of Finance shows that even though the Austrian taxation system is

formulated in a gender-neutral way, in practice it privileges men. Income tax and tax on wages were compared as to their effects on men and women.

The findings are that the gender gap after deducting income taxes diminishes slightly, but that social security deductions affect women more than men – while men have an average income which is 60% higher than women's, they only pay 48% more for social security. Men also benefit more from income with lower taxation, such as bonuses, dismissal pay, and per-diem for commuters, and can claim much higher pro-rata-amounts to be tax-privileged than women. Women's benefits from a reduction of rates are insignificant; they benefit most if the deductible amounts are increased. The study concludes that if a tax reform is not to increase the gender gap, a reduction of tariff rates must be limited to the lower tariff rates (Tarifstufen) and be combined with raising deductible amounts.

18 Klocker, Karin. 2001. *Politik des Gender Mainstreaming und ihre nationalstaatliche Umsetzung im europäischen Kontext*. Erwerbstätigkeit und Förderung von Frauen auf regionaler, nationaler und europäischer Ebene im Hinblick auf ihre Rollen im institutionalisierten Reproduktionsbereich einerseits und um außerhäuslichen bezahlten Erwerbssegment des ersten Arbeitsmarkts andererseits. [Gender mainstreaming policy and its national implementation within the European context. Employment and advancement of women on the regional, national and European levels regarding their roles in the institutionalised reproductive sector on the one hand and in the extra-familial paid employment sector of the first labour market on the other hand] PHD-Thesis, University of Linz.

**Keywords:** analysis of equality policies, women's reproductive work, gainful employment, gender mainstreaming policies.

The author analyses Austrian equality policies with a focus on the situation of women in gainful employment and in unpaid reproductive work. She outlines the status of equality policies in programmes of the political parties, women's role in reproductive work within families, women's role on the labour market, programmes aimed at the promotion of women's gainful employment, and compares them to the Swedish example, highlighting if and how debates on gender equality are related to demographic issues in these two countries. as well as EU directives and obligations on gender equality.

19 Grisold, Andrea. 2000. In Zeiten wie diesen...zur Arbeitsmarktsituation von Frauen [In times like these...the situation of women on the labour market]. In *FrauenArbeitsLos*, edited by Erna Nairz-Wirth and Gabriele Michalitsch, 39-55. Frankfurt am Main: Lang.

**Keywords:** empirical study, gendered segmentation, labour market, inequality

Taking the areas employment rates, unemployment, education, income, access to economic sectors and branches, and job hierarchies, the study gives an empirical overview of the gendered segregation of the labour market. It argues that massive gender specific inequalities persist, especially in restrictions for access and career, and that patriarchal ways of thinking, a gendered division of labour and economic interests prevent equality of women and men on the labour market.

20 Tertinegg, Karin. 2000. *Die UN-Frauenkonvention und ihre Umsetzung in Österreich* [CEDAW and its implementation in Austria]. Master thesis, law. University of Graz.

**Keywords:** legal analysis, CEDAW, equality of women and men, implementation, deficits in implementation

The study analyses how Austria implemented the UN-Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and outlines the main legal deficits in the implementation in civil and penal law, as well as deficits in judicial interpretations of laws that lead to a de-facto discrimination of women.

21 Bei, Neda. 1998. Das Gleichbehandlungsgesetz [The equal treatment law]. In *Im Aufbruch: betriebliche Frauenförderung in Österreich*, edited by Regine Bendl, 149-162. Frankfurt am Main et al.: Lang.

**Keywords:** legal study, equal treatment, non discrimination on basis of sex, employment law.

The study gives insights into the developments of equal treatment with the focus on non-discrimination on the basis of sex in employment contract law in general. It argues that while institutionalisation of an equal treatment ombudsperson was successful, it is difficult to assess whether or not the Equal Treatment Law on the whole, applicable to all employment contracts, is effective in reducing and preventing discrimination on the basis of sex and that evaluation is missing.

22 Bundesministerin für Frauenangelegenheiten, Bundeskanzleramt. 1995. *Bericht über die Situation der Frauen in Österreich – Frauenbericht 1995* [Report on the situation of women in Austria – women's report 1995], edited by Bundesministerin für Frauenangelegenheiten/Bundeskanzleramt. Wien.

**Keywords:** overview study, women's biographies, education, employment, economic situation, social policy, health, illness, gender relations, gender identities, women in politics

This comprehensive report, commissioned by the Minister for Women's Affairs, is a state-of-the-art report on studies related to women's biographies, gender relations, gender identities, women in politics and gendered aspects in education, employment, the economic situation, social policy and health policies. The report focuses in all chapters on gender relations and on the question of how societal structures create inequalities in power between men and women.

## 1.2 English Sources

23 Sembacher, Anke, Berit Kochanowski and Lena Muttonen. 2005. ETC Graz: *Country study Austria: the implementation of Council Directives 43/2000/EC and 78/2000/EC*. Occasional Paper No. 15: European Training Centre for Human Rights and Democracy, Graz.

Download from [http://www.etc-graz.at/cms/fileadmin/user\\_upload/Projekte/laufend/ADTJ/Bibliothek/Studien/country\\_study\\_Austria\\_01.pdf](http://www.etc-graz.at/cms/fileadmin/user_upload/Projekte/laufend/ADTJ/Bibliothek/Studien/country_study_Austria_01.pdf)

**Keywords:** study of legal situation, equal treatment, anti-discrimination, racial origin, ethnic origin, disability, religion, belief, age, sexual orientation, legislation, directive, employment, occupation

The authors assess the legal situation regarding equal treatment in Austria in the context of the implementation of the European Council directive on equal treatment irrespective of racial or ethnic origin and the directive on equal treatment in employment and occupation in 2004. The concept of discrimination as used in the Directives is outlined and compared to the pre-existing Austrian legal standards. Racial or ethnic origin, religion or belief, disability, age and sexual orientation are treated as separate grounds of discrimination. Discrimination on grounds of gender is not treated as a separate category under the Directives. The authors conclude that while Austria claims to be in harmony with EU-legislation regarding anti-discrimination, both Council directives have only been partially implemented and anti-discrimination is hampered.

24 Sauer, Birgit and Karin Tertinegg. 2003. *Policy frames and implementation problems: the case of gender mainstreaming. State of the art and mapping of competencies in Austria*. Research report conducted under the project MAGEEQ – 'Policy frames and implementation problems: the case of gender mainstreaming', funded under the 5<sup>th</sup> framework programme of the European Commission. IWM: Vienna.

Download from <http://www.mageeq.net/docs/austria.pdf>

**Keywords:** policy study, gender equality policies, gender mainstreaming, EU-membership, equality legislation

The study analyses the development of gender equality policies in Austria on the national, provincial and local levels. The authors introduce gender mainstreaming activities as consequence of the EU-membership and outline gender equality legislation for the constitutional level and for the most influential decisions by the highest courts in the areas labour law, marriage law, family law and penal law. The bibliography discusses available academic studies on gender mainstreaming and lists studies on a broad range of gender equality issues. A mapping of competencies of gender equality experts in academia, applied science, in Non-governmental organisations and as free lance experts is given.

25 Leitner, Andrea. 2001. The case of Austria. In *Gender Mainstreaming in the European Employment Strategy*, edited by Behning, Ute and Amparo Serrano Pascual. Brussels: European Trade Union Institute.

**Keywords:** Policy analysis, gender mainstreaming, equal opportunity policies, NAP, division of labour, gender discrimination

The author states that it is difficult to assess to which extent women's situation has been changed by equal opportunity policies in Austria. Although women's employment has increased, the social security system still contains incentives leading women and men towards traditional gender roles as embodied in the male breadwinner-model; she views growing national efforts to increase labour market participation of women as having been gradually adopted due to EU regulations, but states that there are still many obstacles in the social and legal framework, which are restricting employment strategies for equal opportunities for women.

The implementation of gender mainstreaming in Austria is seen as ambiguous; the author concludes that efforts to introduce a gender perspective in private enterprises have had little impact. Also, political continuity is seen as the main criterion for the success of measures promoting the integration of women into the labour market, and that regulations preventing mothers from engaging in gainful employment have a negative effect on the positive trends of the NAP and are difficult to reverse.

This study emphasises that employment measures cannot really bring about changes in the general division of labour, but that public discussions could contribute to do so; the need for a precise definition of the goal of gender mainstreaming, as well as for extensive knowledge of the effects of gender discrimination shared by all actors involved is pointed out. It predicts that since the declared goal of employment policy is not supported by political agreement, as seen in the lack of coordination with other political areas (especially regarding the division of labour as obstacle to equal chances of women on the labour market) gender mainstreaming will continue to be severely restricted.

## 2. Non-employment

### 2.1 German Sources

1 Peisser, Nicole and Nicole Pribyl. 2006. *Vom Unterschied kein Mann zu sein. Die Situation von Frauen mit Behinderung am Arbeitsmarkt* [On the difference not to be a man. The situation of women with disability on the labour market]. Master thesis, pedagogical sciences. University of Graz.

**Keywords:** policy study, women, disability, labour market, multiple discrimination

The study attempts to answer the question if women and men with disabilities face different situations on the labour market and whether these differences are related to gender. The theoretical approach refers to a feminist perspective: various paradigms on persons with disabilities and approaches to social construction of disability are outlined. This is followed by an analysis of the general policy development in Austria regarding people with disabilities and of the situation of women with disabilities in particular. The relation between disability and the labour market is outlined by analysing European Union regulations on employment and disability and by referring to particular Austrian regulations such as the Federal Law on Employing Disabled Persons or NAPs and to relevant institutions. This is followed by a detailed evaluation of interviews and an explanation of equality policies relevant for women with disabilities, such as gender mainstreaming, diversity management and specific measures for women with disabilities on the labour market. The study suggests that problems for women with disabilities on the labour market mainly result from a combination of problems related to their disability and of gender-related problems, such as maternity leave.

2 Riesenfelder, Andreas, Claudia Sorger, Petra Wetzel, and Barbara Willsberger. 2006. *Forschungsbericht. Evaluierung der Einführung des Kinderbetreuungsgeldes* [Research report. Evaluating the introduction of the child-care benefit]. L & R Sozialforschung im Auftrag der Bundeskammer für Arbeiter und Angestellte. Wien: L&R Sozialforschung.

**Keywords:** Evaluation study, child-care benefit, gendered division of labour, women's employment.

The comprehensive study seeks to answer the question how the introduction of the child-care benefit, a major change in recent Austrian welfare state policy measures, influenced women's ability to combine care and gainful employment. This is done by a multi-method approach, involving evaluating official statistics and by interviews with experts and women on maternity leave. Apart from evaluating how this measure influenced women's possibilities to take up gainful employment after giving birth and men's possibilities to take parental leave, another focus is on the gendered distribution of unpaid work between women and men.

3 Tiefenböck, Stefanie. 2006. *Antidiskriminierung bzw. Gleichstellung von Menschen mit Behinderung in der Arbeitswelt* [Anti-discrimination and equal treatment for people with disabilities in employment]. Master Thesis, Vienna University of Economics and Business Administration.

**Keywords:** legal study, equal treatment, disability, employment, discrimination, advancement measures, EU legislation

Austrian equality legislation for people with disabilities has been crucially influenced by European Union law. The most recent change was the adoption of the 'federal equality law for disabled people' in 2005, which came into effect as implementation of the Council Directive 2000/78/EC. The first chapter gives an overview of European law regulations protecting people with disabilities and outlines the legal situation in Austria before 2005. The second chapter deals in detail with the new law regulating employment of people with disabilities in federal service and also asks whether implementation of the Council Directive by the new law is sufficient. The conclusion is ambiguous, as it remains to be seen whether sanctions imposed for discriminating people with disabilities will be strong enough to discourage discrimination. Critique of NGO actors is also taken into account when proposing amendments to the law which is seen as a compromise between demands by economic actors and representatives of NGOs.

4 Auer, Eva, Walter Reiter and Petra Wetzel. 2005. *Der Dritte Sektor als arbeitsmarktpolitischer Akteur – Status Quo und Herausforderungen in überregionaler Perspektive* [The third sector as actor relevant for employment policy – current state and challenges from a transnational perspective]. Bericht der L&R Sozialforschung. Wien.

**Keywords:** third sector, relevance for employment, voluntary work, unsalaried work, gender differences

The report addresses the importance of the non-profit-sector (third sector) for employment in a transnational perspective involving regional cooperation in Austria and Hungary. One subchapter deals with voluntary and unsalaried work. It is argued that the third sector involves a broader range of employment than public or market-regulated employment, in the sense that apart from paid work, one also finds unsalaried work. Gender differences in participation in voluntary and unpaid work are outlined. In international comparison, figures for voluntary and unsalaried work in Austria are low, and the non-profit-sector analysed does not involve a high percentage of voluntary and unsalaried work.

5 Egger de Campo, Marianne, Roswitha Baumgartner and Bernhard Just. 2005. *Lehrreiche Abweichungen – Ergebnisse der CARMA Fallstudie* [Instructive deviation – results of the CARMA case study]. In *Strategien gegen soziale Ausgrenzung älterer Menschen*, edited by Egger de Campo, Marianne, 19-60. Graz: Land Steiermark

**Keywords:** comparative case study, care for elderly, social exclusion, strategies, welfare state, Austria, Belgium, Italy, Northern Ireland

The study outlines the results of a comparative case study CARMA (Care for the Aged at Risk of Marginalization) analysing strategies to minimize the risk of social exclusion of elderly people in need of care. The study analyses how structural conditions of social services organisation - and thus, of care policy implementation - contribute to social exclusion of elderly people, and in particular how market-oriented approaches to providing care produce exclusion. Recommendations to social policy actors and care providers are made according to the results.

6 Leibetseder, Bettina and Christine Stelzer-Orthofer. 2004. Frauenerwerbsarbeit und Dritter Sektor. Herausforderung für das Gender Mainstreaming [Women's gainful employment and third sector – challenges for gender mainstreaming]. *Kurswechsel* 4/2004: 66-73.

**Keywords:** empirical and legal analysis, women's gainful employment, third sector, social service sector, participation on labour market, gendered segregation of labour market, gendered voluntary work.

The study analyses the gendered segregation of the social service sector (third sector) as well as the development of legal standards for unregulated forms of employment. The authors argue that collective agreements regulating employment in the social service sector only partially implement equality policies such as the equal treatment law, and that gender mainstreaming has largely not implemented. These developments are compared to existing studies on collective agreements which show more sensitivity for anti-discrimination efforts, and to the discourse on replacing social service sector work by voluntary work.

7 Aichhorn, Ulrike. 2003. Unterhalt – Obsorge – Kinderbetreuungsgeld aus frauen(rechtlicher) Perspektive. [Allowance – custody – child care benefit from a woman's (rights') perspective] In *Sammelband zum Salzburger ExpertInnenforum 'Frau & Recht*, edited by Aichhorn Ulrike. Wien: Verlag Österreich.

**Keywords:** legal study, marriage law, custody law, child-care benefit, jurisdiction by European Court of Justice, effects on women

The compilation outlines recent changes in marriage law, custody law and child-care benefit law as well as decisions by the European Court of Justice from a feminist perspective. Regarding marriage law, a major amendment in 1999 is analysed. The authors concludes that it contains substantive improvements for women, but that major deficits still remain, such as in law of names, or the lack of independent social security for women in cases of house- und care-work. Regarding the introduction of 'shared custody' it is emphasised that it is too early to assess whether this introduction will be detrimental to women or not. .

8 Sauer, Birgit. 2003. Zivilgesellschaft versus Staat. Geschlechterkritische Anmerkungen zu einer problematischen Dichotomie [Civil society versus the state.

Critical remarks on a problematic dichotomy from a gender perspective]. In *Zivilgesellschaft – ein Konzept für Frauen?* [Civil society – a concept for women?] edited by Appel, Margit, Luise Gubitzer, Birgit Sauer, 117-136. Wien: Peter Lang Verlag.

**Keywords:** discourse analysis, democracy, transformation of state, civil society, women's participation, feminist critique

In the context of transformations of state and democracy and discourses on civil society in Austria since the year 2000, the author discusses the implications and possibilities of two differently accentuated concepts of civil society for the feminist movement. The first concept, 'Bürgergesellschaft' is discussed as a normative neoliberal political strategy promoting dismantling of state activities and more individual responsibility of the citizen that does not secure political and social rights to participation. The second concept, 'Zivilgesellschaft' is discussed as a materialistic approach that focuses on more political self-determination of citizens against the state. The author argues that the normative concept of civil society is problematic for women, and just as problematic as 'the state'. Dichotomising 'state' and 'civil society' would be too short-sighted from a feminist and democratic perspective, however, as it may easily be linked to a neoliberal discourse. An analytic-materialist concept uncovering the links between civil society and the state on the other hand could reveal room for feminist agency as well as show its limitations for such agency. In the final chapter, the conditions for a feminist political project transforming both state and civil society and involving social, economic and political citizenship are outlined.

9 Fleischer, Eva. 2003. Was bringt die nächste Pensionsreform den Frauen? [The next reform on pensions - what's in it for women?]. *Arbeitskreis Emanzipation und Partnerschaft AEP*. 30 (2003), 9-13.

**Keywords:** policy study, welfare policies, pension reform, gender-specific effects

The author discusses recent policy suggestions regarding a reform of the pension system from a feminist perspective. Taking the suggestions of the pension reform commission regarding a better incorporation of the time women spent for child-care and consequently were not employed as an example, the study analyses the effects that these reforms would have on old-age security of women, and contrasts them with feminist reform suggestions aiming at old-age financial security for all women, regardless of their former employment status.

10 Hollerweger, Eva 2003. Übers Teilen. Ein Märchen. Daten und Trends zur ehrenamtlichen Betätigung von Frauen und Männer [On sharing. Data and trends on unsalaried activity of women and men]. In *Zivilgesellschaft – ein Konzept für Frauen?* [Civil society – a concept for women?] edited by Appel, Margit, Luise Gubitzer, Birgit Sauer, 207-224. Wien: Peter Lang Verlag.

**Keywords:** Policy study, voluntary work, unsalaried work, civil society, participation, gender differences

The study attempts to answer how voluntary and unsalaried work and civil society in Austria are connected and whether there are gender differences in voluntary and unsalaried work. The development of how voluntary and unsalaried work came into existence is outlined, it is emphasised that the definition is highly dependent on the policy context. Evaluating empirical data, participation of women and men in voluntary work is outlined, as well as the influence of socio-economic structural characteristics such as age, gainful employment, level of education and income. Other areas of attention are forms of organising voluntary and unsalaried work, trainings and closeness to gainful employment, volume of and motives for such forms of work. As a conclusion, it is emphasised that voluntary and unsalaried work is highly segregated by gender, and that if performed by women in informal settings, it is often not seen as commitment for civil society, as it lacks relation to the public sphere.

11 Horak, Karin. 2003. *Hilfe und Pflege durch Angehörige in der Altenbetreuung unter besonderer Berücksichtigung der Rolle der Frau* [Assistance and care performed by relatives in caring for aged people with special consideration of the role of women]. Master thesis, sociology. University of Vienna.

**Keywords:** sociological study, caring relatives, gendered segregation of caring, care policies

The study gives an overview of the situation of caring for aged people by their relatives in Austria and focuses on the gendered dimension of caring (both in the persons cared for and the persons providing care). Institutional welfare state settings regulating care by relatives are outlined and discussed in relation to various forms of gender arrangements, class aspects and socio-demographic developments. It is emphasised that caring is subject to changes and that care policies will have to take these developments into account.

12 Kytir, Josef and Karin Schrittwieser. 2003. *Haushaltsführung, Kinderbetreuung, Pflege. Ergebnisse des Mikrozensus September 2002* [Household work, child-care, care-work. Results of the Mikrozensus (national random-sample survey) September 2002]. Wien: Bundesministerium für Soziale Sicherheit, Generationen und Konsumentenschutz.

**Keywords:** national survey study, unpaid work, household, child-care, care work, gender

The national survey study sampling 22500 random households in Austria focuses on the distribution of unpaid work in the form of household, child-care and care for elderly relatives, the reasons for part-time employment and reasons against employment. It concludes that gendered patterns of distribution of work inside the family have not changed significantly since the mid-1990s, both in child-care, household and care work, but that the amount of time men take for child-care has slightly increased. Extra-familial availability of child-care facilities are seen as crucial element for reconciling gainful employment and child-care.

13 Lutz, Hedwig. 2003. *Auswirkungen der Kindergeldregelung auf die Beschäftigung von Frauen mit Kleinkindern. Erste Ergebnisse* [Results of the child-care benefit regulation on employment of women with small children. First results]. In: *WIFO-Monatsberichte* 3/2003, Wien.

**Keywords:** Empirical evaluation study, child-care benefit, employment of women

The study evaluates official data on employment and women who receive child-care benefit and attempts to answer the question how the new law on child-care benefit, introduced in 2002, influenced employment rates of women with small children. Starting from the assumption that the introduction of the child-care benefit was meant to increase employment of women with small children, the study suggests that empirical data show the contrary: while women with small children gain some financial security, their participation in employment and in active employment decreased. Young women, women with several children and women with limited income opportunities withdrew the most from employment, whereas the number of fathers receiving child-care benefit decreased.

14 Petschko, Martina. 2003. *Bildungskarenz*. [Education leave] Master thesis, Vienna University of Economics and Business Administration.

**Keywords:** legal study, education leave, further education, employment policy, requirements, gendered effects.

The study gives a comprehensive and full-scale overview on regulations concerning education leave. It starts from the assumption that regulations concerning education leave should have positive effects on qualification of individual employed persons and on employment policies at the same time. Conditions for getting leave from employment for further education as well as prohibitions are discussed, especially in relation to maternity leave or parental leave, or times for military or community service. Legal consequences for the employed person are outlined as well as possibilities to end an employment during education leave. It is emphasised that the most frequently found advantage was that women take education leave immediately after their maternal leave period ends.

15 Sorger, Claudia and Barbara Willsberger. 2002. *Ältere Frauen in Wien: Mögliche Wege zur Chancengleichheit*. [Elderly women in Vienna: possible ways to equal opportunities]. Studie im Auftrag der MA 57. Wien: L&R Sozialforschung

**Keywords:** Empirical study, elder women, Vienna, equal opportunities

The study attempts to give a comprehensive overview of the situation of elderly women in Vienna, evaluating data on the demographic situation, housing, financial security in old-age, caring and need for caring. In the area of financial security, special attention is paid to the fact that 60 % of women over 60 can not claim a pension in their own right and that 15 % of women over 60 do not have a legal claim to any sort of pension at all. According to the results, recommendations are made

with the aim to improve participation and equal opportunities for elderly women in the above areas.

16 Buchegger, Rainer and Renate Kränzl-Nagl. 1999. Bezahlte und unbezahlte Arbeit aus soziologischer und ökonomischer Sicht. [Paid and unpaid work from a sociological and economical perspective] In *Familien und Arbeitswelt. Partnerschaft zur Vereinbarkeit und Neuverteilung von Betreuungs- und Erwerbstätigkeit. 4. Österreichischer Familienbericht*, edited by Bundesministerium für Umwelt, Jugend und Familie, 19-45. Wien: Bundesministerium für Umwelt, Jugend und Familie.

**Keywords:** sociological and economical study, paid work, unpaid work, gender, distribution, reconciliation influence of public policies

The study, as part of the comprehensive national report on families, within the section on families and world of work, gives an overview of the situation of gendered distribution of paid and unpaid labour in Austria and outlines different sociological and economic approaches to the relation between paid and unpaid work and its effects on reconciliation of family and work. It attempts to answer the question how public policies influence decisions on distribution of paid and unpaid work within families. Advantages and disadvantages of valuing gendered unpaid work are discussed. Following an economic approach, the study suggests that public measures aimed at strengthening women's negotiating positions within families would lead to increased employment participation.

17 Moser, Sonja. 1999. *Nachtarbeitsverbot für Frauen und Gleichheitssatz sowie seiner Konformität zum EU-Recht*. [Prohibition of night work of women and equality principle in its relation to EU law]. Master thesis, law. University of Salzburg.

**Keywords:** legal study, prohibition of night work of women, equality, impact of EU law

Austria has had severe restrictions imposed on women's night work. It starts with an overview of the historical development and European Union legislation and jurisdiction by the European Court of Justice. This is followed by discussing the main legal regulation 'women's night work law' in its content and frequent amendments, as well as the legal reasoning for why the restrictions imposed by the law are seen to be in conformity with the constitutional principle of equality. The author assesses that the general prohibition of night work for women is not in conformity with EU-regulations.

18 Hieden-Sommer, Helga. 1998. Kapitalistische Arbeitsorganisation und Arbeitsbewertung. Schwierigkeiten einer frauengerechten Pensionsreform [Capitalist way of organising labour and valuing work. Difficulties of a pension reform sensitive to the needs of women]. In *Johanna Dohnal*, edited by Eva Kreisky. 101-107. Wien: Milena-Verlag.

**Keywords:** policy analysis, pension reform, discourse analysis, gender, knowledge, power

The study attempts to outline the preconditions for a pension reform in Austria that is gender sensitive. The author starts from the assumption that ways of thinking about society are deeply entrenched by norms and power, and that this has to be considered when assessing the political importance of social science categories for gender equality. The focal argument is that a capitalist valuation of work makes economic security and a decent standard of living impossible for women (and men) who perform unpaid reproductive work and/or badly paid work without social rights. A pension reform that is sensitive to life-biographies of women would require answers to fundamental questions, such as which criteria should rule society, who should be responsible for valuing and organising work that is necessary for society, and how can people exposed to subjection be empowered to act politically.

19 Blumberger Walter. 1997. *Forschungsprojekt: Berufsverläufe und Lebensbedingungen von begünstigten behinderten Frauen und Männern* [Research project: careers and living conditions of privileged disabled women and men], edited by Walter Blumberger/Bundesministerium für Arbeit und Soziales. Linz: Bundesministerium für Arbeit und Soziales.

**Keywords:** people with disabilities, employment policies, advancement policies, career, living conditions

The study tries to address the employment situation of women and men with privileged disabilities (people who are classified as being capable of working to some extent despite their disability) in a comprehensive way. Using statistical analysis, case studies, interviews and a synthesis report, it attempts to measure the effects of legal instruments to promote and advance quality of their employment and life, to outline conditions for permanent employment, and to give an overview of experiences of companies when employing disabled persons. Gender aspects are considered in all sub-areas, the role of the public sector (federal and provincial level) as well as the private sector in employment are differentiated.

Some conclusions are that apart from gender, age, level of education and type of disability are decisive factors for employment integration. Women with privileged disabilities are severely disadvantaged in compared to men, as are persons with psychological or cognitive disabilities. It is not the disability in itself that hinders employment, but the effects of the disability, especially if it leads to decreased performance. This in turn leads to disintegration on the job and social isolation, which impacts heavily on how people with privileged disabilities can enjoy life.

20 Mairhuber, Ingrid. 1997. *Eigenständige Alterssicherung für Frauen* [Independent old age security for women]. Schriftenreihe des Bundesministeriums für Frauenangelegenheiten und Verbraucherschutz. Band 14. Wien: Bundesministerium für Frauenangelegenheiten und Verbraucherschutz.

**Keywords:** pension policies, old age security for women, gender-specific biographies, models for independent security

The study outlines the principles of old-age security system in Austrian pension policies - pension derived from gainful employment and marriage - and sets them

into relation to gender-specific biographies. The typical male life and employment biography is seen as the norm model for providing economic old-age security, and many women's old-age security depends on their marital status and benefits derived from their marital status (widow's pensions). It is emphasised that older women often disrupted their gainful employment to provide unpaid care and household work for years, and that they face severe structural disadvantages in case they are separated, divorced or in a partnership outside marriage. Alternative old-age security models, such as the German pension splitting system, the Scandinavian people's pension system and the Swiss people's security system are discussed in their effects on women. A two-pillar system containing security and insurance elements as well as a mandatory insurance system for all inhabitants are seen as models that allow for an old-age security independent of marital status.

21 Hieden-Sommer, Helga, 1994. Pensionsreform im Namen der Gleichheit? [Pension reform in the name of equality?] *Österreichische Zeitschrift für Politikwissenschaft* [Austrian magazine for political science], 23 (2):177-193.

**Keywords:** policy study, pension reform, equality policy, legal analysis, discourse analysis

The study analyses the development of the reforms of the pension system since the 1970s that were carried out with reference to gender equality. The legal discourse on gender equality, gender neutrality and gender difference as seen in decisions by the Constitutional Court and following changes in the pension system are addressed and the gendered norms underlying these debates are highlighted.

## 2.2 English Sources

22 Kreimer, Margareta and Helene Schiffbänker. 2005. Informal family-based care work in the Austrian care arrangement. In *Care and social integration in European societies*, edited by Birgit Pfau-Effinger. 173-191. Bristol: Policy Press.

**Keywords:** welfare policy study, care policies, transformation, social integration of women, male breadwinner model

Within the context of major recent changes in Austrian care arrangements, the study analyses whether these changes may be interpreted as a transformation of the traditional breadwinner model into a new care-giving parity model as suggested by Fraser (1994) and Lewis and Hobson (1997). The characteristics of the Austrian care arrangement are outlined in international welfare state research perspective, with a focus of care work and female labour market participation and the situation of lone mothers, partnered mothers and long-term carers. The authors conclude that Austria shows strong deficits regarding freedom of choice between several care arrangements and adequate conditions for each arrangement.

23 Behning, Ute and Margit Leuthold. 2004. *National Report. Policies shaping employment, skills and gender in the Austrian labour market (Analysis of NAPs 1998 – 2003)*. Report written as a part of report 2: The European employment strategy and national employment policies. Addressing the employment and gender challenges of the knowledge based society. For the EU funded project: From welfare to knowfare: A European approach to employment and gender mainstreaming in the knowledge based society. [www.bifrost.is/wellknow](http://www.bifrost.is/wellknow)

**Keywords:** employment policies, NAP, gender mainstreaming, part-time work, reconciliation

The project WELLKNOW addresses employment and gender challenges of the model of the Knowledge Based Society, an EU goal set at Lisbon 2000. It seeks to measure and explain through statistical indicators and context analysis, the extent to which both quality in working life and gender equality are involved in the pursuit of this goal. A second question is how the European Employment Strategy and national policies regulate the transition to the knowledge based society.

The Austrian national report gives an overview of policies shaping the NAPs from 1998-2002 as well as employment and knowledge-based society strategies. The gender approach of the NAPs is discussed with a focus on part-time work and reconciliation measures. The study argues that the understanding of knowledge-based society within the NAPs gives priority to a type of knowledge that is strongly geared towards economic profit, but that they are not relevant for the transition to the knowledge-based society. NAPs are relevant for gender relations in so far as they give a report about gender mainstreaming efforts of the Austrian Employment Service.

24 Hammer, Elisabeth and August Österle. 2003. Welfare state policy and informal long-term care giving in Austria: old gender divisions and new stratification processes among women. *Journal of Social Policy* 32: 37-53.

**Keywords:** policy study, welfare state reform, long-term care, gendered division of labour, defamilialisation.

In the context of the introduction of a reform in the Austrian long-term care system in 1993, the study outlines that the provision of long-term care is strongly based on unpaid female work within family networks and is characterised by a highly unequal division of informal long-term care-giving. The 1993 reform introduced payments for care. The objective of this article is to investigate the implications of the 1993 reform on gender divisions and on whether and in what ways it influences the role of women as carers. The question is approached by applying and broadening the concept of defamilialisation in a process oriented way. The analysis suggests that from the informal carers' perspective long-term care allowances in the Austrian context mean some financial relief via 'symbolic payments'. At the same time, the overall long-term care system prolongs existing gender divisions and sets in train new stratification processes among women as main carers with gender, class and space as dimensions reinforcing each other.

## 2.2.1 Comparative studies

25 Fagan, Colette, Gail Hebson, Daniele Meulders and Aleksandra Kanjo-Mrčela. 2006. *Making work pay debates from a gender perspective: a comparative review of some recent policy reforms in thirty European countries*. Luxembourg: Office for Official Publications of the European Communities, [http://ec.europa.eu/employment\\_social/gender\\_equality/docs/2005/exp-group\\_2005annreport\\_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/2005/exp-group_2005annreport_en.pdf)

**Keywords:** European Union, social security, integration into employment, return to employment

This report is based on the reports prepared by the 30 national experts in the EGGsIE network. In section 1 we review some of the recent national reforms or policy debates in relation to the 'making work pay' agenda from a gender perspective. This draws on reports for the 15 pre-2004 member states and the 5 non-EU countries included in this network. The national experts for the 10 new member states did not contribute to this part of the report because they had the additional task of preparing an evaluation of the gender mainstreaming of the first National Action Plans on Social Inclusion submitted by their governments<sup>1</sup>. Sections 2-5 draw on material from all 30 countries. In section 2 we review maternity and parental leave provisions in relation to the employment integration of mothers and fathers. The impact of parental leave or extended labour market absence for childcare on eligibility for active labour market measures and other training provisions is discussed in section 3. The development of childcare services as a key social infrastructure for supporting parents' employment is reviewed in section 4. Conclusions are drawn in section 5, which also raises demand-side considerations about job quality and hence employment sustainability for the main care (typically mothers) in low-income households.

26 Fagan Colette, Peter Urwin, Kathryn Melling, Daniele Meulders and Aleksandra Kanjuo-Mrčela. 2005. *Gender inequalities in the risk of poverty and social exclusion for disadvantaged groups in thirty European countries*. Manchester: The University of Manchester.

**Keywords:** European Union, gender inequality, social exclusion, poverty, unemployment, one-parent family, ethnic groups, migrants, violence.

Gender mainstreaming is specified as a key requirement in the Social Inclusion Process; however, this approach to policy design and monitoring is still under-developed and often absent from National Plans. The aim of this report is to inform and help develop the gender mainstreaming of the Social Inclusion Process, drawing on national reports for 30 European countries. It reviews gender differences and inequalities in the risks of poverty and social exclusion, followed by chapters which focus on selected examples of disadvantaged groups to illustrate the relevance of gender mainstreaming for social inclusion policy.

27 Plantenga, Janneke, Chantal Remery, Petra Helming, Daniele Meulders and Aleksandra Kanjo-Mrčela. 2005. *Reconciliation of work and private life: a comparative review of thirty European countries*. Luxemburg: Office for Official Publications of the European Communities, [http://ec.europa.eu/employment\\_social/publications/2005/ke6905828\\_en.pdf](http://ec.europa.eu/employment_social/publications/2005/ke6905828_en.pdf)

**Keywords:** Integration into employment, social integration, equal rights of men and women, child care, working time, maternity leave, parental leave, Europe, comparative study

The increasing labour market participation of women, changing family forms and the demographic pressure from an ageing population have made the reconciliation of work and family one of the major topics on the European social agenda. Yet countries differ in their policy responses, sometimes stressing the need for more flexible working

hours, sometimes encouraging the supply of public and private services and sometimes focusing on a more equal distribution of paid and unpaid work. This report contains an overview of policies targeted towards the reconciliation agenda of the 25 EU Member States. In addition, information is provided for three EEA countries, Iceland, Norway and Liechtenstein, and two Candidate countries, Bulgaria and Romania. An innovative element of this study – besides the scope – is that the focus is not only on national, public strategies. If possible, complementary provisions emerging at sector or company level are included as organizations may either supplement or substitute public provisions. In fact, it is at the organisational level where the details of the reconciliation of work and family life are worked out.

28 Bruning, Gwennaële and Janneke Plantenga. 1999. Parental leave and equal opportunities: Experiences in eight European countries. *Journal of European social policy* 9:195-210.

**Keywords:** EU directive, parental leave arrangements, combining work and care, equal opportunities, practical consequences, Germany, Austria, France, Finland, Norway, Sweden, Denmark, the Netherlands.

In June 1996, the EU directive on parental leave came into force. A major consideration in the introduction of this directive was its advantages for the reconciliation of work and family life. However, there is little systematic knowledge about the practical significance of parental leave arrangements in the European Union for equal opportunities policy. Given this situation, the main focus of this article is on empirical issues such as the number of (male and female) leavetakers and the length of the leave. In order to present comparative data, a user rate is calculated for eight European countries (Germany, Austria, France, Finland, Norway, Sweden, Denmark, The Netherlands). It appears that the majority of leavetakers are women; even in Nordic countries there are big differences between the user rates of men and women. As a result, the importance of the actual parental leave arrangements for equal opportunities seems rather dubious.

### 3. Intimate Citizenship

#### 3.1 German Sources

1 Knoll, Eva-Maria. 2006. Rituale der künstlichen Befruchtung. Dimensionen eines Erfolgskurses und dessen Schattenseiten [Rituals of artificial insemination. Dimensions of a successful discourse and its shadows]. In *Ritualisierungen von Geschlecht*, edited by Birgit Sauer, 69-86. Wien: WUV-Verlag.

**Keywords:** discourse analysis, artificial insemination, reproductive policies, gender aspects

In the context of recent changes in the law on reproductive medicine, the study analyses the changes in and development of a hegemonic discourse of 'success' of artificial insemination and its effects on women. It argues that the discourse was influenced by reproductive technological developments in the mid-1980s as well as by demographic concerns in parliamentary debates and media around 2000.

2 Loos, Thomas, Ljiljana Zatojevic and Philip Cech. 2006. *Das neue Fremdenrecht und dessen Auswirkungen auf andere Rechtsbereiche* [The new alien law and its consequences for other legal areas]. Salzburg: Österreichisches Institut für Menschenrechte.

**Keywords:** legal study, alien law, employment law, family law, right to family life, European Convention on Human Rights

Austrian alien law is scattered in a variety of different legal sources and has been frequently amended. The aim of the study is to give a comprehensive overview of all current alien law regulations in Austria, including most recent changes such as the duty to sign an 'integration contract' and how they affect legal areas such as employment, marriage, divorce and custody regulations. A separate chapter deals with obligations to respect private and family life under the European Convention on Human Rights (ECHR), also in relation to homosexual partnerships.

3 Hadolt, Bernhard. 2005. *Reproduktionstechnologienpolitik in Österreich. Die Genese des Fortpflanzungsmedizingesetzes 1992 und die Rolle von ExpertInnen*. [Policies on reproductive technologies in Austria. Origins of the law on reproductive medicine 1992 and the role of experts] Wien: Institut für Höhere Studien (IHS).

**Keywords:** policy analysis, reproductive technology, Reproductive Medicine Law, experts, policy consulting, knowledge

The study analyses the emergence and development of assisted reproductive technology policy in Austria. It focuses on political processes between the 1980's and

1990's culminating in the adoption of the Reproductive Medicine Law (Fortpflanzungsmedizingesetz 1992). Key actors, their policy ideas and advocacy positions are identified. The role of experts in the formation of the policy is explored. The study argues that assisted reproductive technology was made legal only in cases that serve or do not contradict traditional values such as the heterosexual nuclear family, banishment of eugenics, women's right to self-determination, and that change in attitude that would have resulted in inclusion of new facts of human reproduction, such as homosexual parents with children of their own, was not achieved.

4 Graupner, Helmut. 2004. *Keine Liebe zweiter Klasse. Diskriminierungsschutz & Partnerschaft für gleichgeschlechtlich L(i)ebende* [Stop second-class love. Protection from discrimination and partnership for same-sex lovers]. Wien: Rechtskomitee Lambda.

**Keywords:** legal study, same-sex partnership, discrimination, international obligations, EU, UN

The study outlines the development of legal regulations concerning homosexuality in Austria and gives an overview of current areas of discrimination before the law in penal law, administrative law, business law, anti-discrimination law, and constitutional law, and in the area of partnership.. He outlines international obligations to promote equality regardless of sexual orientation in the EU, the European Council, the OSCE, the UN, WHO, and ILO. He gives examples of entire or partial recognition of same-sex partnerships within European jurisdictions in Denmark, Norway, Greenland, Sweden, Iceland, the Netherlands, Germany, Spain, France, Italy and Switzerland as well as other Non-European countries. Family reunions are dealt with under the perspective of homosexual partnership.

5 Appelt, Erna. 2003. *Frauen in der Migration – Lebensform und soziale Situation*. [Women in migration – form of living and social situation] In *Österreichischer Migrations- und Integrationsbericht* [Austrian report on migration and integration], edited by Heinz Fassmann und Irene Stacher, 144-170. Klagenfurt: Drava.

**Keywords:** migrant women, social situation, heterogeneity, countries of origin, motives for migration, socio-economic situation

The study outlines the situation of the heterogeneous group of migrant women in Austria along the change of perspectives in recent migration research and additional interviews. Demographic issues as well as forms of migration and motives for migration, such as family reunion, are analysed from a gendered perspective. Unequal distribution of resources as well as gender hierarchies are seen as reasons for the high percentage of migrant women working in sex-work. Gender orders in societies of origin as well as constructions of the 'dependent woman' by legal and social conditions for migrant women are focused on, as are political strategies against patriarchal violence and self-organisation of migrant women.

6 Echsel, Katharina. 2003. Aufenthaltsrechtliche Situation von MigrantInnen in Österreich [Situation of migrants regarding residence law]. In *Migration von Frauen und strukturelle Gewalt* [Migration of women and structural violence], edited by Arbeitsgruppe Migrantinnen und Gewalt, 31-40. Wien: Milena-Verlag.

**Keywords:** policy study, migration, residence policies, quota restriction, family reunion, gendered dependency

In the context of increase of state regulation of migration and deregulation of the rights of migrants, the study attempts to answer the question how alien law regulations of the Alien Law 1997, such as the quota restriction for family reunions and residence dependency on husbands, particularly affect migrant women and increases their dependent status by denying them autonomous rights. Another focus is on state regulations that distinguish between migrants from certain Non-EU-countries, such as Japan and the US, and other Non-EU-citizens, in applying for temporary or permanent residence permits. It is argued that restrictive migration policies increase the danger, particularly of migrant women, to be dependent and exploited.

7 Ivezić, Angela und Cvjetka Brem-Dulčić. 2003. Familiennachzug – Die Fesseln des Fremdenrechts. [Family reunion – ties of the alien law]. In *Migration von Frauen und Strukturelle Gewalt*. [Migration of women and structural violence], edited by Arbeitsgruppe Migrantinnen und Gewalt, 149-168. Wien: Milena-Verlag.

**Keywords:** Policy study, family reunion, residence, violence against women

They study tries to answer the question how policies on family reunion impact the likelihood that migrant women in Austria are subjected to domestic violence. Major alien law changes regarding family reunion are outlined. It is argued that the frequently changing legal situation creates insecurity for migrant women, and that their likelihood to be subjected to violence is increased as their residence permit depends on the husbands and there are long waiting periods until migrant women can obtain individual working permits.

8 Macho, Elisabeth. 2003. *Der grundrechtliche Schutz des Familienlebens nach Art 8 EMRK in Österreich*. Neue Herausforderungen im Bereich des Fremdenrechts und der Fortpflanzungsmedizin. [Protection of family life according to Art 8 ECHR in Austria. New challenges in alien law and reproductive medicine] PHD-thesis, law. University of Vienna.

**Keywords:** legal study, protection of family life, alien law, reproductive medicine law, European Convention on Human Rights

The study concerns the meaning of 'protection of family life' as guaranteed in the European Convention on Human Rights in the context of Austrian alien law and reproductive medicine law regulations. Relevant current problems are identified in the recognition of polygamous families, registered partnerships and family reunions on the one hand and reproductive medicine (donation of semen, egg cells, and surrogate mothers). Decisions by the European Court of Human Rights and the Austrian Highest Court on these issues are discussed and compared. European

jurisdiction is seen as having had critical impact on Austrian alien law. Most decisions by the Austrian Constitutional Court are seen as being in line with interpretations by the European Court on Human Rights, whereas in certain areas, such as quota for family reunions, Austrian legislation is seen as not being in line.

9 Waldrauch Harald and Dilek Cinar, 2003. Staatsbürgerschaftspolitik und Einbürgerungspraxis in Österreich [Policies on citizenship and naturalisation in practice]. In *Österreichischer Migrations- und Integrationsbericht* [Austrian report on migration and integration], edited by Heinz Fassmann and Irene Stacher, 261-283. Klagenfurt: Drava.

**Keywords:** citizenship and naturalisation policies, study of legal changes

Setting recent developments in citizenship and naturalisation policies into historical perspectives, the study outlines the major changes for obtaining residence permits and citizenship in Austria since the mid-1980's for migrants, excluding policies for privileged groups such as university professors. The authors broadly compare different provincial naturalisation policies to the European average, also in respect to financial resources necessary for obtaining naturalisation documents. One of the main gendered aspects is the finding that the reasons for granting naturalisation differ considerably for men and women, and that marriage has been a reason for naturalisation that affects women more than men. Citizenship and naturalisation policies

10 Biffl, Gudrun. 2002. Potenzieller Familiennachzug [Potential family reunion]. In *Arbeitsmarktrelevante Effekte der Ausländerintegration in Österreich* [Effects of integration of aliens relevant for the labour market in Austria], edited by Gudrun Biffl. Wien: Wirtschaftsforschungsinstitut. 28-30.

**Keywords:** study on family reunion, employment, residence, effects on labour market

Evaluating the most recent data and research available, the research report attempts to give a detailed overview of the effects of immigration on the Austrian labour market, taking structure of migrants and their residence status, or aspects of education and employment policies relevant for integrating migrants as its focus. One subchapter is explicitly devoted on potential effects of family reunion on the labour market. It outlines the historical immigration policy development for family reunion since the 1970s, and starts from the argument that family reunion patterns differ significantly between citizens from Former Yugoslavia and other foreigners, due to the war and post-war situation, and that the number of persons waiting abroad to be 'reunited' is very low for persons with citizenship from Former Yugoslavia or Turkey. It is mentioned that more than half of potential family reunification cases concerns children under 14, and that spouses willing to follow to Austria are mostly women who are currently employed or were employed in their home countries. One conclusion is that persons who potentially fall under family reunion are very likely to wish to be integrated into the Austrian labour market, and in the same branches as they were in their countries of origin.

11 Krcmariva, Petruska and Gertrud Schmutzer. 2001. *Vom Störfaktor zur Normalität und kulturellen Bereicherung. Binationale Paare in Österreich* [From disruptive factor towards normality and something valuable. Bi-national couples in Austria]. In: Abschlussbericht FABIENNE – Familles et couples binationaux en Europe. Project co-funded by DG Employment and Research. Frankfurt am Main: Verband binationaler Familien und Partnerschaften. 28-40.

**Keywords:** qualitative study, bi-national couples, legal regulations, discrimination, personal, structural, cultural

The national report on Austria, as part of the larger research project, attempts to outline the forms of discrimination that bi-national couples in Austria are subjected to. Using qualitative interviews, the study suggests that it is particularly lengthy, intransparent administrative procedures, lack of information and legal 'grey zones' that result in discrimination against a Non-Austrian partner of an Austrian citizen. Deficits in the way public authorities deal with bi-national couples are outlined, focused on the areas marriage procedure, residence permit and visa for family members from Non-EU-countries. According to the results of the study, comprehensive suggestions for preventing discrimination of bi-national couples are made.

12 Pirolt, Karin, Hans-Peter Weingand and Kurt Zernig. 2000. *Was wäre wenn? – Eingetragene Partnerschaften von Lesben und Schwulen in Österreich. Vergleichende Darstellung der rechtlichen Instrumente für gleichgeschlechtliche Paare in Europa und eine Abschätzung der finanziellen Auswirkungen auf die öffentlichen Hände bei Einführung der eingetragenen Partnerschaft nach dänischem Muster in Österreich*, im Auftrag des Ludwig Boltzmann Instituts zur Analyse wirtschaftspolitischer Aktivitäten.

[What if? Registered partnerships of lesbians and gays in Austria. Comparative description of legal instruments for same-sex couples in Europe and an assessment of financial effects for public spending if registered partnerships according to the Danish model were introduced in Austria] Graz: Edition Regenbogen – Studienreihe Homosexualität.

**Keywords:** legal study, same-sex partnerships, legal models, introduction of registered partnerships, financial effects.

The study gives an overview of different European legal models for same-sex partnerships and attempts to answer which financial impact the introduction of a same-sex partnership following the Danish model would have on public spending in Austria. The study argues that public spending on the level of the provinces would decrease with the introduction of the Danish model as costs for minimum social security (Sozialhilfe) would decrease, while increases in public spending can be expected for surviving dependent's pensions provided for by Social Security Agencies.

13 Engel, Sabine. 1997. *Kritische Auseinandersetzung mit dem Fortpflanzungsmedizinengesetz* [Critical evaluation of the reproductive medicine law].

In *Recht, Geschlecht und Gerechtigkeit: Frauenforschung in der Rechtswissenschaft*, edited by Ursula Floßmann, 236-281. Linz: Trauner.

**Keywords:** legal study, reproductive medicine law, parenthood

The study outlines the policy and legal developments around the 1992 Reproductive Medicine Law and seeks to address the question which goals it succeeded in reaching. Perspectives of different actors in the debate, such as the catholic and protestant churches and various feminist actors, are outlined. The Reproductive Medicine Law is discussed in detail. One criteria for the lawfulness of artificial insemination is (heterosexual) marriage or (heterosexual) partnership, which means that single women can not lawfully obtain artificial insemination. This condition is discussed in its relation to Austrian obligations under Articles 8 and 12 European Convention on Human Rights (right to privacy and family life). The study criticizes that legal problems which might arise if women get corresponding treatment abroad or illegally in Austria are not solved by the law. It concludes that modern methods of reproductive technologies were implemented to fit a traditional understanding of family and origin.

14 Sari, Sonja. 1996. Interkulturelle Ehen und Lebensgemeinschaften in Österreich. Rahmenbedingungen und Perspektiven [Intercultural marriages and partnerships in Austria – conditions and perspectives]. In *Interkulturelle Partnerschaften. Begegnungen der Lebensformen und Geschlechter*. [Intercultural partnerships. Meetings of ways of living and the sexes], edited by Heinz Pusitz and Elisabeth Reif, 82-91. Frankfurt am Main: IKO-Verlag für Interkulturelle Kommunikation.

**Keywords:** anthropological study, intercultural partnerships, alien policy

The author outlines difficulties that intercultural partnerships face in Austria and how individuals find strategies to cope with them and sets these strategies in context with the changes in Austrian alien policies.

### 3.1.2 Comparative studies

15 Caroni, Martina. 1999. *Privat- und Familienleben zwischen Menschenrecht und Migration. Eine Untersuchung zu Bedeutung, Rechtsprechung und Möglichkeiten von Art. 8 EMRK im Ausländerrecht* [Private and family life between human rights and migration. An inquiry on the meaning, legislation and possibilities of Article 8 European Convention on Human Rights in alien law]. Schriftenreihe zum europäischen Recht 58. Berlin: Duncker und Humblot.

**Keywords:** legal study, right to private life, right to family life, migration, family reunion, European Convention on Human Rights

This comprehensive study outlines obligations under the European Convention on Human Rights to guarantee and respect private and family life and compares Austria,

Swiss and French legal situations regarding family reunion and measures to end residence. Chapter four focuses on the Austrian case in the light of the new Alien law (Fremdengesetz) 1998. The study emphasises the impact of the European Convention on Austrian alien law regarding better possibilities for family reunion, but that the Austrian law does not fulfil its obligations regarding residence permits for family members of Non-EEA-citizens. The results suggest that Austrian jurisdiction continuously places too much importance on 'public interest' such as restrictive immigration policy or fighting drug crime.

## 3.2 English Sources

16 Gulicova, Grethe Maria. 2004. *Marriage Migration in Austria. Country Study*. Project HeiRat I: Marriage as an immigration gate. The situation of female migrants from third countries in Europe, Daphne Programme – European Commission; Berlin Institute for Comparative Social Research/European Migration Centre.

**Keywords:** policy study, marriage migration, women, third country,

The country study analyses the legal situation and social position of female marriage migrants in Austria. The focus is on the problems of female migrants due to Austrian legislation. The legal situation is outlined, it is emphasised that it is one of the most restrictive in the European Union, especially regarding a quota for immigration of third-country nationals for the purposes of a family reunion. The experiences of counselling organisations and institutions as well as deficits identified in the care for female marriage migrants are discussed. In the conclusion, recommendations are made in the critical areas of residence status and integration of female marriage migrants into Austrian society.

17 Circo, Iulian and Gregor Vilics. 2003. Austrian migration legislation. An analysis. In *Migration legislation. Austrian, Bulgarian, EU*, edited by Kamenova, Cvetana and Iulian Circo, 5-90. Sofia: Austrian Science and Research Liaison Office et al.

**Keywords:** legal study, migration legislation, admission, stay, termination of stay.

The aim of the study is to give a comprehensive overview of the Austrian migration legislation system, in both substantial regulations and in procedures, for comparative purposes. It is structured according to three areas: regulations on admission (entry), on stay (residence and settlement) and termination of stay (return). Asylum law is not part of the study. Reference to EU framework migration *acquis* is frequently made. In the first part on admission, the following areas are dealt with: visas, admission for employment (special conditions for Turkish nationals), voluntary work of third country nationals, admission for study purposes, admission for the purposes of family reunion, and marriages of convenience (for the purposes of obtaining residence permit or permission to reside for a third country national). The section on stay deals with temporary and permanent residence permits, procedural issues related to them,

such as regulations for 'favoured third country nationals', acquisition of citizenship. The third section, termination of stay, outlines regulations and procedures on forced return, measures of deprivation of personal liberty, and voluntary return.

18 Graupner, Helmut. 1997. Austria. In *Sociolegal control of homosexual behavior. A multi-nation comparison*, edited by Green, Richard and West, Donald J., 269-287. New York: Plenum.

**Keywords:** policy study, discrimination, homosexuality, Austria

Among countries that do not generally criminalize homosexual conduct as such, Austria has the most restrictive legislation on homosexuality. The study traces sociolegal developments regarding homosexuality from a historical perspective. The current legal situation is outlined in the areas criminal law, civil law, administrative law, tax law and constitution. The focus in civil law is on partnership, custody, adoption, artificial insemination, inheritance law aspects. The study closes with an overview of relevant actors and in which way their demands have been incorporated by political parties.

## 4. Gender-based Violence

### 4.1 German Sources

1 Latcheva, Rossalina, Julia Edthofer, Melanie Goisauß and Judith Obermann. 2007. *Situationsbericht und Empfehlungskatalog. Zwangsverheiratung und arrangierte Ehen in Österreich mit besonderer Berücksichtigung Wiens* [Report and list of recommendations. Forced marriage and arranged marriage in Austria with special regard to Vienna], edited by MA 57 – Frauenförderung und Koordinierung von Frauenangelegenheiten. Wien.

**Keywords:** sociological and legal study, forced marriage, arranged marriage, violence against women, migration policies, gender relations, debates

This is the first comprehensive sociological and legal study conducted about forced marriage in Austria. The report conceptualises forced marriage and arranged marriage, outlines the legal situation (national and international laws against sanctioning forced marriage) and analyses the most recent literature on forced marriage and violence against women. Interviews with experts and women and men who are affected by forced marriage in Austria also form part of the analysis. Chapter two discusses forced marriage as a multi-dimensional phenomenon in the context of conceptualisations of violence from the perspective of gender theory. Problematic aspects when generating data on violence against women are analysed. Social science, public and political debates and their tensions between xenophobic stereotyping, also in academia, and the need to address violence against women are contextualised in relation to current policies on migration and 'integration' of (muslim) migrant communities. The role of arguments relating to religion or to cultural norms and traditions that are rooted in patriarchal structures is addressed in these debates, as are socioeconomic circumstances of marginalised groups. The report concludes with a set of recommendations for prevention of forced marriage, intervention in case of violence and advice for affected persons.

2 Beclin, Katharina. 2006. Zur Notwendigkeit eines Straftatbestandes. Anti-Stalking-Gesetz [On the necessity of a criminal offence. Anti-stalking law]. *Sic!: Forum für feministische Gangarten* (2006) 57: 14-16.

**Keywords:** legal study, penal law, stalking, psychological violence, criminal offence

In the context of the introduction of a new anti-stalking law, prohibiting illegal persistent pursuit of a person if that is unwanted, this brief study gives an overview into how the bill came into being, its content and potential pitfalls. The focus is on potential effects on victims, especially if the victim was exposed to violence before. The author emphasises the necessity to enable public prosecutors to generally proceed in all cases and forms of stalking without agreement of the victim.

3 Eckstein, Nina. 2006. Was Stalking mit Frauenpolitik zu tun hat? Eine kurze Bilanz [What does stalking have to do with women's policy? First conclusions]. *Juridikum* (2006) 1: 55-60.

**Keywords:** legal study, stalking, violence, women's policy

The legal study outlines the proposed anti-stalking law and sets it into the context of recent policies that were introduced as gender equality policies. The anti-stalking law is seen as positive, but doubts are raised whether it can effectively protect women from violent ex-partners. The role of the judiciary in protecting women from violence and offering remedies and sanctions is emphasised, as is the importance of knowledge regarding gender relations and gender violence of judges. It suggests that while the new anti-stalking initiative was initiated by the Minister of Justice, a coherent overall gender equality policy initiated by the Women's ministry has been missing and that measures carried out so far may be more than ambiguous regarding their effects on gender relations.

4 Dearing, Albin. 2005. Das österreichische Gewaltschutzgesetz als Einlösung der Rechte von Frauen auf Sicherheit in der Privatsphäre und auf Gerechtigkeit [The Austrian law against domestic violence as realisation of the rights of women to security in the private sphere and to justice]. In: *Schutz vor Gewalt in der Familie, Das österreichische Gewaltschutzgesetz*, edited by Albin Dearing and Birgitt Haller. 17-198. Wien: Verlag Österreich.

**Keywords:** policy study, legal study, domestic violence law, protection of women, effectiveness, deficit

This comprehensive study is meant to give a detailed analysis of the domestic violence law from the perspective of women's rights and gender relations. It attempts to answer how effective it is in providing protection against violence in the private sphere, and to outline its deficits and to provide recommendations for improvements. The first part gives insight into the changes of paradigms - such as the breaking up of the public-private divide - and the development of the policy process that resulted in the adoption of the domestic violence law. The content of the law is explained, both in relation to the role of the state, interventions by the police and tasks of the intervention centers as well as and in relation to possibilities of victims to have their human rights protected and guaranteed. gain compensation for the violence imposed on them. The last part of the study analyses the effectiveness of the law and concludes with recommendations for further improvement. A focus here is on improvements for migrant women, traumatized persons, improvements in procedural penal matters and a critical evaluation of extra-court procedures in cases of domestic violence.

5 Kartusch, Angelika, Katharina Knaus and Gabriele Reiter. 2005. *Bekämpfung des Frauenhandels nach internationalem und österreichischem Recht* [Fighting trafficking in women in international and Austrian law]. Studienreihe des Ludwig Boltzmann Instituts für Menschenrechte, Wien: Verlag Österreich.

**Keywords:** legal study, trafficking in women, legal measures, international law, Austria

Starting from the point that Austria is mainly a country of destination for trafficked women, this comprehensive study aims to give an overview of international and Austrian regulations aiming to fight trafficking in women. After an introduction into the definition of trafficking according to various international NGOs, its relation to household work services, marriage and prostitution are outlined. The second chapter gives insight into international standards fighting trafficking in women on the level of the United Nations, the Council of Europe, the European Union and regulations within certain European countries (Italy, the Netherlands, Belgium, and Sweden). This is followed by a chapter on the situation in Austria regarding trafficking in women for the purposes of forced prostitution, for the purposes of exploitation of household workers and for the purposes of marriage. Attention is paid to countries of origin, socio-economic background, and the situation of women after entering Austria and after detention by the police. Initiatives of the government and NGO activities are portrayed. A detailed description of Austrian legal regulations, including relevant decisions by the judiciary, for the areas of international obligations, alien law, penal law, prostitution law, followed by detailed recommendations for the international and national levels is given in the last chapters.

6 Kölbl, Bettina T. [Red.] /Bundesministerium für Gesundheit und Frauen. 2005. *Maßnahmen gegen traditionsbedingte Gewalt gegen Frauen in Österreich* [Measures against harmful traditional practices against women in Austria]. Wien: Bundesministerium für Gesundheit und Frauen.

**Keywords:** legal study, measures against harmful traditional practices, Austrian ministries

The study, conducted in the context of the Austrian EU-presidency, in which Austria introduced the focus on harmful traditional practices, summarizes current measures against harmful traditional practices in Austria, which includes forced marriage, female genital mutilation, honor killings and others. The German wording for these forms of violence is 'violence based on tradition' - traditionsbedingte Gewalt. It gives an overview of the full range of activities fighting harmful traditional practices in various ministries and its legal basis.

7 Wakolbinger, Doris, 2005. *Weibliche Genitalverstümmelung* [Female genital mutilation]. Linzer Schriften zur Frauenforschung 32. Linz: Trauner-Verlag.

**Keywords:** female genital mutilation, legal situation, human rights, penal law, asylum law as compared to Germany

The study outlines the legal situation in Austria regarding female genital mutilation in penal law and asylum law and refers to first study performed on female genital mutilation performed among female migrants in Austria in 2000. It concludes that female genital mutilation is performed in Austria even though it is prohibited by the penal code, and that asylum law as implemented does not recognize female genital mutilation as a ground for persecution in itself, but only if a woman is classified as

belonging to a persecuted social group. The study contrasts the Austrian regulations with the new asylum law regulations in Germany, which explicitly refer to gendered persecution and allow women threatened by female genital mutilation better chances in the asylum process. The concludes that gender specific persecution must be recognised as such in the Austrian asylum law.

8 Kartusch, Angelika. 2004. Schutz vor Gewalt in der Familie [Protection from violence in the family]. In *Gleichheit von Frauen und Männern in Bulgarien, Österreich und der Europäischen Union* [Equality of women and men in Bulgaria, Austria and the EU] edited by Ilieva, Irena, Karin Lukas and Angelika Kartusch, 95-106. Sofia: Austrian Science and Research Liaison Office.

**Keywords:** legal study, domestic violence law, protection from domestic violence

The study gives an overview over how the law on domestic violence came into existence, its legal content and deficits. While it is seen positive that victims of domestic violence are better protected and can stay in their homes, deficits are seen e.g. in the restricted time-period for which the law applies (perpetrators can be sent away for a maximum of three months, unless a divorce is claimed) and the limited financial resources for intervention centres. The author concludes that, in international comparison, the Austrian law against domestic violence is an effective instrument to combat domestic violence and support victims of domestic violence. The role of the women's movement and NGOs is seen as crucial for the stage of policy-formulation, and institutionalised cooperation between the police and NGOs is seen as vital for the successful implementation of the law.

9 Boidi, Maria Cristina. 2003. Frauenhandel – Das neue Gesicht der Migration [Trafficking in women – the new face of migration]. In *Migration von Frauen und strukturelle Gewalt*, [Migration of women and structural violence] edited by Arbeitsgruppe Migrantinnen und Gewalt, 53-68. Wien: Milena-Verlag.

**Keywords:** policy study, trafficking in women, migration, historical continuities

Trafficking in women has roots in colonialism and patriarchy and as such is not a new phenomenon at all. The author gives a summary of the historical perspective of trafficking in women, connecting migration to personal and societal factors as well as to economic exploitation of women for the purposes of a global economy. The demand for reproductive work such as care for the sick and elderly, household work, marriage and sex work in industrial countries is seen as a central factor for trafficking in women. Deficits in EU instruments and Austrian legislation regarding prevention and sanctioning of trafficking in women are analysed, with a clear focus on human rights and women's rights of migrant women.

10 Citak, Tamar. 2003. Gegen Gewalt an Frauen und ihren Kindern in der Familie [Against violence against women and their children in the family]. In *Migration von Frauen und strukturelle Gewalt* [Migration of women and structural violence] edited by Arbeitsgruppe Migrantinnen und Gewalt, 115-124. Wien: Milena-Verlag.

**Keywords:** study of legal deficits, domestic violence, migrant women, domestic violence law, residence law

The study outlines legal conditions for victims of domestic violence to obtain help and protection and focuses on the structural conditions, that make it much more difficult for migrant women to end violence, such as residence and domicile regulations, work permit regulations and regulations in tenancy law. Other areas where improvement is needed are training of the police, judges and public prosecutors regarding the living situation of migrant women and violence against women.

11 Holzleithner, Elisabeth. 2003. Von der Notzucht zur Vergewaltigung. Paradigmenwechsel im österreichischen Strafrechtsdiskurs [From violation to rape: shift in paradigms in the Austrian penal law discourse]. In *Unzucht – Notzucht – Vergewaltigung. Definitionen und Deutungen sexueller Gewalt von der Aufklärung bis heute*. [Fornication – violation – rape: definitions and meanings of sexual violence from enlightenment until today], edited by Christine Künzel, 243-260. Frankfurt/Main: Campus-Verlag.

**Keywords:** legal study, sexual violence, penal law, discourse analysis, sexual violence in marriage

The author outlines developments in legal discourse relating to sexual violence offences, focussing on the distinction between rape and other forms of sexual violence. She gives an outline of the changes in the penal law code since 1975 and on several precedent-setting decisions of highest courts, especially regarding use of violence, sexual violence in marriage, the concept of morality versus sexual autonomy of the person and the concept of resistance. She argues that, as far as recent jurisdiction is concerned, the use of violence in the definition of rape has to be quite high to be even considered as violence. The different treatment of male homosexual activities in legal discourse is highlighted in the context of the 2002 abolishment of the penal law code prohibition of homosexual acts in case one person involved is below 18 and one above 18 years of age.

12 Maier, Cristina. 2003. *Echo des Schweigens. Stimmen der Betroffenheit zur Genitalverstümmelung bei afrikanischen Immigrantinnen in Wien. Ethnologische Studie* [Echo of silence. Voices of concern on female genital mutilation with female African immigrants in Vienna. Ethnological study]. Maria Enzersdorf: Roesner-Verlag.

**Keywords:** ethnological study, problem-centred interview, female genital mutilation, female African immigrants, Vienna

The study focuses on interviews with female African immigrants in Vienna on their experiences of female genital mutilation. The author argues for a more complex approach regarding female genital mutilation in order to enable women to make decisions in the context of alternatives, for changes in the asylum law and for a better training of people working in caring and medical professions.

13 Velten, Petra. 2003. Probleme der Strafverfolgung in den Fällen von Partnergewalt im österreichischen Straf - und Strafprozessrecht. [Problems with prosecution of cases of violence in partnerships in the Austrian penal and penal procedure law] In *Probleme bei der Strafverfolgung von Gewalt in Familien. Empowerment der Opfer durch Sanktionssystem und Verfahrensrecht*, edited by Ursula Floßmann, 7-58. Linzer Schriften zur Frauenforschung, 24. Linz: Trauner.

**Keywords:** legal study, prosecution, domestic violence, protection of victims, deficits

The study outlines deficits in legal prosecution of cases of domestic violence. It analyses the different procedural regulations in cases of violence in relationships and violence outside relationships, focusing on the role of the victim in court proceedings and the ambiguous setting of the principles of 'victims' interest' and 'public interest'. Problems concerning extra-court procedures and the limited approach of sanctions are addressed. The study suggests better cooperation between intervention centres and the police, more procedural rights for the victims in court proceedings are needed and that cases of domestic violence should not be treated in extra-court procedures (Diversion).

14 Migutsch, Ingrid. 2002. Die Tatmittelqualifikationen der Vergewaltigung gem. § 201 StGB - Wertungswidersprüche und Reformbedarf [Qualification of means of offence in rape according to § 201 penal law code – contradictions and need for reforms]. In *Fragen zum Geschlechterrecht*, edited by Ursula Floßmann, 109-130. Linz: Trauner.

**Keywords:** legal study, rape, definitions of violence, case studies by highest court

The study outlines the legal definitions of rape and compares two decisions of the Highest Court regarding rape and use of force. The ambivalent interpretations of the law regarding 'use of force' are compared to the legal situation in Germany, and proposals to reform the Austrian law are made.

15 Veranstaltung Weibliche Genitalverstümmelung (FGM)/Österreichische Gesellschaft für Familienplanung. 2001. *Dokumentation Female genital mutilation (FGM)*. Dokumentation der Veranstaltung Weibliche Genitalverstümmelung (FGM) [Documentation of the event female genital mutilation] 8.5.2001. Wien: Österreichische Gesellschaft für Familienplanung.

**Keywords:** documentation of event, female genital mutilation.

The documentation summarizes the speeches of a range of representatives of migrant women's NGOs and the WHO, lawyers, and members of parliament on the issue of female genital mutilation in Austria and introduces the Norwegian Action Plan against FGM. An Austrian lawyer outlines the legal context of FGM in penal and civil law. She focuses on the analyses why FGM is seen as being 'contra bonos mores' (against morals) and on the question whether or not a person can legally consent to this practice, especially whether parents can legally determine the FGM is

performed on a child. In civil law, questions of compensation and of custody are dealt with. FGM in the context of asylum law amendments is also dealt with, especially the problem of whether or not FGM constitutes a legal ground for asylum. A representative of an African women migrant's NGO outlines the main results of the first study on the prevalence of FGM among African migrant women in Austria.

16 Haller, Birgitt. 2000. Gewalt in der Familie: eine Evaluierung der Umsetzung des österreichischen Gewaltschutzgesetzes [Violence in the family: evaluating the implementation of the Austrian law against domestic violence]. In *Politik und Geschlecht: Dokumentation der 6. Frauenringvorlesung an der Universität Salzburg WS 1999/2000* edited by Elisabeth Wolfgruber, 191-209. Innsbruck et al.: Studienverlag.

**Keywords:** evaluation study, domestic violence law, implementation deficits

This study evaluates the law for the protection against domestic violence, which came into effect in 1997. It uses quantitative and qualitative data in cases of police intervention because of domestic violence. A special focus is on the situation of migrant women and whether or not children were also affected by violence. The main deficits of the law are seen in lack of communication between police and other actors, lack of sensitisation of police, lack of support for migrant women, time-restricted protection court mechanisms, and extra-court proceedings. It is emphasised that the effectiveness of the law depends strongly on individual values of involved actors (police and court).

17 Logar, Rosa. 1999. Halt der Männergewalt: wegweisende Gesetze in Österreich [Stop male violence: Austrian laws sending the perpetrator away]. *Streit: feministische Rechtszeitschrift* [Argument: feminist law journal], 3: 99–110.

**Keywords:** legal study, domestic violence law, effectiveness, prevention of violence

The study outlines the legal basis for sending perpetrators of domestic violence away, focuses on the interdisciplinary approach of the Austrian domestic violence law, the role of feminist experts and women's organisations in the formulation of the law and gives an outlook on its effectiveness and deficits in protecting women and children from male violence.

18 Zemp, Aiha und Erika Pircher. 1996. *Weil das alles weh tut mit Gewalt. Sexuelle Ausbeutung von Mädchen und Frauen mit Behinderung*. Studie im Auftrag des Bundeskanzleramts, Abt. 1.10, Grundsatzabteilung für Frauenangelegenheiten [Because this all hurts with violence. Sexual exploitation of girls and women with disabilities. Study commissioned by the Federal Chancellery]. Wien: Bundeskanzleramt.

**Keywords:** sexual violence, women and girls with disabilities, quantitative and qualitative study

This study was the first one to be conducted world-wide on the prevalence of sexual violence against women and girls with disabilities. Qualitative studies were conducted by means of questionnaires and interviews with women and girls with disabilities and experts. It is emphasised that women living in institutions or having been raised in institutions were more often subjected to violence than women who did not live in such institutions, and that according to the results of this study, every second women experienced violence at least once in her life. A last part outlines the legal situation in Austria, Germany and Switzerland and makes recommendations for improvements.

#### 4.1.2 Comparative studies

19 Zehetgruber, Christoph. 2006. *Der Ehrenmord in Österreich, Deutschland und der Türkei. Strafrechtliche Fragen eines gesellschaftlichen Phänomens* [Honor killing in Austria, Germany, and Turkey: penal law questions of a societal phenomenon]. Master thesis, law. University of Graz.

**Keywords:** comparative legal study, Austria, Germany, Turkey, honor killings, penal law regulations

The author outlines penal legal regulations in Austria, Germany and Turkey regarding 'honor killings' in a comparative perspective, focusing on different concepts of 'honor', the range of sentences, age limits for punishment for minors, and who is legally considered as a perpetrator or complice.

## 4.2 English Sources

20 IOM 1996. *Trafficking women to Austria for sexual exploitation*. Official Report IOM/International Organization for Migration.

**Keywords:** exploratory study, trafficking of women, prostitution, official data, interviews

The study describes how women are trafficked to Austria from the central eastern European countries. The ways in which these women were recruited and transported to Austria and the methods used to control and exploit them are discussed. Responses by the legal system and the police are outlined. The study uses official statistical data and interviews with trafficked women, the police and immigration officials.

#### 4.2.1 Comparative studies

21 Council of Europe. 2006. *Forced Marriages in Council of Europe Member States*. Strasbourg: Council of Europe, Equality Division.

**Keywords:** comparative legal study, political initiatives, forced marriages, COE member states, quantitative data estimates

The study analyses legal measures and political initiatives in COE member states combating forced marriages. It summarises quantitative data estimates, outlines the discussions on the definition of forced marriage. The range and limitations of legal approaches as well as policy approaches used to combat forced marriages is introduced. The study concludes with recommendations on various levels to combat forced marriages in a comprehensive way.

22 Hrženjak, Majda, Vlasta Jalušič, Birgit Sauer, Karin Tertinegg. 2005. Framing prostitution policies: A comparison of Slovenia and Austria. *Greek review of social research* 117. 93-108.

**Keywords:** Prostitution, gender, prostitution policy, women

In the article, the authors explore how prostitution policies as explicitly gendered policies are framed in two countries, Austria and Slovenia. These countries share many elements of historical, cultural and religious setting even if their political systems and cultures developed in different ways. The background of prostitution policies, policy environment and actors in both countries is outlined. The authors then present the frames found in the two countries and compare them. In the last part of the paper, first comparative explanations for differences and similarities in framing and policy outcome are given. The main argument is that frames on prostitution have undergone considerable changes in both countries, but conceptualisations of women as the 'Other' and of 'voluntary versus forced' prostitution are central to the debates in both countries.

23 Timmermans, Greetje and Cristien Bajema. 1999. Sexual harassment in Northwest Europe. A cross-cultural comparison. *The European Journal of Women's Studies* 6: 419-439.

**Keywords:** sexual harassment in workplace, cross-cultural comparison, review study, heterosexual power perspective, variations in definition and methodology, Austria, Belgium, Denmark, Finland, Germany, Ireland, Luxembourg, the Netherlands, Norway, Sweden, the United Kingdom.

A substantial body of research addressing the issue of sexual harassment in the workplace has been developed over the past decade. In this article we consider the complexity of cross-cultural comparisons of the incidence rates of sexual harassment and present the results of our research on sexual harassment in the work place in 11 northern and western European countries. In 1997 we reviewed 74 surveys and qualitative studies conducted between 1987 and 1997. Sexual harassment appears to be a workplace problem in all countries, although the incidence varies considerably. We argue that differences in incidence rates are not for the most part a reflection of national cultural differences, but are partly due to the definitions and methodology used in the studies. This implies that higher reported incidence figures in one country do not necessarily mean a higher prevalence of sexual harassment

compared to other countries. Furthermore, sexual harassment research in the countries reviewed appears to be dominated by a one-sided, uniform and heterosexual power perspective. The implications of the exclusion of cultural background and sexual orientation in theory and policy are discussed.

## 5. OPERA – Gender training books and manuals

### Studies on gender trainings

Buchinger Birgit and Ulrike Gschwandtner. 2006. *Der Gender Markt. Eine qualitative Studie zu AnbieterInnen, Strukturen und Standards*. Endbericht erstellt im Rahmen der EQUAL-Entwicklungspartnerschaft 'Qualitätsentwicklung Gender Mainstreaming. Konzepte-Umsetzung-Evaluation'. [The gender market. A qualitative study on providers, structures and standards. Final report within the EQUAL-development cooperation 'Quality development Gender Mainstreaming. Concepts, Implementation-Evaluation'] Salzburg: Solution  
[http://www.ge-gm.at/downloads\\_members/endbericht\\_solution\\_060206.pdf](http://www.ge-gm.at/downloads_members/endbericht_solution_060206.pdf)

Keywords: gender training, qualitative study, providers, structures, standards

The aim of the publication is to give an overview over the market of gender services and gender mainstreaming services in Austria. These gender services are understood in a broad sense and encompass e.g. gender trainings, gender workshops, gender seminars, gender consultancies, gender-specific organisational and human resources development, gender-specific coachings, evaluations and supervision. Transparent quality criteria, target groups, methodological and didactical approaches as well as experiences and evaluation standards of the various trainers are outlined and discussed.

The findings are grouped according to web-based and qualitative market analysis. It is emphasised that the market is rather heterogeneous and that it is difficult for users to get an overview via web-based information.

### Gender Mainstreaming Manuals

#### German

Bundesministerium für Gesundheit und Frauen. 2006. *Gender Mainstreaming (GM) Leitfäden und Checklisten*. Wien: BMGF  
[http://www.imaq-gendermainstreaming.at/cms/imaq/attachments/9/6/6/CH0133/CMS1132735871737/gm\\_leitfaeden\\_und\\_checklisten.pdf](http://www.imaq-gendermainstreaming.at/cms/imaq/attachments/9/6/6/CH0133/CMS1132735871737/gm_leitfaeden_und_checklisten.pdf)

This compilation lists all manuals and guidelines for gender mainstreaming that were edited by the various Federal Ministries

Bundesministerium für Gesundheit und Frauen. 2006. *Leifaden 'Gender Mainstreaming in der Spitalorganisation'* [Gender mainstreaming in hospital organisation] Wien: BMGF

Bergmann, Nadja and Irene Pimminger. 2004. *GEM-Leitfaden zur Verankerung von Gender Mainstreaming in Institutionen* [GEM-manual for establishing gender mainstreaming within institutions]. Wien: L&R Sozialforschung

Bergmann, Nadja and Irene Pimminger. 2004. *GEM-Leitfaden zur Verankerung von Gender Mainstreaming bei Projektträgern*. [GEM-manual for establishing gender mainstreaming with project coordinators]. Wien: L&R Sozialforschung

Bergmann, Nadja and Irene Pimminger. 2004. *GEM-Leitfaden zur Umsetzung von Gender Mainstreaming in Programmen*. [GEM-manual for implementing gender mainstreaming in programmes]. Wien: L&R Sozialforschung

Bergmann, Nadja and Irene Pimminger. 2004. *GEM-Leitfaden zur Umsetzung von Gender Mainstreaming in Projekten*. [GEM-manual for implementing gender mainstreaming in projects]. Wien: L&R Sozialforschung

Bergmann, Nadja and Irene Pimminger. 2004. *TEPGEM-Leitfaden zur Umsetzung von Gender Mainstreaming in den Territorialen Beschäftigungspakten (TEP)*. [GEM-manual for implementing gender mainstreaming in territorial employment pacts (TEP)]. Wien: L&R Sozialforschung

Bergmann, Nadja, Pimminger, Irene and Elke Schmidt. 2004. *GEM-Leitfaden zur Umsetzung von Gender Mainstreaming in EQUAL-Entwicklungspartnerschaften*. [GEM-manual for implementing gender mainstreaming in EQUAL development cooperations]. Wien: L&R Sozialforschung

Pimminger, Irene. 2001. *Handbuch Gender Mainstreaming in der Regionalentwicklung. Einführung in die Programmplanung* [Manual gender mainstreaming in regional development. Introduction into programme planning], edited by Bundesministerium für Bildung, Wissenschaft und Kultur. Wien.

## English

Federal Ministry for Health and Women. 2006. *Gender mainstreaming in hospital organisation*. Vienna: BMFG

[http://www.imag-](http://www.imag-gendermainstreaming.at/cms/imag/attachments/7/4/0/CH0148/CMS1061559219572/leitfaden_gm_gb.pdf)

[gendermainstreaming.at/cms/imag/attachments/7/4/0/CH0148/CMS1061559219572/leitfaden\\_gm\\_gb.pdf](http://www.imag-gendermainstreaming.at/cms/imag/attachments/7/4/0/CH0148/CMS1061559219572/leitfaden_gm_gb.pdf)

## Gender training manuals

Cerwenka, Judith and Maria Moder-Simill. *GEMMA! Leitfaden Gender Training. Basiskonzept für die Durchführung von ein- bis zweitägigen Trainings* [GEMMA! Manual gender training. Basic concept for the implementation of a one or two-day training]. Steyr: Frauenstiftung Steyr

Masuch, Gabriele and Alexander Petanovitsch. 2001. *Ausbildungsentwicklung, Standards und Kreativität. Ein Handbuch. Qualifizierungsprozesse erfolgreich gestalten* [Development of education, standards and creativity. A manual. Shaping

qualification processes successfully] edited by Wiener ArbeitnehmerInnen Förderungsfonds (WAFF) Wien: WAFF

Pircher, Erika and Ilse König. 1998. *Managing E-Quality. Führungskräfte-schulung für ein gleichstellungsorientiertes Management* [Managing E-Quality. Training for leaders for a management oriented towards equality], edited by Europäische Kommission/DGV, Bundesministerium für Arbeit, Gesundheit und Soziales/Frauengrundsatzabteilung, Bundesministerium für Frauenangelegenheiten und Verbraucherschutz, Arbeitsmarktservice Österreich und Magistratsabteilung 57/Frauenbüro Wien: Wien.

Verein Frauenservice Graz and Männerberatungsstelle. *Impulse für gendergerechte Bildungsarbeit* [Impulses for a gender-sensitive approach in education]. Graz.

### **Gender-sensitive language manuals**

Bergmann, Nadja and Irene Pimminger. 2004. *GEM-Leitfaden zum geschlechtergerechten Formulieren im Bereich Arbeitsmarktpolitik* [GEM-manual for gender-sensitive wording in labour market policy]. Wien: L&R Sozialforschung.

Bundesministerium für Unterricht und Kulturelle Angelegenheiten. 2000. *Leitfaden zur Darstellung von Frauen und Männern in Unterrichtsmitteln* [Manual for depicting women and men in educational material]. Wien: BMUK.

Wetschanow, Karin. 2002. *Geschlechtergerechtes Formulieren*. [Formulating in a gender-sensitive way], edited by Bundesministerium für Bildung, Wissenschaft und Kultur. Wien. BMBWK.

Wirtitsch, Manfred [Red]. 2001. *Sprache und Macht* [Language and power] edited by Bundesministerium für Bildung, Wissenschaft und Kultur. Wien. BMBWK.

ÖGB 2006. *Gender Manual. Ich Tarzan – du Jane? Frauenbilder-Männerbilder. Weg mit den Klischees! Anleitung für eine geschlechtergerechte Mediengestaltung* [Gender manual. Me Tarzan – you Jane? Images of women, images of men. Get rid of stereotypes. Manual for creating gender-sensitive media]. Österreichischer Gewerkschaftsbund: Wien.

### **Gender budgeting manuals**

Bergmann, Nadja, Luise Gubitzer, Elisabeth Klatzer, et al. 2004. *Gender Budgeting. Handbuch zur Umsetzung geschlechtergerechter Budgetgestaltung* [Gender budgeting. Manual for the implementation of gender-sensitive budgets]. Wien: Institut für Volkswirtschaftstheorie und -politik, Abteilung für Institutionelle und Heterodoxe Ökonomie

Klatzer, Elisabeth and Michaela Neumayr. 2006. *Das geschlechtergerechte Gemeindebudget. Ein Leitfaden zur Einführung des Gender Budgeting auf kommunaler Ebene* [A gender-sensitive local budget. A manual for the introduction of gender budgeting on the local level]. Attnang Puchheim.

## **Gender budgeting publications general**

Buchinger, Birgit, Ulrike Gschwandtner, Christine Mayrhuber et al. 2006. *Gender-Budget-Analyse für Oberösterreich* [Gender budget analysis for Upper Austria] Kurzfassung. Linz.

Bundesministerium für Gesundheit und Frauen, Sektion Frauenangelegenheiten. 2006. *Gender Budgeting Fachtagung am 25. April 2005. Strategieentwicklung für eine geschlechtergerechte Budgetgestaltung. Tagungsband* [Gender budgeting. Expert conference on April 25 2005. Development of strategies for a gender-sensitive budget], edited by Bundesministerium für Gesundheit und Frauen. Wien.

Frauenabteilung der Stadt Wien. 2005. *Gender Budgeting. Wege zur geschlechtergerechten Verteilung öffentlicher Gelder und Leistungen*, [Gender budgeting. Ways to a gender sensitive distribution of public funds], edited by Frauenabteilung der Stadt Wien: Wien.

## 6. FRAGEN

### 6.1 Independent/autonomous archives and documentation centres

Vienna

#### 6.1.1 FRAUENSOLIDARITÄT — Bibliothek und Dokumentationsstelle Frauen und 'Dritte Welt' (Women's solidarity – Library and documentation center for women and the 'third world')

Berggasse 7/1. Stock  
A-1090 Wien  
T +43 1 317 40 20 0  
F +43/1/ 317 40 20 355  
E [bibliothek@frauensolidaritaet.org](mailto:bibliothek@frauensolidaritaet.org)  
<http://www.frauensolidaritaet.org>

Focal information point on feminist development theory, migration, women's advancement in development cooperation, north-south relationship from a feminist perspective, women's movement in Africa, Asia and Latin America, women's culture. Collection of monographies, grey literature, women's and feminist magazines on/from Africa, Asia and Latin America, audiovisual media, posters, group documentation and media clippings.

#### 6.1.2 STICHWORT Archiv der Frauen- und Lesbenbewegung (Keyword Archive of Women's and Lesbian Movement)

Diefenbachgasse 38/1  
A-1150 Wien  
T +43 1 812 98 86  
F +43 1 812 98 86  
E [office@stichwort.or.at](mailto:office@stichwort.or.at)  
<http://www.stichwort.or.at/>

STICHWORT has existed since 1983 and is devoted to giving women access to the various and diverse feminist ideas and struggles, to make them public and to keep them. STICHWORT understands itself as a political project of the women's and lesbian movement, gathers any kind of documents of the women's and lesbian movement and makes literature on all issue areas of feminist research accessible to any woman. It offers an extensive library as well as an archive-database.

The database offers documentation of the new women's and lesbian movement in Austria since 1970, various sources to more than 600 women's groups, around 600 international feminist and lesbian magazines with a focus on the German-speaking countries, an archive containing clips from daily newspapers and magazines and grey-literature, a collection of posters, an audio library, a video library, a photo

archive and a collection of banners. Online research is possible for the database in German and English.

6.1.3 Verein Autonome Österreichische Frauenhäuser – Literaturdokumentation und Bibliothek (Association of Autonomous Women's Shelters – documentation of literature and library)

Bacherplatz 10/4  
A-1050 Wien  
T +43 1 544082025  
E [alexandra.fugger@aoef.at](mailto:alexandra.fugger@aoef.at)  
<http://www.aoef.at>  
<http://www.plattformgegenGewalt.at>

Most comprehensive documentation in Austria on the issue of domestic violence/violence in the family. It contains books, grey literature, magazines, research reports, master and dissertation theses, multi-media materials as well as posters and brochures. It is possible to search for entries in German online from the website [www.plattformgegenGewalt.at](http://www.plattformgegenGewalt.at).

Tyrol

6.1.4 AEP – Arbeitskreis Emanzipation und Partnerschaft Frauenbibliothek (Working Group Emancipation and Partnership – Women's library)

Müllerstraße 26  
A-6020 Innsbruck  
T+43 512 583698  
F+43 512 583698  
E [aep.frauenbibliothek@aon.at](mailto:aep.frauenbibliothek@aon.at)  
<http://www.aep.at>

Has existed since 1974, the library and archive were founded in 1979. It offers a vast range of issues on feminist science, women and employment, women's movement, women's history, international women's movement, body, health, food, myth, philosophy, politics, psychology, law, gender roles, sexuality and partnership, pregnancy, birth, abortion. The archive contains material of its own actions regarding the struggle for legalisation of abortion in the mid-1970s, such as flyers, files, newspaper clips etc.

6.1.5 ArchFem – Interdisziplinäres Archiv für Feministische Dokumentation (ArchFEM – interdisciplinary archive for feminist documentation)

Müllerstraße 26  
A-6020 Innsbruck  
T +43 512 581226

F +43 512 581226  
E [archfem@aon.at](mailto:archfem@aon.at)

ArchFem developed 1993 from the study focus 'Feminist Analysis of Society and Critique of Culture' at the Institute for Pedagogical Sciences of the University of Innsbruck and built a feminist archive containing feminist magazines and relevant material such as paper clips, brochures, flyers, photos, posters, video and audio tapes, on socio-political issues.

Styria

6.1.6 DOKU Graz – Frauendokumentations- und Projektzentrum  
(DOKU Graz – center for women's documentation and projects)

Radetzkystr. 18  
A-8010 Graz  
T +43 316 820628  
F +43 316 820628 4  
E [office@doku.at](mailto:office@doku.at)  
<http://www.doku.at>

DOKU Graz offers a library and an archive containing various documents and material on a broad range of Styrian and Austrian women's groups, institutions and organisations. The archive contains feminist magazines and an archive of daily newspapers, photos, posters and audi-visual material.

6.1.7 FRAUENSERVICE GRAZ Beratung - Bildung – Projekte  
(Service for Women Graz Counselling – Education – Projects)

Idlhofgasse 20  
A-8020 Graz  
T +43 316 71 60 22 0  
F +43/316 71 60 22 8  
E [bildung@frauenservice.at](mailto:bildung@frauenservice.at)  
<http://www.frauenservice.at>

Founded in 1984, since 1991 documentation work within the department for education. A library contains 2500 women specific books and magazines.

## 6.2 Institutionalised archives and documentation centres

6.2.1 Sozialwissenschaftliche Bibliothek der Arbeiterkammer Wien  
(Library of social sciences of the Chamber of Labour Vienna)

Prinz-Eugen-Strasse 20-22  
A-1040 Wien

T +43 1 50165 2452  
F +43 1 50165 2229  
E [bibliothek@akwien.or.at](mailto:bibliothek@akwien.or.at)  
<http://www.akwien.at/bibliothek>

Library containing among other topics a comprehensive section on women's movements.

#### 6.2.2 ARIADNE – Kooperationsstelle für Frauenspezifische Information und Dokumentation (Ariadne – Cooperation point for women-specific information and documentation within the Austrian National Library)

ARIADNE - Österreichische Nationalbibliothek,  
Josefsplatz 1  
A-1015 Wien  
T +43 1 53410 487 (Christa Bittermann-Wille)  
T +43 1 53410 457 (Helga Hofmann-Weinberger)  
F +43 1 53410 437  
E [ariadne@onb.ac.at](mailto:ariadne@onb.ac.at) (Ariadne)  
<http://www.onb.ac.at/ariadne>

ARIADNE was founded in 1992 as a special service within the Austrian National library. It is a cooperation point for women's specific information and documentation. Focal points are purchasing and making accessible of women specific, feminist and gender literature at the Austrian National Library and to assist passing on of information by electronic media, such as the ARIADNE database, containing articles on women's and gender studies since 1990. ARIADNE also contains a database of historical documents of the Austrian women's movement. Both search in German and English is possible online.

#### 6.2.3 Johanna Dohnal Archiv – Bruno Kreisky Stiftung (Johanna Dohnal Archive – Foundation Bruno Kreisky) Rechte Wienzeile 97/1. Stock A-1050 Wien T +43 1 545 75 35-35 F +43 1 545 30 97 E [brandl@kreisky.org](mailto:brandl@kreisky.org), [steiner@kreisky.org](mailto:steiner@kreisky.org) [http://www.kreisky.org/index\\_archiv.htm](http://www.kreisky.org/index_archiv.htm)

The database contains statements, speeches and articles by social democrat politician and former minister for women's affairs Johanna Dohnal as well as material of the former Women's Section of the Chancellery and the Women's Ministry on national and international issues and documentations and oral history interviews.

#### 6.2.4 Referat Genderforschung der Universität Wien – Zeitschriftenbibliothek (Department for Gender Research of Vienna University – Library of Magazines)

Universitätscampus Hof 7

Spitalgasse 2  
A-1090 Wien  
T +43 1 4277 184 51  
F +43 1 4277 184 59  
E [uni-fem@univie.ac.at](mailto:uni-fem@univie.ac.at)  
<http://www.univie.ac.at/gender/index.php?id=15>

One of the most comprehensive libraries on magazines for women's and gender research in the German-speaking countries. Information on the documentation centre is currently being made available online.

6.2.5 Renner Institut – Fachbereich Frauen und Politik  
(Renner-Institute – Section on Women and Politics)  
Khleslplatz 12

A-1120 Wien  
T +43 1 804 65 01-43  
F +43 1 804 08 74  
E [kuehbauer@renner-institut.at](mailto:kuehbauer@renner-institut.at)  
<http://www.renner-institut.at>

The database contains statements by female socialist and social democrat politicians on issues relevant to women as well as photographic material and posters concerning social democrat women's policy.

6.2.6 Verein für Geschichte der Arbeiterbewegung — Forschungs- und Dokumentationszentrum, Bibliothek  
(Association for the History of Labour Movement — Research and Documentation center, Library)

Rechte Wienzeile 97  
A-1050 Wien  
T +43 1 545 78 70 22  
F +43 15440734  
E [vga@vienna.at](mailto:vga@vienna.at)

Documentation on the history of labour movement, especially on socialist women's movement.