



Federal Ministry for  
Family Affairs, Senior Citizens,  
Women and Youth

# Combined Seventh and Eighth Report of the Federal Republic of Germany on the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)



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Prepared by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth  
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# I.

## Introduction

The Federal Republic of Germany ratified the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 (“Convention”) in April 1985. The Convention entered into force for the Federal Republic of Germany on 9 August 1985 (Federal Law Gazette II p. 1234). The initial report on the implementation of the Convention pursuant to Article 18 (U.N. Doc. CEDAW/5/Add.59) was submitted in March 1988. Further periodic reports followed in 1996, 1998, 2002, and 2007. In 2011, the Federal Republic of Germany submitted an interim report dealing with questions related to equal pay and transsexual and intersex people.

The present document marks the submission of the combined seventh and eighth report. Given the new strict word limit, the report focuses on the main areas of concern addressed in the Concluding Observations of the Committee on the Elimination of Discrimination against Women on the sixth periodic report of Germany and in the interim report submitted in 2011.<sup>1</sup> This report presents both progress made and current legislative and other measures agreed in the Coalition Agreement of the Federal Government for the 18th Legislative Period.<sup>2</sup> The report ties into the overall reporting process and continues the ongoing dialogue with the Committee.

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- 1 Due to the rigid word limit the English version of the report submitted to the CEDAW-Committee does not contain the quotation of the last Concluding Observations of the CEDAW-Committee but only references them. However, citation is included in this printed version for easier legibility. Also due to the word-limit the programmes of the *Länder* had to be transferred to a **Länder Exhibit** compared to the German version. Germany has 16 *Länder* and around 11,000 municipalities, which often differ quite considerably as to their structures. Exemplary measures of the *Länder* in regard to different Concluding Observations are included in the **Länder Exhibit**.
  - 2 Statements about planned measures, which have a financial bearing are non-binding declarations of intent; the ability to implement these measures is dependent on the respective budget situation and parliamentary approval (parliamentary budget rights).

## II.

### The Periodic Report

#### Recommendation 12: Parliaments

*While reaffirming that the Federal Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and, all Länder, and municipalities. The Committee invites the State party to encourage the federal, Länder and municipal parliaments, in line with their procedures where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and of the State party's next reporting process under the Convention.*

The Länder were consulted. They involved the municipalities in turn.

#### Recommendations 13 and 14: Previous concluding observations

*The Committee regrets that some of the concerns it expressed and the recommendations it made after its consideration of the State party's fifth report (CEDAW/C/DEU/5) have been insufficiently addressed, for instance those regarding the situation of women in the labour market and the wage discrimination women face, the visibility of the Convention, the underrepresentation of women in higher echelons of several sectors of public life and the lack of a clear understanding of "temporary special measures".*

*The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented, as well as the concerns contained in the present concluding observations.*

The Federal Government gave an account of progress made towards the realisation of equal pay in its interim report of 2011.<sup>3</sup> Since that report was submitted work has in particular

<sup>3</sup> Information Provided on Measures Taken to Implement the Recommendations Contained in Paragraphs 40 and 62 of the Concluding Observations of the Committee of the United Nations on the Elimination of Discrimination against Women of 10 February 2009 (interim report).

focused on improving equal pay. This issue will also be addressed in the present report (see the remarks concerning recommendations 39 and 40). Likewise, this report will document extensively the situation of women in the labour market and in leadership positions (see the remarks concerning recommendation 35 et seqq.).

## Recommendations 15 and 16: Accountability of the Federal Government

*While the Committee is cognisant of the existence of the complex federal, Länder and municipal structures for the advancement of women in the State party, it underlines that the Federal Government is responsible for ensuring the implementation of the Convention at all levels and providing leadership to the Länder and municipal governments in that context. The Committee notes that the Länder are often responsible for the implementation of measures adopted at the federal level and regrets the lack of information in the State party's report on effective implementation measures taken in the Länder.*

*The Committee recommends that the State party ensure, through effective coordination of structures at all levels and in all areas, that uniformity of results in the implementation of the Convention is achieved throughout the State party's territory. The Committee recommends that the State party provides in its next report a comprehensive picture offering a synthesis of all policies and measures applied at the federal, Länder and municipal levels.*

The present report addresses, if possible within the word limit, also the implementation at Länder and municipal level (see additionally the **Länder Exhibit**).

The Federal Republic of Germany did not choose without a reason the Federal System in its Constitution (the Basic Law) after the end of World War II. This form of government has considerable advantages, in particular in view of sustaining democracy, respect for human rights and the balance of power. It also respects the cultural diversity of the various regions across Germany, which has evolved over time, and it does not intent to create uniformity in all areas of life. At the same time, when distributing powers between the Federation and the Länder, attention was paid to create the same legal and living conditions across Germany in important areas. The human and civil rights and Germany's constitutional order as enshrined in the Basic Law are the foundation for all those active within the federal system. Consequently, the Länder and the municipalities in some cases have different, in other cases overlapping competencies. Therefore, largely uniform results are achieved when implementing many areas of the Convention where federal competencies are concerned (e.g. in criminal law, which is based on federal legislation), but not always. Areas which are under the exclusive responsibility of the Länder (e.g. education) are governed by different legal bases, structures and policy approaches in each of the Länder. In these particular areas each Land is entitled to find its own way of implementing the Convention, and the Federal Government cannot dictate uniform regulations. This constitutional order has proved its worth in Germany. The Federal Government believes that implementation of the Convention is not only possible in a centralised state system.

## Recommendations 17 and 18: Anti-discrimination legislation, Articles 2 and 11 CEDAW

*The Committee notes the broader scope of the General Equal Treatment Act of 2006, which covers all forms of discrimination on various grounds, including sex, in the workplace and in certain business transactions and is no longer limited to labour law but also pertains to other areas of law. The Committee regrets, however, that no aspects of the domestic and private spheres are covered by the Act and that it does not provide for a reversal of the burden of proof in discrimination cases.*

*The Committee calls upon the State party to carefully monitor the implementation of the General Equal Treatment Act of 2006 and to take appropriate measures to ensure that the broad scope of the Act is effectively used to eliminate discrimination against women in all areas covered by the Convention. The Committee recommends that the State party shall consider the possibility of amending the General Equal Treatment Act in order for it to apply to appropriate aspects of the domestic and private sphere and to reverse the burden of proof in order to ease the enforcement of women's rights to equality.*

The General Equal Treatment Act (AGG) protects women against discrimination and (sexual) harassment in the workplace and in business, amongst other things. The AGG does not, however, apply to the domestic and private spheres, since it merely serves to implement four European equal treatment directives into German law. In line with these European requirements, these spheres were consciously excluded in order to protect privacy and family life. The Basic Law created a consummate balance between the right to equal treatment and non-discrimination (Article 3 Basic Law) and the right to free development of one's personality and the protection of privacy (Article 2 para. 1 Basic Law). Nevertheless, that does leave women without protection. Harassment of considerable gravity is already punishable under criminal law as an insult (section 185 Criminal Code). Further, the protective mechanisms laid down in the AGG take effect where work is carried out in the domestic sphere as part of an employment relationship.

In cases in which rights are asserted under the AGG, the facts supporting the right must be presented and proven. However, pursuant to section 22 AGG, relaxations of the burden of proof apply for the discriminated person. First, only mere indications must be presented from which it can be concluded that discrimination based on one of the grounds referred to in section 1 has occurred. This lowers the required standard of evidence in favour of the discriminated person. Where this evidence permits an assumption of discrimination on account of gender, the burden of proof is reversed: It is then up to the opposing party to prove no inadmissible discrimination has occurred.

The implementation of the AGG was effectively supported by the establishment of the independent Federal Anti-Discrimination Agency (the Agency).

## Recommendations 19 and 20: Federal Anti-Discrimination Agency, Article 2 CEDAW

*The Committee notes with satisfaction the establishment in 2006 of the Federal Anti-Discrimination Agency, which is responsible for the implementation of the General Equal Treatment Act of 2006 and is mandated to support people in enforcing their right to non-discrimination. While welcoming the fact that the Agency can provide legal advice and request information on alleged discrimination cases from private and public actors, the Committee regrets that the Agency is not empowered to file anti-discrimination suits and that it lacks the authority to conduct further inquiries or the possibility to sanction if necessary information is withheld. In addition, it expresses concern at the scarcity of the Agency's human and financial resources. The Committee notes with apprehension that the appointment process whereupon the Federal Minister for Family Affairs, Senior Citizens, Women and Youth appoints the head of the Agency, whose term of office is tied to the term of the Bundestag, may have an impact on its independence.*

*The Committee calls upon the State party to provide the Federal Anti-Discrimination Agency with adequate human and financial resources to enable it to effectively fulfil its mandate in promoting equality, including gender equality. It recommends that the State party considers broadening the scope of the mandate of the Agency and endow it with additional investigative and sanction powers. In order to enhance the Agency's independence and transparency, the Committee recommends that the State party considers designing a different appointment procedure for the Agency's head, for example by the Bundestag or the Federal President, and that the term of office be fixed at a certain number of years.*

### 1. Tasks of the Agency

The Agency makes an important contribution towards achieving a non-discriminatory society. It supports people who have suffered discrimination on account of race, ethnic origin, gender, religion or belief, disability, age or sexual identity. It is able to provide information about rights, taking legal action based on statutory regulations, which guarantee protection against discrimination, it can obtain statements from those involved in order to reach a friendly settlement, or can refer people to other agencies providing consultancy regarding litigation.

Further, under German law a party to proceedings is free to receive support from anti-discrimination associations. A party may also involve an anti-discrimination association in a court hearing. The party may consult the association before the proceedings, during a hearing in court (via a lawyer in litigation), and may request an interruption in order to consult the association, and also regularly discuss their legal position with a lawyer and with the association during recess. These available options, also regarding anti-discrimination associations do not require clarification. Moreover, anti-discrimination associations can also act as counsel to the discriminated party outside of proceedings.

## 2. Resources of the Agency

The Agency carries out PR and preventive work and research at the general level. All federal authorities and other public authorities under federal control are obligated to support the Agency in the fulfilment of its tasks. Together with the Federal Government Commissioners for Integration, for Matters Relating to Disabled Persons and for National Minorities, whose competencies are affected, it reports to the German Bundestag every four years and makes recommendations. The Agency thus has wide-ranging statutory powers and competencies to fulfil its tasks and take effective action against discrimination.

The Agency has sufficient human and financial resources, allocated each year under a separate chapter of the budget plan of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). The results of an evaluation suggesting a substantial increase in its financial and human resources have been implemented.

The procedure for appointing the head of the Agency was established in line with the requirements of the corresponding EU directives and has proved its worth, since it guarantees the independence of the head of the Agency. In accordance with section 26 (1), third sentence AGG, it is independent and subject only to the law in the exercise of its duties. The Federal Government is aware of no indications which doubt the independence of the head of the Agency. Therefore, neither factual nor legal reason exists to change this procedure.

### Recommendation 22: Visibility of the Convention and its Optional Protocol

*The Committee urges the State party to place greater emphasis, in its efforts to eliminate discrimination against women, on the Convention as a legally binding and directly applicable human rights instrument. It also calls upon the State party to take proactive measures to enhance awareness of the Convention and its Optional Protocol at all levels – federal, Länder, and municipal – in particular among the judiciary and the legal profession, political parties, Parliament and Government officials, including law enforcement officials as well as the general public, in order to strengthen the use of the Convention in the development and implementation of all legislation, policies, and programmes aimed at the practical realisation of the principle of equality between women and men. The Committee encourages the State party to systematically promote knowledge and understanding of the Convention and its Optional Protocol and to promote gender equality through its training programmes. It further requests the State party to ensure that the Convention and its Optional Protocol, as well as the Committee's general recommendations and the views adopted on individual communications and enquiries, are made an integral part of educational curricula, including legal education and training of the judiciary.*

## 1. Applicability of the Convention

The Convention is an integral part of Germany's legal system. Each state institution must give the Convention effect (by means of ratifying legislation). This is a consequence of the commitment to international law enshrined in the Basic Law. Accordingly, the legislature must refrain from enacting legislation contrary to international law, and the other branches of government (executive and judiciary) must interpret domestic legislation according to international law and use the Convention as an aid to interpretation.

Direct applicability of the Convention in order to assert individual, subjective rights based on its wording is more difficult, since (unlike other human rights instruments) not all the articles of the Convention are sufficiently substantiated (precise enough) to serve as the basis for a decision in an individual case with corresponding legal consequences. However, many of the provisions of the Convention have been detailed in domestic legislation in various legal areas and thus implemented to be enforced individually. E.g. the obligations of the state party under Article 15 of the Convention can be found as individually enforceable rights in the Basic Law as well as under civil, criminal, and public law.

## 2. Dissemination of the Convention

BMFSFJ published a comprehensive information brochure on the Convention, the Optional Protocol and the general recommendations of the Committee in 2007, which since then has been revised, updated, and disseminated to the Federal Government, *Länder*, and municipal level. Detailed information regarding the legal provisions, which implement the individual articles of the Convention has been provided in all recent periodic reports. Both the Sixth Periodic Report of Germany and the Concluding Observations of the Committee were printed and published in German.

The Convention is dealt with in lectures on constitutional law, human rights protection, and international law at many universities across Germany.

The German Judicial Academy, a facility for professional development funded by the Federation and the *Länder*, has an annual programme which includes regular conferences on international human rights protection. They include a conference organised by the Federal Ministry of Justice and Consumer Protection (BMJV). The Academy of European Law in Trier also organises conferences for judges and public prosecutors on various UN conventions.

## Recommendations 23 and 24: Gender mainstreaming and gender budgeting, Articles 2 and 3 CEDAW

*The Committee takes note of the difficulties faced by the State party in implementing its gender mainstreaming policy but regrets that those difficulties resulted in a shift from its gender mainstreaming policy during the reporting period. In particular, the Committee is concerned that the working structure coordinating the implementation of the gender mainstreaming policy across ministries has been dismantled. The Committee is further concerned that, despite the declaration of intent on gender budgeting in 2004 and 2007, including the published feasibility study, no steps have been taken to implement gender budgeting in the federal budget.*

*The Committee recommends that the State party reverts to the integrated approach to gender mainstreaming that was noted with appreciation in the Committee's previous concluding observations (A/59/38 (Part I), para. 378). The Committee calls upon the State party to introduce effective monitoring and accountability mechanisms in the context of its system for gender mainstreaming and to include sanctions for non-compliance in such mechanisms. The Committee also recommends that the State party introduces a gender-budgeting approach, in conformity with its declaration of intent, encompassing all ministries and requiring each of them to carry out a gender-equality assessment of its specialised budget area and report thereon in its budget proposals. In that regard, the Committee calls upon the State party to draw on the experience of some Länder in successfully implementing such a gender-budgeting policy.*

### 1. Gender mainstreaming

According to section 2 of the Joint Rules of Procedure of the Federal Ministries (GGO), equality between men and women is a consistent guiding principle (gender mainstreaming). It is to be promoted by all respective political, legislative and administrative activities of the federal ministries. The principle has also been laid down in the Federal Act on Gender Equality (BGleIG) since 30 November 2001. The Act obligates all those employed in the federal administration to apply gender mainstreaming in all policy areas. This principle is firmly established within the federal civil service and incorporated into all areas of responsibility of each agency and regarding the cooperation between agencies. Political decision-making processes and measures must be developed, organised and evaluated considering their gender impact.

### 2. Gender budgeting

Germany has a cameralistic (single-entry) budget system, which would have to be fundamentally restructured in order to be consistent with gender budgeting. Reorienting the budgetary system by gradually giving up the cameralistic approach met significant obstacles at federal, Länder, and municipal level. It is an extremely lengthy process, not least because the tried and tested successes of the cameralistic budgetary system, and the resulting economic stability of public budgets, are not to be thrown into jeopardy. Nonetheless, federal authorities must all meet the obligation to apply gender mainstreaming under section 2 of the Joint Rules of Procedure of the Federal Ministries regarding their spending policy. Due to this mainstreaming

approach, many of the Federal Government's budget titles also cover funding used to promote gender equality and women. Since the funding is allocated to various titles under various different headings, it is not possible to indicate which share in the national budget is exclusively used for gender equality policy purposes.

### Recommendations 25 and 26: Temporary special measures, Article 4 read in conjunction with Article 2 CEDAW

*The Committee reiterates the concern expressed in the previous concluding observations (A/59/38 (Part I), para. 398) that some references to "temporary special measures" in the report of the State party indicate a lack of a clear understanding of article 4, paragraph 1, of the Convention, which is aimed at accelerating the achievement of de facto equality of women within a specific time frame, as clarified by the Committee in general recommendation No. 25.*

*The Committee draws the State party's attention to the fact that a purely formal or programmatic approach is not sufficient to achieve women's de facto equality with men and that the application of temporary special measures is part of a necessary strategy towards the accelerated achievement of substantive gender equality, with special emphasis in the areas of employment, in both the public and private spheres, and participation in public life. It urges the State party to establish precise goals, such as quotas and timetables, to accelerate the achievement of substantive equality between women and men under relevant areas of the Convention.*

The Federal Government is aware that "temporary special measures" can be mechanisms to achieving substantial equality and that often targeted promotional measures are required to establish gender equality. Therefore, Article 3 para. 2 of the Basic Law stipulates that "men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist."

However, the Committee's opinion is not shared in Article 4 of the Convention obligating the state party under international law to introduce specific special measures. Rather, in accordance with the Convention, the State parties have discretion which measures they choose to apply to achieve gender equality. If the state party decides to apply special measures in certain areas, they can then rely on Article 4 of the Convention as a justification clause for these temporary measures not constituting discrimination.

Germany made use of its margin of appreciation to implement temporary special measures in the period under review and will continue to do so in the future.  
(See recommendations 37 and 38).

## Recommendations 27 and 28: Stereotypes, Articles 5 and 10(c) CEDAW

*While welcoming the State party's efforts to address stereotypical attitudes and behaviours that discriminate against women and perpetuate inequality between women and men, the Committee is concerned about the persistence of pervasive stereotypical and traditional attitudes towards women which threaten to undermine their rights. The Committee notes that this persistence is reflected in the disadvantaged position of women in a number of areas, including in the labour market and in access to decision-making positions, in their study and professional choices, and in the low participation of men in parental leave. The Committee is concerned that stereotypical attitudes are particularly prevalent in media, where women and men, as well as migrants, are often depicted in a stereotyped manner. It is also concerned at the persistence of sexist advertising and at the inadequacy of the German Advertising Council set up by the advertising industry to receive and consider complaints related to sexist advertising.*

*The Committee calls upon the State party to further enhance its efforts and to take proactive and sustained measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, through awareness-raising and educational campaigns, as well as to eliminate stereotypical images of migrant women, with the aim of integrating them into society. The Committee notes that the Constitution of the State party prohibits the Federal Government from requiring the media to transmit a positive image of women but recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and tasks considered suitable for women and men, as required by article 5 of the Convention. In that regard, the Committee calls upon the State party to draw on the recommendations made at the eighteenth Conference of Equality and Women Länder Ministers and Senators in October 2008, in particular on the proposal of ensuring gender equality among the bodies responsible for programming, and scheduling a week of programming on the subject. The Committee urges the State party to establish an independent monitoring institution in charge of pre-screening advertising as well as receiving and investigating complaints of sexist advertising.*

### 1. Stereotypes in mass media

When encouraging mass media not to perpetuate sexist role stereotypes, use is made at federal and *Länder* level of the existing strict constitutional framework, which guarantees freedom of opinion. Pursuant to section 4 no. 1 of the Act against Unfair Competition (UWG), sexist advertising, violating human dignity according to Article 1 of the EU-Charter of Fundamental Rights or Article 1 of the Basic Law is unfair if it is suited to impairing the freedom of decision of consumers and other market participants in an inhuman manner. Pursuant to section 8 of that Act, the right exists to claim cessation or elimination against such advertising.

The German Advertising Council is a self-regulatory entity responsible for receiving and investigating complaints about sexist advertising. In accordance with its basic principles,

images and text in commercial advertising may not contain statements which discriminate persons based on gender or allow dominant behaviour to appear acceptable. No assertions or images may be used reducing people to their sexuality or suggesting their sexual availability. Likewise, advertising of pornographic nature or of excessive nudity degrading one particular gender is not permitted.

Once the Council receives a complaint which is not a *priori* ill-founded, the company is given the opportunity to submit a counter-statement. If its presentation of the matter is unconvincing and the advertisement is still used although no changes have been made, a decision is taken. If the majority of the Council votes in favour of raising a formal objection to the advertisement, it notifies the company thereof and calls for change or withdrawal of the advertising. Otherwise, the company is publicly reprimanded for its advertising activities. In 2013 the general public and other agencies reported a total of 163 different advertising measures to the Council on account of their gender-discriminatory nature. The Council formally raised objections to 54 of them.

## 2. Changing traditional role models in society

In recent years, traditional role models have developed in a positive direction regarding gender equality. The study “Today’s Lifestyles – How Women and Men in Germany Want to Live their Lives” by Jutta Allmendinger and Julia Haarbrücker<sup>4</sup> describes how traditional role models are changing in Germany:

“A total of 6% of women agreed with the traditional division of roles which can be described as ‘My partner should be responsible for providing for the family, I should be responsible for doing the housework and looking after our children’. Accordingly, 94% of women assume they will contribute in providing for the family. ‘Contribution’ is the operative word here, since women do not regard themselves as the sole provider. A total of 1% of women agreed with the statement ‘I will be responsible for providing for the family, my partner for doing the housework and looking after our children’. The majority of women (62%) desire the following model: ‘I want to find an appropriate balance between my career and family without neglecting either of these two areas.’”

In reality, women make the major contribution to the family income in nearly one in five multi-person households: they are the breadwinners. The project “Women Breadwinners” conducted by BMFSFJ in strategic partnership with the DGB National Executive a roadmap was developed on improving the situation of women-breadwinners and on gender equality. One focal point was “Stereotypes are a thing of the past. Diverse roles for men and women”, since typical stereotypes prove an obstacle to women-breadwinners in everyday life. Business enterprises often regard women as supplementing a man’s income; they are treated accordingly and face family-unfriendly working conditions.<sup>5</sup>

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4 Comments on the Results of the Survey 2012, Discussion Paper, September 2013, p. 27

5 [www.familienernaehrerin.de](http://www.familienernaehrerin.de)

The Division “Equality Policy for Boys and Men” in the Department of Gender Equality of BMFSFJ was established in 2009. It also deals with typical role models. Against the backdrop of changing role models, the Boys’ Advisory Council, which comprises representatives from academia, practitioners, and boys (!), presented its results in 2013. Initially, a website was created by boys for boys. See recommendations 34 and 35.

### 3. Eliminating stereotypes in selection and promotion procedures

Various federal authorities and *Land* personnel departments (e.g. in **Hamburg**) have published guidelines on selection procedures in the administration in order to introduce more equal opportunities. The guidelines contain information about the effect of gender-stereotypical roles. Likewise, mistakes made when giving staff reports (i.e. assessing men and women differently) were addressed and possibilities avoiding them were described. This issue is also addressed at training events on selection procedures.

The pilot project “Anonymised Application Procedures” by the Agency showed that anonymised application procedures tend to increase women’s chances of being invited for an interview when compared to standard procedures, since stereotypical assumptions are avoided. A scientific evaluation of the project showed that anonymised application procedures have the potential to create equality of opportunity between male and female applicants. The procedure has since been introduced in several *Länder* for the recruitment of civil servants.

### 4. Migrants

Modern gender equality policy ensures equitable opportunities for women and men during the course of their lives and aims to offer targeted support when people make crucial decisions regarding career and family life. It also considers women with migration background.

In 2013 the Federal Office for Migration and Refugees conducted a study on behalf of the German Islam Conference on “The Gender Role Models of German and Immigrant Members of Christian and Muslim Religious Communities”.<sup>6</sup> The primary focus of this survey was on gender roles in various groups in Germany, taking particular account of religious affiliation and origin. The Office conducted a representative survey of a total of more than 3,000 Muslims and Christians from select countries of origin. This provided an estimate of how widespread gender role models, which can have a detrimental effect for women, actually are. The study concludes that the majority of those interviewed, regardless of religion and origin, regard gender equality as a firmly established universal human right. Only a minority (11% Christians and 17% Muslims) expressed views which can be classed as partially discriminatory against women. This trend towards more liberal views does not apply to opinions on “chastity norms”: Around half of Muslims who were born or raised in Germany still attach great importance to chastity norms. By contrast, such norms are of hardly any significance for succeeding generations of Christians. Irrespective of their religious affiliation, those applying religious rules to their everyday lives hold more traditional views regarding gender roles.

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<sup>6</sup> Authored by Inna Becher and Yasemin El-Menouar, Federal Office for Migration and Refugees 2014, Research Report 21

The study suggested the key factor behind differences regarding gender equality is a person's social situation. Those who acquired very low formal education outside of Germany less frequently agree with equal opportunities for women and men. The study disproves that migrants have stereotypical role models, and it thus contributes to raising awareness and dispelling prejudices.

Migrant women face special challenges in Germany when taking advantage of equal opportunities to participate in society and the labour market, since they are often the drivers of their own and their families' integration process. In order to improve these women's social participation support needs to be provided for them to form organisations and to represent their interests. BMFSFJ supports the National Umbrella Organisation of Associations of Female Migrants (DAMIGRA) open to women of all origins that aims to represent the interests of migrant women and their organisations at federal level.

The Federal Government's ESF-programme "Strong Careers – Mothers with a Migration Background Start Out" (see recommendation 37) aims to improve the careers and social integration of mothers with a migration background. It helps to counter stereotypes and outdated role models.

### Recommendations 29 and 30: Reconciliation of family and work life, Article 11 para. 2 and Article 16 CEDAW

*The Committee welcomes the State party's legislative and policy efforts and other measures to improve the reconciliation of family and work life. The Committee is concerned, however, that domestic and family responsibilities are still primarily borne by women, many of whom interrupt their careers or engage in part time jobs to meet family responsibilities. The Committee takes note of the information provided by the delegation that an amendment of the tax system reducing the negative aspects of taxation of married couples ("splitting") was introduced in January 2009 and hopes that this amendment will alleviate the negative incentive of the previous tax system on the participation of women in the labour market. The Committee notes with concern that the lack of childcare places in the State party, particularly for the 0 to 3 age group, their unequal quality and lack of flexibility, and the lack of afterschool programmes may constitute an impediment to women's participation in the labour market.*

*The Committee encourages the State party to step up its efforts to assist women and men in striking a balance between family and employment responsibilities, inter alia through further awareness-raising and education initiatives for both women and men on adequate sharing of care of children and domestic tasks as well as by ensuring that part time employment is not taken up almost exclusively by women. The Committee urges the State party to step up its efforts to improve the availability, affordability, and quality of care places for school-age children in order to facilitate the re-entry of women into the labour market. It also recommends that the State party assesses the current legal provisions on the taxation of married couples ("splitting") and their impact on the perpetuation of stereotypical expectations for married women.*

## 1. Equitable sharing of childcare responsibilities between parents

The Federal Government has attached and still attaches great importance to promoting the fair sharing of professional and family tasks between the parents/partners by means of time, money as well as infrastructure. Sixty percent of parents in Germany with children between one and three years aspire to a family model in which both parents work the same weekly hours and share responsibility for childcare and household chores. Only 14% are currently able to put this model into practice.

Therefore, the Federal Act on Parental Allowance and Parental Leave was enacted in 2006. Fathers and mothers are entitled to the parental allowance for a maximum of 14 months if they stop working for a period after their child is born. They are free to divide that period between them. One parent can claim a minimum of two and a maximum of 12 months for him/herself; the other parent can then claim two additional non-transferrable months. The parental allowance generally amounts to 65% of net income, at least 300 euros and at most 1,800 euros.

The parental allowance is claimed by a relatively constant figure of 96% of mothers for an average of 11.7 months. In 2012 an average of 29.3% of fathers claimed parental allowance for children born in 2012 while only 23.6% of fathers had claimed the allowance for children born in 2009. On average, fathers claimed parental allowance for 3.2 months in 2012.

Parental Allowance Plus, which represents an evolution of parental allowance, enables parents to combine it as optimally as possible with part time work and thus makes it easier to return to work. Where previously parental allowance was paid for one month, parents are now paid Parental Allowance Plus for two months (at a maximum of half the statutory amount) if they work part time. A non-transferrable Partnership Bonus is paid additionally to the parental allowance. Where mothers and fathers both work between 25 and 30 hours part time per week for four months, each will be paid the Parental Allowance Plus for a further four months. Under the new regulations, cohabiting parents and single parents are entitled to the allowance.

Besides parental allowance, each parent is entitled to take parental leave, i.e. each parent has the right to interrupt their career until the child's third birthday to raise their child and then to return to the same job. The rules on parental leave have also been made more flexible: parents can now claim parental leave for up to two years between the child's third and eighth year. Their employer's consent is no longer required.

The equitable status of both partners is achieved by means of symmetry in tax legislation. The committee of experts commissioned by the Federal Government with drawing up the First Equality Report in 2011 comprehensively investigated gender equality in Germany. The report concludes that the income splitting method "promotes an asymmetrical partnership model in which the husband is solely or primarily responsible for earning the couple's income during the marriage and the wife at most earns a supplementary income." The Federal Government attempted to counter this development by introducing what is known as the "factor method".<sup>7</sup>

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<sup>7</sup> See the remarks concerning recommendations 39 and 40.

## 2. Expanding childcare facilities

Another priority area is the creation of a needs-based, high-quality childcare infrastructure in order to establish equal educational opportunities for all children as early as possible and to improve reconciliation between work and family life. In April 2007 the Federation, *Länder*, and municipalities reached agreement at the so called “Nursery Summit” that an adequate range of nursery places must be available for at least one third of children under the age of three. The legislature implemented this political agreement by means of the Childcare Funding Act. The Act establishes the legal right to a nursery place for all children from the age of one as of 1 August 2013. Considerable efforts were undertaken at federal and *Länder* level and by the cities and municipalities, so that by this date nursery places had been created for significantly more than one third of children in this age group. Between 2007 and 2012, demand for childcare for children under the age of three rose from 15.5% to 27.6%. Non-school childcare for children between the age of three and six rose from 89.2% to 93.9% in the same period.

The Federal Government provided a significant amount of the funding towards expanding childcare facilities through two investment programmes and carrying a share of the running costs. A total of 5.4 billion euros was made available up to 2014. The Federation still provides funding from two investment programmes that can be used to create additional nursery places.

Further work is needed improving the quality of day care for children. Besides, the existing nationwide programmes (e.g. on language development and attracting qualified educational staff). Therefore, the Federal Government will provide funding from 2015 in the amount of 845 million euros annually to safeguard and improve the quality of childcare facilities on a permanent basis. Progress is made on gradually expanding full-day supervision for school children.

## 3. Family-friendly world of work

Between 2007 and 2013 the employment rate of women rose from 66.7% to 72.5% (that of men rose to 82.1%, Eurostat, 20 to 64 years).<sup>8</sup> Women’s average weekly working time totals 30.3 hours; men work an average of 40.4 hours per week. Approximately 70% low-wage sector employees are women. Around one third of all women in dependent employment aged between 25 and 60 achieve a level of income not enough to secure their own livelihood (compared to one tenth of men). This is one reason why a general statutory minimum wage of 8.50 euros per hour was introduced as of 1 January 2015. Women especially benefit from the minimum wage, as two thirds of the estimated 3.7 million workers whose pay increased through the minimum wage are women.

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<sup>8</sup> The time series was interrupted: From 2011 onwards new projections were based on the results of the 2011 census.

The law regarding part time work is to be developed further in order to make the transitions between full-time and part time work phases easier. The law is to make provision so that those employees who have decided only to work part time because they are raising children or caring for relatives can return to their old working time. In order to ensure the “right to return” a right to reduce work to part time only for a fixed term is to be established.

Further, since 2006 Germany, together with business associations and trade unions, promotes a family-friendly work environment through the “Success Factor Family” programme. In 2010 the focus shifted to family-friendly working time models, in particular part time employment of between 30 and 35 hours per week, which give women more career opportunities and enable men to spend more time with their families. The joint activities carried out under the programme have contributed to businesses increasingly regarding family-friendliness as a competitiveness factor. The share of companies, which regard family-friendliness as important rose from 46% in 2003 to 80% in 2012.

### Recommendations 31 and 32: Political participation and participation in public life, Articles 4 and 7 CEDAW

*The Committee welcomes the election in September 2005 of the first female Chancellor and the appointment of six female ministers in the Federal Cabinet. The Committee remains concerned, however, that despite the Federal Equality Act providing for equal opportunity in the Federal Administration and in research institutes funded by the Federal Government, the State party stands only third to last in the participation of women in leadership positions in public service when compared with other European Union countries. The Committee expresses further concern at the low percentage of women in high-ranking posts in the diplomatic service, the justice system and academia, where the presence of women as they move up the academic ladder has been declining and where in 2007 they held only 16.2 per cent of professorships. The Committee also expresses concern about the lack of information on the presence of immigrant women in decision-making positions in a country where immigrants account for a large percentage of the population.*

*The Committee recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts, particularly in academia, and encourages the State party to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25, in order to accelerate the realisation of women’s de facto equality with men in all areas. It also recommends that the State party further include in its gender-equality legislation provisions to mandate the use of temporary special measures, including goals or quotas, enhanced by a system of incentives, in both the public and private sectors. The Committee requests the State party to monitor developments with regard to the participation of women in top management positions, with a view to further supporting such participation through legislative or policy initiatives, and to ensure that the representation of women in political and public bodies reflects the full diversity of the population. It further requests the State party to provide information on results achieved, including relevant disaggregated statistical data.*

## 1. Women in politics

At federal level, a comparatively large number of women hold political office. Of the Members of the current German Bundestag, 36.3% are women (compared to 6.8% in the first Bundestag in 1949). An average of 32.2% of the members of the *Land* parliaments, are women. Germany again has a female Chancellor, and five of the 14 federal ministries are headed by women. Women are still under-represented in the municipalities. The share of women honorary municipal representatives totals 24% on average. Only 5% of the full-time and voluntary mayors in municipalities with more than 2,000 inhabitants are women.

Therefore, BMFSFJ supports women who are active in local politics. The Helene Weber College was set up as the first national, cross-party platform focusing on promoting women in politics. The Helene Weber Prize has twice been awarded to outstanding local female politicians. According to the Coalition Agreement the Prize and the College will continue to receive funding for their activities. A rule which ensures that 50% of posts are filled by women, 50% by men (known as the parity rule) has repeatedly been discussed improving preconditions for statutory regulation on the equal participation of women in parliaments. In 2014 BMFSFJ organised a specialist conference on “Parity now!” with the objective to present the national and international situation and to develop recommendations for effective action.

## 2. Migrant women

Two studies commissioned by the Federal Office for Migration and Refugees in 2007 and 2008 investigated the biographies of successful migrant women. One outcome was that the women included in the survey represent a considerable potential workforce and that good education makes a key contribution to migrant women to better integrate into the labour market. Teachers and trainers have a key role, since they pave the way to successful education and can help those on a less favourable path. Key elements include courses improving German language skills.

The project “Migrant Women in Leading Positions: Factors for Success on the Way to the Top”, funded by the Federal Ministry of Education and Research, investigates the key to success for and obstacles faced by highly qualified migrant women aspiring to leading positions in business and academia. It develops recommendations for effective action. General regulations, such as women’s quotas, and anonymised application procedures, may be useful. It is important to help businesses and organisations to learn intercultural openness and to promote a culture of welcoming international specialists and immigrants to Germany. Overcoming clichés and getting rid of stereotypical ideas about qualified migrant women are especially important. HR-decision-makers often associate a history of migration with low qualifications and language difficulties.<sup>9</sup>

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<sup>9</sup> The final report is available at: <http://www.migrantinnen-in-fuehrung.de/>

### 3. Women in the public sector

Since the Federal Act on Appointment to Bodies of 1994 (BGremBG) and on Gender Equality of 2001 (BGleiG), see the sixth report on Germany, women's situation in federal public service has improved considerably in many respects. That applies particularly to the share of women in total employment, which rose from 45.6% in 2001 to 52% in 2012. Despite the notable rise in the share of women in management roles, from 18.5% in 2001 to 30% in 2012, equal participation has not yet been achieved. Women are still under-represented in management positions and in bodies under federal control (25.7% in 2013). Consequently, both Acts are proactively implemented in the federal public service and an Equality Index is developed. Hereto, Germany in 2014 launched a legislative proposal on the equal participation of women and men in leadership positions in the private and public sector. The new law enters into force in 2015.

The Coalition Agreement provides for continuation of the approach adopted in the National Action Plan on Integration. The share of people with a migration background in public service shall be increased. From 2015 onwards surveys into the share of migrants employed will be conducted on a voluntary basis in the federal ministries and authorities within their remit.

### 4. Women in the judiciary

There are a total of 106 women in the federal civil service who hold high-ranking positions in the judiciary, either as judges at federal courts or as public prosecutors with the Federal Public Prosecutor General. There are 30 female judges in the Federal Patent Court (25 in salary grade R2; five in salary grade R3), 30 female judges in the Federal Court of Justice (27 in salary grade R6, out of a total of 113; three are presiding judges in salary grade R8, out of a total of 14 presiding judges), 14 female judges in the Federal Administrative Court (13 in salary grade R6, out of 44 judges overall; one female presiding judge in salary grade R8, out of a total of nine presiding judges) and 13 female judges in the Federal Finance Court (11 in salary grade R6, out of 49 judges overall; two female presiding judges in salary grade R8, out of a total of eight presiding judges). There are currently 19 women working for the Federal Public Prosecutor General, six of whom are in salary grade R2, 10 in grade R3 and three in grade R6.<sup>10</sup>

The Federal Government has no statistics regarding the share of women in high-ranking positions in the judiciary at *Land* level. However, the Judiciary Statistics 2012 show that some 20,000 female judges are employed in the *Länder*, which equals a share of 40.16 %.

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<sup>10</sup> R2 is the lowest, R10 the highest salary grade.

## 5. Women in academia

The second phase of a programme for female professors was launched in early 2013. The federation and *Länder* aim to motivate young women to enter an academic career and at the same time to strengthen Germany's international competitiveness as a location for science. A total of 150 million euros is available for the period 2013 to 2017 (half paid by the federation, half by the *Länder*). In the first phase (2008 – 2012), more than 260 female academics were appointed to tenured W2 and W3 professorships. The evaluation of the programme showed that it has achieved successes both in personnel and structural terms:

- Numerous measures to promote gender equality have been developed and implemented at institutions of higher education.
- In 2012, women accounted for 52% of those who gained a higher education entrance qualification; 45% of all PhD degrees awarded in 2012 went to women. The share of women who gained their qualification to teach in higher education (*habilitation*) in that same year was 27%.
- The share of female professors at German institutions of higher education has doubled over the last 10 years to 20.4% (compared to 16.2% when the sixth report was submitted in 2007).

Federation, *Länder* as the awarding authorities for non-university scientific organisations, are still committed to ensuring women are appropriately represented especially in leading positions in science. Based on a resolution by the Joint Science Conference in November 2011 (GWK), the scientific organisations set own targets for various career levels for 2017. Several measures aim at improving ways to reconcile work and family life, like childcare allowance or part time vocational training.

The “Time for Money” programme launched in 2007 is still ongoing. It ensures that scholarship-holders with children can finance additional childcare measures by taking advantage of funding earlier, e.g. for the coverage of childcare costs at short notice. See recommendations 26, 37, and 38 regarding **temporary special measures**.

### Recommendations 33 and 34: Education, Article 10 CEDAW

*While noting the State party's efforts to address stereotyping in the choice of academic and vocational fields, the Committee expresses concern about the prevailing existence of such stereotyped choices, despite the numerous initiatives undertaken by the State party in that regard.*

*The Committee encourages the State party to strengthen its programme aimed at diversifying academic and vocational choices for girls and boys and to take further measures to encourage girls to choose non-traditional fields of education. In addition, the Committee calls upon the State party to closely monitor the situation of refugee and asylum-seeking girls, especially undocumented ones, at all educational levels and to continue to address the difficulties they experience in the school system.*

The Federal Government also makes efforts to counter traditional stereotyped roles regarding **career choices** and intends to

- expand the range of career options for women and to thus encourage more women to take up technical/scientific courses and professions and to study the MINT subjects (mathematics, information science, natural sciences, and technology);
- expand gender role models for girls and boys;
- increase the share of women in leading positions in academia, higher education and non-university research institutions;
- improve the reconciliation of training/work and family and to shape the framework conditions such that they support women in their careers.

The Federal Government initiated and continues various measures to implement these objectives since 2009:

The National Pact for Women in MINT Careers is a broad alliance of nearly 200 partners from trade, industry, science, and media, with the participation of the Federation, *Länder*, and Federal Employment Agency (BA). The National Pact comprises more than 1,000 activities and support measures for female pupils, students and academics, those in MINT jobs and many more. This has contributed to an above-average increase in the share of women studying one of the MINT subjects. Current figures show that since 2008 the number of women studying a MINT subject has risen over 70% – from nearly 60,000 to more than 100,000.

The Federal Government supports the annual Girls' Day since 2001, with the aim of expanding the range of career options for girls. It provides practical insights, into technical and scientific careers. More than 1.5 million girls have taken part since 2001. Attention is also paid to career options and life choices for boys and men: The nationwide network New Paths for Boys was launched in 2005. It currently comprises 207 partners which provide boys with help and support around the topics of career orientation, traditional role expectations and teaching social skills. The nationwide Boys' Day was launched in 2011. Each year on that day boys have the opportunity to test gender-atypical professions, e.g. caregiving and education. Some 130,000 boys have taken part in the Boys' Day since 2011.

From 2015 BMFSFJ and the Federal Ministry for the Environment will be supporting socially disadvantaged young people as they make the transition from school to work in disadvantaged cities and regions through the project "Strengthening Youth". The key method applied in this work with adolescents is providing individual, social-educational support, known as case management. This examines young people's individual problems, resources, or institutional conditions in a gender-differentiated manner. Giving due consideration to gender-specific issues is an important skill of the professionals involved in case management.

The road show "My Future: Female Bosses in the Trades" aims to recruit women and multipliers for careers as entrepreneurs in the trades. The interactive exhibition is shown in chambers of trade, equal opportunity offices, employment agencies, and business development agencies.

The national programme “More Men in Nurseries” was launched in 2010. A whole package of measures is being used, to encourage young men to train as nursery school teachers including the “Professionals for Nurseries” campaign. As a result the number of male preschool teachers in nurseries rose by 51% over the past three years. In 2013 more than 15,000 male professionals were working in the field, corresponding to a share of 3.4% (2010: 2.6%). It is not only possible to get young men interested in gender-atypical professions by means of targeted advertising but also to strengthen the positive images of the professions in question. It is men between 35 and 45 who are interested in changing careers and rethinking their generally gender-typical career choices. Since 2011 the Federal Government has therefore been looking into how to best organise preschool teacher training as part of life-long learning for this target group.

### Recommendations 35 and 36: Discrimination in the labour market, Articles 11 and 13 CEDAW

*The Committee is concerned that the 2006 General Equal Treatment Act does not fully cover discrimination in all fields of the labour market, for example in the termination of employment contracts.*

*The Committee urges the State party to amend the General Equal Treatment Act in order for it to fully comply with the Convention.*

Discriminatory **termination of an employment contract** is permissible neither within nor outside of the scope of the Act on the Protection against Unfair Dismissal. In the event of an employment contract being terminated, protection against discrimination is ensured in Germany by provisions against unfair dismissal. Section 2 (4) of the AGG does not preclude the application of substantive prohibitions against discrimination and their more detailed implementation in that Act. Section 2 (1) no. 2 AGG provides that discrimination on one of the grounds referred to in section 1 of that Act is not permissible and very explicitly also applies to “conditions regarding dismissal”.

If the Act on the Protection against Unfair Dismissal is applicable to an employment relationship, then the wording of section 1 (1) of that Act makes it clear that a dismissal is legally void if it is not justified under social aspects. A discriminatory dismissal is always unjustified under social aspects and thus void. Besides, the Federal Labour Court also explicitly clarified this issue in its decision of 6 November 2008 (file no.: 2 AZR 523/07).

The protection against discrimination provided under AGG is systematically extended under German law also to termination of employment contracts which are not covered by the scope of application of the Act on the Protection against Unfair Dismissal (sections 138 and 242 Civil Code and its section 134 read in conjunction with Article 3 Basic Law). Therefore, sufficient protection is provided against discriminatory dismissal in conformity with European legislation. Accordingly, no amendments are needed to the AGG.

## Recommendations 37 and 38: Equal Participation of women in the labour market, Articles 11 and 13 CEDAW

*While acknowledging the initiatives taken by the State party to foster the employment of women and the resulting growth in the participation of women in the labour market, the Committee is concerned that this growth has not resulted in an increase in women's share of the overall volume of gainful employment but rather in an increase in part time employment. The Committee notes with concern that women are concentrated in part time, fixed-term, and low-paid jobs and that few women have reached high-level posts in management, private companies, and work councils, despite the agreement to promote equality between women and men in the private sector. The Committee is concerned about some negative impact on women of the Fourth Law for Modern Services in the Labour Market, which entered into force on 1 January 2005, namely the increase of financial dependence of unemployed women on husbands or partners resulting from the introduction of "needs units" and the proportional increase of women whose access to benefits has been denied. The Committee is further concerned at the difficulties experienced by immigrant women and women with disabilities regarding their integration and participation in the labour market. While noting the adoption of measures aimed at the reconciliation of family and work life, the Committee remains concerned that less than 10 per cent of parental leave is taken by fathers. The Committee wishes to draw the State party's attention to the disadvantaged situation of women who interrupt their careers for family reasons and the related consequences on retirement and old-age pensions. The Committee expresses further concern at the 2007 Pension Reform Act, which raised the age of retirement to 67 years and as a result of which only 2.48 per cent of women meet the requirement of 45 years of contributing to the pension fund without incurring a loss in benefits.*

*The Committee emphasises that realisation of women's de facto equality with men in the labour market, including in the private sector, so as to achieve compliance with article 11 of the Convention is an obligation of the State party under the Convention. The Committee calls upon the State party to adopt policies and to take all necessary measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 with time-bound targets, to eliminate occupational segregation, both horizontal and vertical. The Committee calls upon the State party to assess the impact on women of the Fourth Law for Modern Services in the Labour Market and to undertake corrective measures, including the review of the "needs unit" construct. It encourages the State party to mainstream the issues of immigrant women, who may suffer multiple discrimination, and women with disabilities into its employment policies and programmes. The Committee also recommends that the State party shall continue its efforts to ensure reconciliation of family and professional responsibilities and for the promotion of equal sharing of domestic and family tasks between women and men, including by increasing the incentives for men to use their right to parental leave. The Committee calls on the State party to examine ways to review the current pension system so as to increase the percentage of women eligible for full benefits. It invites the State party to include, in its next periodic report, information on the extent of use and impact of temporary special measures in the private sector and on measures taken to improve the situation of women in the labour market and the impact of those measures.*

*De facto* gender equality in the labour market is one of the Federal Government's key policy objectives. Germany has made significant changes since the last report was submitted, particularly in regards to reconciling work and family (including introducing the parental allowance, expanding childcare facilities, establishing the legal right to a nursery place from age one as well as joint efforts undertaken by politics, business, and the social partners to create a more family-friendly world of work). Nevertheless, further action is still necessary. Promoting women's equal participation in the labour market, both in terms of quantity and quality of the work, is a priority goal in the Federal Government's strategies for dealing with demographic change and ensuring the supply of skilled labour.<sup>11</sup>

## 1. Volume of gainful employment

Based on the results of a survey of the labour force, some 56% of women aged between 15 and 64 were in gainful employment in 1992. Twenty years later that figure had already risen to 68%. The share of women in the labour force aged over 45 rose particularly steeply between 2002 and 2012, namely from 51% to 68%. The gap between men and women shrank continuously: 46% of all those in gainful employment in 2012 were women. The increase in the share of women in gainful employment has gone hand in hand with an increase in the number of women in part time jobs. In 1992 the share of women working part time was 30%, in 2002 39%, and in 2012 that figure was 45%. In 2012 9% of men were working part time.<sup>12</sup>

In regards to the concerns expressed by the Committee that women are primarily employed in part time, fixed-term, and low-paid jobs: The increase in recent years in the number of women in dependent employment is first and foremost due to the increase in women in normal employment relationships. Their number increased by 5.1% to some 9.9 million in 2013 (compared to 2011). That figure includes women in substantial part time jobs (more than 20 hours per week), whose share increased by more than 9%. In the same period the number of women in atypical employment relationships dropped by 2.2% to 5.4 million. The number of women in part time jobs working up to 20 hours per week has remained relatively constant (-0.6%), the number of women in marginal employment dropped by some 7% and the number of women in fixed-term jobs by just over 10%. In total, around two thirds of women in dependent employment in 2013 were in normal employment relationships of more than 20 hours per week.

## 2. Active labour market policy

The legislature attaches great importance to gender equality in active labour market policy and made that clear by undertaking the relevant amendments to the law on employment promotion under the Third Book of the Social Code (SGBIII) and in regard to basic security benefits for job-seekers in accordance with the Second Book of the Social Code (SGBII). The Act on the Reorientation of Labour Market Policy Instruments of 21 December 2008 more clearly

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11 For objectives, measures, and past successes, please see [http://www.bundesregierung.de/Webs/Breg/DE/Themen/Demografiestrategie/\\_node.html](http://www.bundesregierung.de/Webs/Breg/DE/Themen/Demografiestrategie/_node.html) and <http://www.bmas.de/DE/Service/Presse/Pressemitteilungen/fortschrittsbericht-fachkraefte-fuer-2013.html?nn=31846>; regarding special support for single parents, see BMAS-Report 2013 "Supporting Single Mothers, Gaining Skilled Workers" at: <http://www.bmas.de/DE/Service/Publikationen/a858-alleinerziehende.html>.

12 See „On the Way to Equality? Education, Work and Social Affairs”, Roderich Egeler, 30 July 2014, p. 6.

than before establishes gender equality as a principle to be applied to employment promotion overall within the legal sphere of SGBIII. The Act on the Further Development of the Organisation of Basic Security Benefits for Job-Seekers of 3 August 2010 created the basis, for the legal sphere of SGBII that all job centres – like the employment agencies – are to employ full-time ‘Commissioners for Equal Opportunities in the Labour Market’. Their key task is to advise and support their management and professional experts on this issue to ensure that equality of women and men in the labour market, the statutory task of promoting women, and reconciliation of work and family life are implemented when services are provided. They also provide advice and support on overarching issues to women seeking employment or to women who are entitled to benefits and are fit for work as well as to employers.

### 3. Basic social benefits for job-seekers

The concept of the “needs unit” which is applied to basic social benefits for job-seekers is directed at people who are living together and supporting each other as a family unit. The underlying assumption is that family members who live together in one household typically support each other. That is why partners’ income and assets are reciprocally credited. People who are living together and who pool their incomes save on expenses as a result. At the same time, in view of the objective of providing pro-active support by means of labour market policy and local government services, SGBII also has the goal of supporting need units as a whole. The obstacles to placing job-seekers in suitable jobs often result from the family structures and not from a person’s individual problems. This makes it clear that evaluating the “needs unit” exclusively from the perspective of crediting income and assets does justice neither to the objectives of the law nor to real life.

### 4. Re-integration into the labour market

Another key concern of the policies adopted by the Federal Government is to improve the (re-) integration of women into the labour market. Consequently, BMFSFJ, in cooperation with the BA, in 2008 launched the programme of action “Towards Re-integration – Tapping into Potentials”. The programme comprises various levels which support women’s re-integration into employment with full social security coverage which is suited to their qualifications following a longer career break during which they cared for their children or relatives. Thus, it also makes a key contribution to reconciling family life with a career, including through an internet portal which acts as a navigation tool.<sup>13</sup>

A total of 6,886 women benefitted from the intensive support management provided at the sites where the model project is run; 25,000 women received information and advice. Another focus is on incorporating women’s partners to provide support during the re-integration process and on raising awareness of the family-support and household-related services they can draw on. The aim is thereby to open up job opportunities by means of suitable training measures for women with few qualifications wishing to re-integrate into the labour market.

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<sup>13</sup> E.g. [www.perspektive-wiedereinstieg.de](http://www.perspektive-wiedereinstieg.de).

The programme will be continued from July 2015 with new priority areas (re-integration and caregiving tasks, potentials inherent in women in “mini-jobs”, prospects in people- and household-related services, expanding online qualifications, and a greater emphasis on employers).

## 5. Women in leading positions: the facts

The previous outcome of non-legislative measures aimed at increasing the share of women on supervisory boards, executive boards and in higher-level management posts is unsatisfactory. In 2014, the share of women on the supervisory boards of the 200 largest private enterprises in Germany was only 18.4%; the share of women on the executive boards of these companies was only 5.4%.<sup>14</sup> The share of women in executive positions in the 65 largest companies with more than a 50% government stake was approximately 20.7% on supervisory boards and approximately 13.9% in top management bodies (as of 1 January 2014).

With regard to the Federal Public Service, statutory regulations on the equal participation of men and women have applied for 20 years to federal administrative authorities, courts and companies as well as bodies to which the Federation appoints members. However, the share of women in leading positions in the federal public service is still only 30% and in bodies under federal control that share is only 25.7% (as at: 2013).

## 6. Women in leading positions: temporary special measures

Because of the above, the Federal Government tabled in 2014 a draft law on the Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector. According to the draft, listed and fully co-determined companies will, firstly, be obligated to achieve a gender quota of 30% women on their supervisory boards as from 2016. Secondly, from 2015 listed or co-determined companies will have to set themselves targets regarding the share of women as well as deadlines by which those targets must be achieved. Such targets must be set regarding the supervisory board, the executive board, and the two top management levels below the executive board. They only apply to those supervisory boards to which the fixed gender quota is not already applicable. To ensure that the federation sets a good example, the BGremBG and the BGleiG are updated in this context.<sup>15</sup>

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<sup>14</sup> DIW Berlin, Women Executive Barometer 2015.

<sup>15</sup> The Act on the Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector was adopted by the German Bundestag on 6 March 2015 and entered into force on 1 May 2015 (Federal Law Gazette I No. 17, 30 April 2015, p. 642).

## 7. Women in leading positions: avoiding career breaks

The legislative process regarding the new law was accompanied by other, non-legislative, measures and projects aimed at eliminating vertical segregation in the labour market. A project “Changing Company Culture – Avoiding Career Breaks” suggests that the widespread culture in Germany of having to be constantly on-site represents a particular obstacle to women’s promotion. Time commitment, to be constantly available during and outside of working hours, is often regarded as a performance indicator. Part time jobs, which women still more frequently opt for due to their family commitments, often become a career obstacle. Fathers who would like to work less in order to spend more time with their family are likewise afraid this may prove a career obstacle.

The project “Regional Alliances for Equal Opportunities” involved private and public companies, large as well as small and medium-sized, in a broad range of sectors. Each of the companies set themselves specific targets for increasing the share of women in executive positions. To achieve those targets they initiated tailor-made measures, including offering executive positions as job-sharing-posts. Workshops for businesses and summits for individual branches of industry are being organised to provide businesses with the opportunity to share experience and to increase acceptance of flexible working-time-models for executives.

## 8. Engaging fathers in caregiving tasks

See remarks concerning recommendations 29 and 30.

## 9. Single mothers and women-breadwinners

Ever more women are the breadwinners in their families. In nearly one fifth of multi-person households in Germany women earn the majority of the income. Half of these women are single mothers, often because they are separated or divorced, in low-paid jobs, their partner is unemployed or in need of care. Women-breadwinners often have to carry a double burden: They take on responsibility for being the breadwinner and for household and child-raising duties. Often nobody can relieve them of the burden of family work. The majority of breadwinning women across Germany have middle to low qualifications and income levels. Around half of them have completed an apprenticeship or are skilled workers. Important issues are pay inequality and poorer opportunities in the labour market due to the lack of available childcare.

BMFSFJ undertook a project on women-breadwinners in cooperation with the German Trade Union Confederation (DGB). Between 2010 and March 2012 information was above all provided to trade union, political and other actors concerning the situation of breadwinning women. A website about women-breadwinners containing comprehensive information and interactive elements was launched. Recommendations for action were developed together with civil society and summarised in a roadmap.<sup>16</sup> The focus of activities between March 2012 and 2014 was on implementing the roadmap in the labour market and in businesses. Activities included conferences, events, and training events across Germany for political and trade union multipliers and intensive information and PR activities.

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<sup>16</sup> [www.familienernaehrerin.de](http://www.familienernaehrerin.de)

Federal Government, BA and *Länder* have jointly undertaken special efforts to optimise the support available locally to single mothers and to boost their integration into the labour market. They include the co-funded ESF-programmes “Good Work for Single Parents” (2009 – 2012) and “Networks of Effective Help for Single Parents” (2011 – 2013) and the campaign “Opening up Employment Opportunities for Single Parents” (2012 – 2013) as part of the campaign to attract skilled workers.<sup>17</sup> These approaches will be continued as part of everyday business of employment agencies and job centres wherever possible, and rolled out across Germany.

According to the coalition agreement single parents shall be taxed considerably less. To this extent the tax exemption amount (for single parents) shall be graded according to the amount of children. Currently, the parliament discusses a draft law for the increase of child allowances, child supplements and the tax exemption for dependent children. Single parents will benefit from these improvements as well.

## 10. Migrant women

The Federal Government is aware that mothers with a migration background are much less frequently in gainful employment (and if mostly only a few hours a week) than mothers without a migration background, although half of them hold an intermediate school leaving certificate or a (subject-restricted) higher education entrance qualification, a certificate of apprenticeship/master craftsman’s certificate or a university or technical college degree (see Microcensus 2011). This group’s low labour-force participation rate indicates that labour market promotion instruments are not yet reaching many women and in particular not mothers with a migration background. The new ESF-programme “Strong Careers – Mothers with a Migration Background Start Out” offers career prospects for these women and makes it easier for them to find a job. The programme focuses on better coordinating access to assistance and benefits to the individual needs of this group, and on closing the gaps in the integration process. Reconciling work and family life has a key role to play. From early 2015 a total of some 80 model sites across Germany will receive support initially for four years (see also remarks concerning recommendations 59 and 60).

## 11. Women with disabilities

Gender equality must be applied as a consistent guiding principle to employment promotion and basic social benefits for job-seekers (see above). The same also goes for unemployed women with disabilities and women with disabilities who are fit for work and entitled to social benefits. In the period under review the majority of job centres and joint facilities – like the employment agencies before them – had specialist integration experts who were responsible for looking after people with disabilities drawing basic social benefits. These naturally also raised questions regarding gender-typical situations, which impose a burden on disabled women and women at risk of disability. The goal of all these activities is to permanently integrate these women into the labour market.

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<sup>17</sup> See 2013 BMAS Report, “Supporting Single Mothers, Gaining Skilled Workers”: <http://www.bmas.de/DE/Service/Publikationen/a858-alleinerziehende.html>.

## 12. Income in old age and pension system

Like many industrialised nations, Germany is faced with demographic challenges when securing its current and future pensions. The circumstances of women and men often differ in old age. On account of women's higher life expectancy, they are much more likely to be living alone in retirement. This has an impact on their available income, as multi-person households can often achieve savings effects on account of several people living together. Comparing single women pensioners with single men pensioners, 25% of single women pensioners in 2012, had a net income of less than 900 euros per month, compared to only 16% of single male pensioners.<sup>18</sup> Women from the former West Germany rely more frequently on basic social benefits at age 65, one of the reasons being their different employment histories. In former West Germany, just fewer than 3.4% of women and 2.5% of men over the age of 65 were drawing basic social benefits in 2012. In former East Germany and Berlin, fewer pensioners were drawing these benefits and the gap between men and women was smaller: 2.1% of women and 1.8% of men over 65 were claiming basic social benefits.<sup>19</sup>

The Committee's suggestion that Germany examines making changes to the current German pension system is misplaced. On account of the fact that a pension serves to replace a wage or pay, the key to ensuring good old-age provision for women is above all permanent and well-paid employment. It would not be expedient to create incentives which lead to more women staying at home rather than engaging in gainful employment. That would result in fewer pension contributions being paid into the pension system. A high level of contributions is of essential importance when regarding the future financing of the pension system, given that it is already facing huge demographic challenges due to higher life expectancy and that a larger proportion of the population is now of pensionable age.

Moreover, the German law on the statutory pension insurance scheme already contains numerous regulations which are gender-neutral but *de facto* benefit women in particular because it is them who do the overwhelming majority of the family work: consideration of the time spent raising children in qualifying periods; crediting child-raising periods up to the child's 10th birthday; the increased value of contribution periods and credit for raising several children during a child-raising period (as from 1992); pensions being based on the minimum wage for those earning low wages in periods up to 1992; and including caregiving periods from 1992. Child raising periods for children born from 1992 onwards amount to three years. For children born before 1992, two years of child-raising time are credited as from 1 July 2014, i.e. one year more than was previously the case; this also applies to those already drawing a pension.

## 13. Länder

The **Länder** are also committed to the equal participation of women in the labour market. The measures implemented by the *Länder* are additional to the programmes run by the BA across Germany as described in the above.

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<sup>18</sup> Federal Statistical Office, On the Way to Equality? Education, Work and Social Affairs, 30 July 2014, p.15.

<sup>19</sup> See above p.16.

## Recommendations 39 and 40: Equal pay, Article 11 CEDAW

*The Committee notes with concern the long-standing pay gap between women and men, with women earning 78% of what men earn despite the prohibition on pay discrimination that has been anchored in constitutional law since 1949. The Committee notes that job evaluation systems do not use the same criteria for male and female employees and are therefore not designed to exclude gender-based discrimination. The Committee expresses further concern that the non-interference of the Government in wage agreements guaranteed in the Basic Law (principle of autonomy) and the low representation of women in collective bargaining negotiations might obstruct efforts of the State party to end wage discrimination, and that there is no Government strategy to address the issue.*

*The Committee urges the State party to take proactive concrete measures to narrow and close the wage gap between women and men. In particular, the Committee calls upon the State party to ensure that non-discriminatory job evaluations and job assignment systems are put in place and implemented. It also invites the State party to consider enacting an equality act for the private sector, with the establishment of a gender-based definition of pay in wage agreements and company pay structures, or amending the General Equal Treatment Act to that effect.*

The following remarks are also made with reference to the follow-up letter of the committee dated 4 November 2011 (Annex 4) in respect of Germany's 2011 interim report.

### 1. Facts and figures

The non-adjusted pay gap that is the difference between women's and men's average gross hourly wages, dropped only slightly in 2013 to 21.6%. On 19 March 2013 figures for the adjusted pay gap were published. Compared to 2006, the adjusted pay gap dropped by only one percentage point to 7%. The adjusted pay gap compares the wages of women and men with the same level of education, in the same professions and sectors, and in the same types of employment (full-time, part time and casual employment). Since women and men often differ in regards to the aforementioned features, the differences may partly explain the non-adjusted pay gap:

- Women are under-represented in certain professions, sectors and on the upper rungs of the career ladder: horizontal and vertical segregation is still a reality in the labour market.
- Women interrupt and reduce their gainful employment more frequently and for longer periods for family reasons.
- Individual and collective pay negotiations did not have a lasting impact on "typical women's work" being valued less.

### 2. Equal pay for equal work or work of equal value (Follow-up 2011 items a and b)

As already set out in the 2011 Interim Report to the Committee, the Federal Government, in line with the European Commission, is still committed to implementing a strategy which is

suiting to overcoming the gender pay gap: In its 2008 progress report entitled “For a Sustainable Germany” it therefore defined “Gender Pay Gap” as an indicator to be used to measure pay differences and equality in the labour force. Accordingly, pay differences are to be reduced to 10% by 2020. The Coalition Agreement of the Federal Government contains further briefs and new (including statutory) measures for the Federal Government to implement:

Wage discrimination is already prohibited under the AGG. No-one shall be directly or indirectly discriminated against in terms of their pay on account of gender. The Federal Government’s aim in granting employees a statutory right to information is to make the existing requirement more effective in court. Employees have an individual right to information about pay differences in an enterprise. Furthermore, businesses with more than 500 employees are to be under the obligation pursuant to statutory criteria to include statements on positive action for women and equal pay in their annual reports in accordance with the Commercial Code.

In the future, businesses are to use binding procedures to determine where pay gaps exist and to involve employees and their representatives into these procedures. They are to examine wage differences, detect wage discrimination and to serve as the basis for introducing non-discriminatory job evaluation procedures.

A general minimum wage of 8.50 euros per hour was introduced on 1 January 2015. It will also contribute to further reducing the gender pay gap. Around two thirds of the 3.7 million people whose pay will presumably increase on account of the minimum wage are women.

### 3. Initiatives with civil society and the social partners

Equal Pay Day is an annual campaign which aims to draw attention in civil society to the problems associated with gender-specific wage disparities. The number of activities (more than 1,000 so far) and media interest are growing steadily. The EVA-List introduced in 2014 which the social partners can easily apply during negotiations, helps to identify discrimination during collective bargaining or in-company regulations and suggests possible alternatives.

The research project “Collective Bargaining & Equal Pay” uses simulated experiments to identify the impacts of collective wage negotiations on the pay gap to raise more awareness among the social partners for the issue of equal pay during collective bargaining processes by role playing negotiations in bargaining committees as part of simulation experiments. A project is undertaken together with the German-Rural-Women’s Association focusing on the pay gap in rural regions.

### 4. “Logib-D” results (Follow-up 2011 item f)

In October 2009, BMFSFJ launched the pay analysis software “Logib-D”, which helps to identify hidden wage disparities between women and men in businesses. The model project was successfully completed in late 2013. A total of 200 out of 400 businesses were given consultancy support, committed themselves to equal opportunities-oriented personnel management and were then awarded the “*Logib-D tested*” label. The model project will be evaluated in 2014 and 2015 and a decision will then be taken whether to continue the project, possibly in combina-

tion with “eg-check”, a tool for investigating potentials for discrimination based on specific job characteristics.

## 5. Tax legislation (Follow-up 2011 item c)

The German income splitting method means that jointly taxed spouses or civil partners are classed as if they each earned half of the total taxable income they generate together and would have to pay tax as if they were assessed as a single person in accordance with the standard income tax bracket. This means that the income tax burden on spouses/civil partners is not dependent on how gainful employment is distributed in the marriage or civil partnership. However, if spouses or civil partners do not wish to apply the splitting method, they can request to each be assessed individually for income tax purposes.

The “factor method” was introduced in 2010. Spouses/civil partners who take up this option can distribute the amount of tax deducted between them by means of an individual “factor”. In particular, when the difference in income between them is large, this means taxes will be more fairly distributed. The current Coalition Agreement provides that acceptance of this new tax assessment method is to be boosted. In future, the factor will not be determined on an annual basis but for several years in advance. Moreover, suitable measures are to be implemented to make the factor method more widely known.

## 6. Recognition of foreign professional and educational qualifications (Follow-up 2011 item c)

The large share of unemployed people or people in casual employment with a migration background is also a consequence of qualifications not being recognised in Germany. According to the IAB-SOEP Migration Sample, a joint project of the Institute for Employment Research (IAB) and the Socio-Economic Panel (SOEP), the risk of being employed below one’s level of qualification drops by nearly 32% when qualifications are fully recognised. Wages rise by 28% in that group whose qualifications are fully recognised compared to those who do not apply for recognition. The entry into force of the new Federal Recognition Act in April 2012 further opened up the German qualified labour market to immigrants. In the period between August 2012 and late 2014 the “Integration through Qualification” (IQ) funding programme advised some 38,000 people across Germany regarding the recognition of their foreign professional qualifications. Funding has been available for adaptive training measures since January 2015. Consequently, professional qualifications acquired abroad now more frequently lead to appropriate employment opportunities. See remarks concerning recommendations 38 et seq., 59 and 60.

## 7. Public procurement legislation (Follow-up 2011 item d)

Germany undertook a comprehensive reform of its public procurement law in 2009, thereby introducing the new section 97 (4), second sentence, into the Act against Restraints of Competition. This regulation enables additional requirements (e.g. regarding gender equality) to be made of a contractor in federal or *Länder* provisions on the execution of the order where these can be linked to the subject matter of the contract. Pursuant to section 97 (4), third sentence, of

the Act Against Restraints of Competition, additional requirements may also be made (on the basis of federal or *Land* law regulations) in regards to placing a contract. These can include gender equality policy requirements in regards to equal pay, as the Rapporteur for Follow-up suggests in her follow-up letter to Germany's 2011 interim report.

Some *Länder* have used this option and enacted relevant regulations in their *Land* legislation. Nevertheless, business-oriented public authorities and associations have repeatedly voiced considerable resistance to incorporating gender equality criteria in the procurement process. Gender equality concerns are often presented as being "extraneous" to public procurement. During the amendment of EU-procurement-legislation this led to restrictions of the possibilities to consider gender equality when awarding contracts. Currently, the consequences of the implementation in domestic law are not predictable.

#### 8. Results of the measures to reconcile family and working life (Follow-up 2011 item g)

The fact that more women are now in gainful employment (see the remarks concerning recommendations 37 and 38) is also a result of the introduction of the parental allowance, of the expansion of childcare across Germany, the introduction of more flexible working hours in the public service and in the private sector, further engaging fathers in child-rearing tasks, and the services available to women when it comes to re-integrating into the labour market after interrupting their career to have and raise children (see the remarks concerning recommendations 37 and 38).

#### 9. Part time employment in leading positions (Follow-up 2011 item h)

In principle, it is possible for heads of division posts in federal authorities to be exercised part time, possibly also to have "dual leadership" (resolution of the State Secretaries' Committee for Sustainable Development of 13 August 2012), although this option is used relatively rarely. There are some federal ministries in which up to 20% of all heads of division work part time. BMFSFJ will in the future, specifically open up job postings for heads of division positions to job-sharing models.

Guidelines for the federal personnel services on introducing part time leadership positions are currently being drawn up as part of the Federal Government's demography strategy. The aim is to increase part time employment in leading positions as well as their acceptance in HR practice.

## Recommendations 41 and 42: Violence against women, Articles 1, 2, 3 and 6 CEDAW

*The Committee commends the State party for the range of efforts, including recent legislative initiatives, to eliminate violence against women since the submission of its previous periodic report. It remains concerned, however, at the high prevalence of violence against women and girls, as demonstrated by the studies on women's experience with violence in Germany, including migrant women, showing that some 40 per cent of women had experienced physical or sexual violence or both since the age of 16 and that women from Turkish and Russian migrant backgrounds experienced physical and sexual violence with a level of frequency – and gravity for Turkish migrant women – clearly above the average for the female population of Germany. The Committee is also concerned at the inadequate impact of the Protection against Violence Act of 2002 on persistent and extremely violent perpetrators and on migrant women married for less than two years. The Committee is also concerned that acts of domestic violence may not be taken into account in child custody or visitation cases.*

*In accordance with its general recommendation No. 19, the Committee urges the State party to ensure that comprehensive measures are in place to address all forms of violence against women. The Committee calls upon the State party to ensure the effective implementation of the 2007 action plan on violence, to study and analyse all types of violence against women, particularly those that result in murders of women, and to continue implementing policies to prevent such violence, provide protection, support and services to the victims, and punish and rehabilitate offenders. The State party is also urged to implement legislation requiring that convictions for acts of domestic violence be taken into account in child custody or visitation decisions.*

### 1. Action Plan II to Combat Violence against Women

In September 2007, the Federal Government, led by BMFSFJ adopted its Action Plan II to Combat Violence against Women. The Action Plan II bundles more than 130 measures in various areas of activity which have already been implemented. It includes preventive measures, systematic assistance available to support and advice victims of violence, and cooperation between governmental institutions and the range of non-governmental support available. The Action Plan II also addresses work with offenders, European and other international cooperation, and support measures for women abroad. Since the Second Victims' Rights Reform Act in 2009, the state now assumes lawyers' fees for victims of criminal offences such as bodily harm, robbery or stalking with serious physical consequences, and injured parties and witnesses are afforded even better protection in criminal proceedings. Further improvements are made to protect victims by implementing an EU directive.

### 2. Measures against sexual assault

In its Coalition Agreement the Federal Government agreed that gaps in the protection provided under the law of sexual offences are to be closed. BMJV is currently examining legislative measures for better protecting women against sexual assaults in particular.

### 3. Helpline

In March 2013 the Federal Government launched a “Violence against Women” telephone helpline, thereby closing a significant gap in the system of help available. The toll-free hotline (08000 116 016) is available across Germany, anonymously, around the clock in 15 different languages, and provides easy access to initial counselling on all forms of violence against women for victims and survivors, their friends and families, or professionals in the field. In the course of its first 380 days a total of 47,504 calls led to some 18,800 counselling appointments. The first annual report also presented the experience gained during consultancy work. The helpline’s female counsellors can be contacted via a secure, barrier-free website ([www.hilfe-telefon.de](http://www.hilfe-telefon.de)); sign language interpreters are also available. Social workers, doctors, psychologists, and the police can provide victims and survivors with further support on site.

### 4. Risk assessment

Assessing the risk posed by an offender is of particular relevance when protecting victims of domestic violence. Based on the risk analyses which are part of the intervention strategies of the *Länder* police, the level of danger posed by the offender, the risk of further and, possibly, more serious crimes must be assessed at each stage in the criminal prosecution process. The risk of how far the situation may escalate is examined, and what measures are sensible and necessary in order to prevent escalation. The escalation risk can be countered based on this assessment by making a provisional arrest and applying for an arrest warrant, issuing a barring order, banning the offender from the common dwelling and/or contacting the victim or issuing a warning. These intervention measures are important in order to stop the escalation of violence within the family or within the relationship. The National Weapons Register, introduced in Germany on 1 January 2013, is an electronic record of all weapons in Germany subject to licensing as well as their owners and allows checking whether perpetrators are legally in possession of a weapon.

### 5. Contact and custody rights

Section 1697a of the German Civil Code provides that the principle of the best interests of the child must be applied to all measures and decisions taken by a family court in contact and custody litigation cases. The court must take measures to avert threats to the child concerned if the parents are not able to do so either themselves or with governmental help. The family court can restrict or rule out contact to the extent that this is necessary in the best interests of the child (section 1684 (4), first sentence, German Civil Code).

The general clause in section 1666 (1) of the German Civil Code requires that the family court must take those measures which are necessary to avert danger to the child where the physical, mental or psychological best interests of the child or his or her property are endangered and the parents cannot or are not willing to avoid the danger.

Pursuant to section 26 of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction, the court is obligated under procedural law to carry out all the necessary investigations *ex officio* (i.e. without the parties to the proceedings filing a request) in

order to establish facts, which are relevant to the decision. These facts generally also include decisions in proceedings under the Protection against Violence Act and any criminal conviction on account of violent assaults by any member of the family. Where the domestic violence protection proceedings revolve around, who is to remain in the previously shared home, the family court must hear and, upon its request, involve the youth welfare office if there is a child living in the household (sections 213, 212 Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction).

Under applicable law, the family court can take a proper and suitable decision in an individual case after hearing the parties to the proceedings and together with the youth welfare office as the competent specialist authority as well as the guardian *ad litem*, who represents the interests of the child.

## 6. Measures against forced marriage

BMFSFJ published its study “Forced Marriage in Germany – Number and Analysis of Advice Centres” in November 2011 which builds upon the findings of the “Forced Marriage in Germany” anthology BMFSFJ published in 2007 in cooperation with the German Institute for Human Rights. It shows that girls and women in particular are vulnerable to be victims of forced marriage; nearly 30% of those receiving advice are aged 17 years and under. Approximately 40% of those seeking advice are aged 18 to 21 years. However, the advice centres included in the survey also reported that 6.6% of the victims are boys and men. Nearly all those receiving advice have a migration background. The study also shows that forced marriage goes hand in hand with domestic violence: more than half of those seeking advice stated that they were subjected to physical assaults so that the forced marriage could be carried out; 27% were threatened with weapons and/or murder.

At the initiative of BMFSFJ it was agreed at the Integration Summit that a working group will examine problems which arise in the application of the law of child and youth welfare (Eighth Book of the Social Code) when supporting victims of forced marriage. The working group drew up recommendations for effective action. One focus is on the situation of young people of majority age who are victims of domestic violence. Additionally, between 2007 and 2010 BMFSFJ funded a model project by an intercultural online advice facility dealing with cases of forced marriage. The project evaluation contains important information on the new online advisory service for crisis intervention purposes.<sup>20</sup> Victims of forced marriage can also receive support via the national “Violence against Women” telephone helpline under a toll-free number (08000 116 016).

All the *Länder* have facilities for girls and women who are vulnerable to or victims of forced marriage which are funded by various programmes for combating violence against women and to which victims of forced marriage can turn for help (see also under recommendations 43 and 44).

### Recommendations 43 and 44: Shelters and help for women in distress, Articles 1, 2, 3, and 6 CEDAW

*The Committee is concerned at the lack of sustained funding of shelters for women and non-residential counselling centres and at the lack of free access to shelters regardless of income for all women and children in all Länder. It regrets that some Länder are unable to offer secured housing in shelters to all women victims of violence, or equipped shelters for women with special needs, such as women with disabilities.*

*The Committee urges the State party to take the necessary measures to ensure greater cooperation between the Federal Government, the Länder, and the municipalities to monitor the provision of social services with a view to ensuring the availability of a sufficient number of shelters equipped to accommodate women with special needs, such as women with disabilities, throughout the territory of the State party and making sure that such shelters are adequately financed and open for all, regardless of the victim's financial resources.*

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<sup>20</sup> For studies and recommendations, see [www.bmfsfj.de/BMFSFJ/gleichstellung,did=88292.html](http://www.bmfsfj.de/BMFSFJ/gleichstellung,did=88292.html).

## 1. Shelters for women

Women victims of violence and their children need different and easily accessible help and support. Depending on a woman's particular situation, she may require immediate protection, a safe refuge, qualified psychosocial and legal counselling, or support dealing with the consequences of violence.

The Federal Government's Report on the Situation Regarding Shelters for Women, Specialist Advice Centres and other Support Available to Women who are Victims of Violence and their Children of 15 August 2012 (BT Drs.17/10500). The report takes comprehensive stock of the overall system of help available to women victims of violence. Germany has a dense and very broad network of different facilities that provide support to women victims and their children: more than 350 women's shelters and over 40 "safe apartments" providing more than 6,000 places offer protection and advice to between approximately 15,000 and 17,000 women and their children each year (i.e. between approx. 30,000 and 34,000 people). There are also more than 750 specialist advice centres.

Nevertheless, not all those women who suffer violence receive the help they need: certain target groups, e.g. women with mental illnesses and women with disabilities, sometimes have difficulty accessing help or face gaps in the supply of help. The Federal Government already examines what steps are needed to close the gaps in the system of help. It will also continue its dialogue with the *Länder* and specialist organisations funding the support. It continues to fund the work of national networking offices, namely the Shelter Coordination (FHK e. V.), the Federal Association of Women's Advice Centres and Women's Hotlines (bff) and the German NGO network against trafficking in human beings (KOK e. V.). It thus contributes to further enhancing the quality of services available to women.

The Federation has a mainly indirect influence on the local system of help available to women who are victims of violence and their children and the financing of that system via legislative provisions regarding social benefits under the Second the Twelfth and the Eighth Book of the Social Code and the Asylum Seekers Benefits Act. These individual laws on social benefits are important to help victims of violence and their children. However, the aforementioned federal report identified several concrete problems regarding how these laws interact.

Federation, *Länder*, and municipalities are responsible safeguarding the framework for reliably support to women victims of violence and their children according to their competencies under the Basic Law (see **Länder Exhibit**).

The current Coalition Agreement provides that inter-ministerial measures to combat violence against children and women shall be pooled and gaps shall be closed. When reshaping the law of social compensation, account is taken, e.g., of the concerns of women victims of violence and their children. The Federal Ministry of Labour and Social Affairs (BMAS) currently has overall responsibility reforming the Act on Compensation for Victims of Violent Crime and developing it into a modern law of social compensation.

## 2. Especially vulnerable groups of women

Despite the fact that special consideration is given to the concerns of migrant women (restrictions under residency law, possibly language barriers, cultural obstacles to access etc.), many migrant women do not appear to benefit from measures against domestic violence or to receive information about possible protection. Therefore, it is important to make the available help and support more accessible to migrant women by overcoming their inhibitions about seeking help and providing them with information about available help through targeted measures. Additionally, various migrant communities which have in the past been rather reticent to take part in the debate on combating domestic violence must be incorporated more fully into these discussions. Firstly, a debate needs to be initiated or rather stepped up on removing the taboos associated with the problem. Secondly, this will help to reach out to those women, who have so far not been able to acquire information.

### Recommendations 45 and 46: Statistical data on violence against women, Articles 1, 2, 3, and 6 CEDAW

*The Committee welcomes the increased efforts of Germany in compiling sex-disaggregated statistics and in shedding light on the number and ages of asylum-seeking and refugee women and girls but regrets the lack of statistical information on cases of female genital mutilation on women and girls living in Germany, on violence against women in institutions and on homicide of women in the context of domestic violence.*

*The Committee calls upon the State party to establish a method of collecting comprehensive statistical data disaggregated by sex, age, type of violence and the relationship of the perpetrator to the victim. The Committee urges the State party to provide statistical information in its next periodic report on the number of cases of female genital mutilation on women and girls living in Germany.*

### 1. Domestic violence

Detected cases of violence against women are recorded in the Police Crime Statistics in the *Länder*. According to a 2007 resolution of the Standing Conference of Ministers and Senators of the Interior of the *Länder*, since 2011 further information regarding suspects, victims and the relationship between them is recorded at federal level as standardised procedure. This allows domestic violence offences by current/former partners in a relationship to be documented in a differentiated manner.

Consequently, data are comparable regarding crimes against life (homicide), against sexual self-determination (e.g. rape, sexual coercion), against bodily integrity (e.g. bodily harm) and offences against personal liberty (e.g. deprivation of liberty, stalking) across Germany:

- Current and/or former partners in a relationship (disaggregated according to spouses, registered civil partners, co-habiting partners and, in sum, former partners);
- According to the criterion of spatial/social proximity (in joint household etc.);
- According to what is known as “injured party specifics” in regards to vulnerability (e.g. on account of alcohol/drug abuse or disability/illness/age), for instance.

The first set of data was available for the year 2012, according to which 13,858 women were the victim of violent crime committed by their intimate partner, 5,112 of whom suffered violence at the hands of their spouse, 4,503 at the hands of co-habiting partners and 4,184 from former spouses or civil partners. There were 333 women victims of homicide offences committed by their intimate partners, 176 of whom were killed by their spouse, 81 by a co-habiting partner and 76 by a former spouse or civil partner.

If one considers the share of “intimate partner victims” of the overall number of victims of individual offences, 20.1% of the female victims of violent crime suffered violence at the hands of their intimate partners. That share is 2.6% in the case of men. A large proportion of female victims (40.8%) were the victims of homicide offences. The share of male victims of homicide offences (5.7%) is likewise considerably lower than that of women and girls. The same goes for rape and sexual coercion (women: 23.9%; men: 4.5%) and dangerous and serious bodily harm (women: 25.7%, men: 3.3%).<sup>21</sup>

To further improve data collection and expand insights into those cases which go undetected, the establishment of a monitoring system in the area of violence against women was elaborated. The “Exploratory Study on Gaining Data and Indicators on Violence in Relationships and Sexual Violence against Women and Men in View of Long-Term Monitoring at National Level” is a first proposal for developing a national instrument to regularly and long-term record the extent, forms and consequences of violence against women and men as well as the impacts of anti-violence policy in institutions, organisations and victims at federal and *Länder* level in Germany. The monitoring system is the precondition for placing the specialist policy of the Federation, *Länder*, and support systems on a sound and systematic data- and knowledge-based foundation. The monitoring results from the “Report of the Federal Government on the Situation of Women’s Shelters, Specialist Advice Centres and Other Offers of Support Available to Women Who are Victims of Violence and Their Children” (August 2012) and the monitoring obligations set out in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

All the *Länder* have strategies for combating domestic violence (see *Länder* Exhibit).

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<sup>21</sup> Mischkowitz, Robert, *Neue Ansätze zur Erfassung „häuslicher Gewalt“ in der Polizeilichen Kriminalstatistik (PKS)*, *Archiv für Wissenschaft und Praxis der sozialen Arbeit* 4/2013, p. 2, 7 et seqq.

## 2. Female genital mutilation

Female genital mutilation (FGM) has always been punishable in Germany as serious/ dangerous bodily harm. Additionally, it was made a specific category of offence in September 2013 raising further awareness among the public for the injustice which each act of FGM represents and contributing to combat this crime. Migrant men and women are informed upon arrival that this practice is punishable in Germany.

So far these crimes have only rarely been reported to the police. Therefore, no reliable statistical data is available on how many girls and women in Germany have undergone FGM. Collecting data on FGM is extremely difficult, as it needs to be reported by those affected, their legal representatives or third parties.<sup>22</sup>

New data regarding the number of undetected cases of violence against women in Germany was made available in March 2014 in a study by the EU's Fundamental Rights Agency (FRA). FRA compiled the largest study worldwide on violence against women.<sup>23</sup>

On the agenda of the "Working Group of the Federation of *Länder* and non-governmental organisations on Eliminating Female Genital Mutilation in Germany" is the introduction of statistical surveys on FGM in Germany. The aim is to make reliable data available in this area. Accordingly, representatives of five federal ministries met with the Federal Criminal Police Office and civil society representatives to discuss further process. BMFSFJ will commission a study to collect data on women and girls who are victims or potential victims of FGM. Insights gained on this issue in the study published by the European Institute for Gender Equality (EIGE) will also be considered. From September 2013 FGM has been included in the medical diagnosis coding system, which makes it easier for doctors to bill the necessary treatment. As little time has elapsed since the diagnosis coding system was introduced, statistics are not yet available.

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<sup>22</sup> Only one estimate, by the women's rights organisation *Terre des Femmes e. V.*, is available. Accordingly some 35,000 women and girls have undergone FGM living in Germany, and 6,000 are potential victims. This is based on information supplied by the Federal Statistical Office on the number of migrant women living in Germany who originally come from countries in which, according to UN organisations and the World Health Organisation (WHO), FGM is practiced.

<sup>23</sup> A total of 42,000 women from all the 28 Member States aged between 18 and 74 were surveyed in personal interviews about their experience of violence at home, at work, and in public.

### 3. Violence against women with disabilities

The study published by BMFSFJ “The Situation and Burdens of Women with Impairments and Disabilities in Germany” supplied representative data on women with disabilities who experience violence and discrimination. Women with various disabilities aged between 16 and 65 years living at home or in institutions were surveyed. Key findings of the study are:

- Women with disabilities are twice as likely to suffer physical violence as adults (between 58% and 75%) than the average female population (35%).
- Those women surveyed suffered sexual violence around two to three times more frequently than the average female population (21% to 44% compared to 13%).
- Experiencing violence as children and adolescents contributes significantly to subsequent health and mental problems: Between 20% and 34% of the women interviewed cited experiences of sexual assaults by adults during childhood and adolescence. That is around 2-3 times more than the average female population (10%).
- 50% to 60% of the women interviewed said they had experienced psychological violence and psychologically damaging acts in childhood and adolescence at the hands of their parents (compared to 36% women in the general population).

Since deaf and institutionalised women are especially vulnerable, secondary analyses were carried out on behalf of BMFSFJ in order to obtain further insights into causes and risk factors and to develop suitable preventive and intervention measures. Results of the special analysis “Institutionalised Women with Disabilities’ Experience of Violence – Extent, Risk Factors, Prevention” and “Deaf Women’s Experience of Discrimination and Violence.” are published in 2015.

#### Recommendations 47 and 48: Trafficking in human beings, Article 6 CEDAW

*While welcoming the decrease in the number of people reported as victims of trafficking for sexual exploitation, the Committee notes with concern the reported growing number of women subject to trafficking for labour exploitation in Germany and the lack of data on trafficking for purposes other than sexual exploitation.*

*The Committee urges the State party to take all appropriate measures to suppress all forms of trafficking in women. The Committee requests the State party to provide in its next report comprehensive information and data about all forms of trafficking in women and girls as well as information on the impact of measures taken and results achieved.*

## 1. Data and facts

Germany began the monitoring procedure under the Council of Europe Convention on Action against Trafficking in Human Beings on 3 February 2014. The questionnaire sent out by the independent Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) was completed by the federal and *Länder* ministries in 2014 and subsequently returned. GRETA's report includes detailed information about all forms of trafficking in humans and measures taken in Germany; of which a brief overview will be provided here:<sup>24</sup>

According to the Police Crime Statistics 2013, 340 victims of human trafficking for the purposes of sexual exploitation were brought to the attention of the police. Of these, 21 were men and 319 were women. In 2007 there were a total of 791 known victims. Of these, 44 were men and 747 were women. The Federal Criminal Police Office (BKA) publishes an annual national Situation Report on Trafficking in Human Beings, which presents initial police statistics regarding human trafficking along with additional information.<sup>25</sup>

The following information can be provided regarding convictions:

Convictions under Year	Section 232 Criminal Code (Human trafficking for the purpose of sexual exploitation)	Section 233 Criminal Code (Human trafficking for the purpose of work exploitation)	Section 233a Criminal Code (Assisting in human trafficking)
2007	123	8	2
2008	138	16	1
2009	135	10	3
2010	115	13	3
2011	117	4	--
2012	115	10	3
2013	77	14	2

Source: Federal Statistical Office, Criminal Prosecution Statistics

In April 2013 the European Commission published its first EU-wide report on human trafficking. It contains comparable figures for all EU Member States, including Germany.<sup>26</sup>

<sup>24</sup> GRETA's final report is expected to be completed by summer 2015. When available a copy will be forwarded to the Committee.

<sup>25</sup> [https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Menschenhandel/menschenhandel\\_node.html](https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Menschenhandel/menschenhandel_node.html)

<sup>26</sup> [http://ec.europa.eu/anti-trafficking/EU+Policy/Report\\_DGHome\\_Eurostat;jsessionid=XDILT7hYfpy1GQ2XZK-1pzSfFPGfDqRnLTljXLTB8hHpTlrbs14!268741469](http://ec.europa.eu/anti-trafficking/EU+Policy/Report_DGHome_Eurostat;jsessionid=XDILT7hYfpy1GQ2XZK-1pzSfFPGfDqRnLTljXLTB8hHpTlrbs14!268741469)

## 2. Legal measures

The Act to Implement Directives of the European Union on the Law of Residency and Asylum of 19 August 2007 added a new section 25 (4a) to the Residence Act in 2007. The provision introduces a temporary right of residence for victims of human trafficking. On 3 December 2014, the Federal Cabinet adopted a draft law on redefining the right to stay and the termination of residence. The draft proposes making three key improvements to benefit the victims of human trafficking:

- Section 25 (4a), first sentence Residence Act (residence permits for victims of human trafficking) is changed from a discretionary into a directory provision. This increases legal certainty and clarifies that people cooperating with the criminal prosecution authorities generally have a right to a residence permit.
- Section 25 (4a), third sentence Residence Act introduces the possibility of extending a residence title for humanitarian or personal reasons or in the public interest after the victim is involved in the criminal proceedings against the perpetrators. This creates legal certainty for victims.
- Subsequent immigration of dependents will be permitted.

Other amendments have also been proposed: The duration or the extension of the residence title during the criminal proceedings shall be increased to one year; following the end of the proceedings the title shall be granted or extended for two years in each case. Likewise, this increases legal certainty for victims. The special right of revocation set out in section 52 (5) no. 3 Residence Act (revocation upon termination of the criminal proceedings) will be deleted. Therefore, in those cases in which no criminal proceedings were initiated although the person concerned cooperated with criminal prosecution authorities (e.g. the accused fled) victims shall be granted a residence permit:

- Victims of human trafficking with a residence title granted in accordance with section 25 (4a), third sentence Residence Act will be entitled to take part in an integration course.
- Finally, victims of human trafficking will be protected against expulsion if there is a (especially) serious interest for them to remain.

The Act to Amend the Asylum Seekers Benefits Act and the Social Courts Act of 1 March 2015, further improve the legal situation for those holding a residence title according to section 25 (4a) Residence Act. Henceforth, they will not be covered by the Asylum Seekers Benefits Act. If they still qualify for assistance, they will instead be covered by the Second and Twelfth Book of the Social Code, which guarantee more comprehensive assistance.

The Coalition Agreement also stipulates that “action will be taken against those who knowingly and willingly exploit the plight of victims of human trafficking and forced prostitution and abuse them to carry out sexual acts”. The relevant assessment is still ongoing; possible solutions are discussed in the political, specialist and social realm. The **Länder** have numerous programmes for preventing human trafficking, helping victims and convicting perpetrators (see *Länder Exhibit* and 2014 Beijing Report<sup>27</sup>).

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<sup>27</sup> Response of the Government of the Federal Republic of Germany to the UNECE Questionnaire on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome Document of the 23rd Special Session of the General Assembly (2000) (Annex 1)

## Recommendations 49 and 50: Exploitation of Prostitution, Article 6 CEDAW

*The Committee takes note of the results of the evaluation of the effects of the 2002 Prostitution Act and expresses concern that the Act has succeeded in realising the intended goals only to a very limited extent. In particular, the Committee regrets that the Act has not been able to improve the social security of prostitutes and the working conditions in terms of health and hygiene, nor has it reduced prostitution-related crime.*

*The Committee requests the State party to provide information on the measures taken to follow up on the results of the evaluation of the Prostitution Act and to provide data on the exploitation of women and on prostitution, including clandestine prostitution, in its next periodic report. The State party is encouraged to continue formulating strategies and programmes to prevent women from entering prostitution and to establish programmes of rehabilitation and support for women and girls who wish to leave prostitution, including by providing information on, and support in relation to, alternative livelihood options.*

### 1. Legal measures

The Federal Government already stated in its report on the impact of the Prostitution Act (BT-Drs. 16/4146) that a more broad-based approach needs to apply to prostitution. It must consistently incorporate the combating of human trafficking, forced prostitution, and prostitution of minors and must aim to provide the greatest protection possible to prostitutes against violence and exploitation.

Therefore, a series of measures were introduced in 2007 to improve the combat against and criminal prosecution of human trafficking and of minors suffering sexual abuse in prostitution. Additionally, the expert public and political debate about measures to improve conditions for legalised prostitution has accelerated recently. For instance, BMFSFJ published the results of an expert event “Regulation of Prostitution and Places of Prostitution – A Practicable Way to Improve the Situation of Prostitutes and Combat Human Trafficking?”<sup>28</sup>

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28 See <http://www.bmfsfj.de/BMFSFJ/Service/Publikationen/publikationen,did=125706.html>

The Federal Government will present an ambitious package of measures for combating human trafficking and forced prostitution more effectively and imposing stricter regulations on legal forms of prostitution. Core elements of the planned legislation are the need to obtain a licence for places of prostitution, a background check for those operating prostitution businesses, and minimum health and safety requirements for prostitutes. Business models which violate human dignity or are directed at exploiting prostitutes, such as “flat-rate brothels”, will not be granted a licence. Prostitutes will be obliged to register their activity and to present proof that they have undergone medical consultation. At the same time this provides opportunity to inform prostitutes about their rights and available support.

## 2. Support

Besides legislative measures, target group-specific advice and counselling are important when supporting those involved in prostitution and the victims of human trafficking. Therefore, Germany has been promoting a model project since 2009 to support those wishing to drop out of prostitution, which is being conducted at various locations. The results of the academic support, expected to be published in autumn 2015, will provide valuable insights into what kind of support this specific target group needs that can be provided by the *Länder* and municipalities.

A number of advice centres across Germany with different specialisations are geared to the psychosocial or health needs of people working in prostitution. Responsibility for the existence of and resources available in the advice centres, drop-out programmes for prostitutes and specialist advice centres for the victims of human trafficking lies with the *Länder* and municipalities. Federal funding provided to the KOK e.V. contributes to the national networking and quality development of specialist advice centres for the victims of human trafficking. The nationwide helpline for women victims of violence (08000 116 016) is also available to victims of human trafficking, their friends and families. It represents a nationwide, multilingual, anonymous and easy-to-access initial counselling service. Each year the BKA (German Federal Office of Criminal Investigation) compiles a National Situation Report on Human Trafficking, which includes human trafficking cases (of all types, including sexual exploitation) reported to the police.<sup>29</sup> See also remarks concerning recommendation 48.

The *Länder* are developing both programmes and strategies for preventing women from entering prostitution, support, and advice to make it easier and encourage women to leave.

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<sup>29</sup> [https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Menschenhandel/menschenhandel\\_node.html](https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Menschenhandel/menschenhandel_node.html)

## Recommendations 51 and 52: Security Council resolution 1325, Articles 5 and 6 CEDAW

*The Committee expresses concern that the scandal that came to light in 2004 of German soldiers serving in the North Atlantic Treaty Organisation Kosovo Force taking part in forced prostitution resulted neither in charges brought nor sanctions taken against the perpetrators nor in greater gender-awareness training for German troops. Taking note of the information provided by the delegation that a project for the implementation of Security Council resolution 1325 (2000) on women and peace and security is scheduled for 2009, the Committee wishes to draw the State party's attention to its commitment to include information on the protection, rights and the particular needs of women in national training programmes for military and civilian police personnel in preparation for deployment.*

*The Committee recommends that the State party take all appropriate measures to ensure that complaints lodged against its troops abroad are resolved expeditiously, in order to avoid any possible inference of impunity. The Committee calls upon the State party to provide awareness-raising training for military forces and civilian police personnel on forced prostitution and to establish a strict code of conduct, together with a strict monitoring system. The Committee further recommends that the State party envisage launching a national action plan to implement Security Council resolution 1325 (2000).*

### 1. Implementation of Security Council resolution 1325

The Federal Government adopted its First National Action Plan to Implement Security Council Resolution 1325 (NAP 1325) on 19 December 2012 and passed it to the German Bundestag. The Action Plan covers the period 2013 to 2016. Together with the Action Plan for Civilian Crisis Prevention and the Development Policy Gender Action Plan, the NAP 1325 considers the role of women and girls in conflict-prone regions. Therefore, Germany has more firmly established “women, peace, and security” as a cross-cutting issue in its foreign, security, and development policy and created a uniform frame of reference for all its measures. It hopes this will lead to more synergy and mobilisation effects.

In analogy with the phases of a conflict, NAP 1325 sets six priorities when planning and implementing relevant measures: prevention, mission preparation (basic, advanced, and continuing training), involvement, protection, reconstruction and criminal prosecution. When elaborating the NAP 1325 ideas provided by civil society (by the “Allianz 1325”) were incorporated, especially regarding the priority areas “mission preparation” and “criminal prosecution”.

Six federal ministries are involved in implementing NAP 1325. The chapter “Mission Preparation; Basic, Advanced and Continuing Training” includes concrete goals for raising awareness of gender-specific issues for all training courses. The courses in particular teach participants about the causes of conflicts, their course, and the social, political, and cultural situation on the ground. Measures to protect people against sexual offences, their rights and, particularly, the needs of women and children are addressed.

## 2. Mission preparation training courses

The Federal Ministry of Defence (BMVg) attaches particular importance to gender-related aspects within the context of intercultural and cultural preparations for foreign missions. Taking a gender perspective while actively participating in national and international peace-keeping and peace-making activities undertaken by the Federal Government, is a basic part of mission and operational planning for German personnel.

Suitable cross-ministerial advanced training measures organised by those funding the training preparatory to a mission ensures that gender-specific aspects are incorporated into the basic, advanced, and continuing training of teaching staff and simultaneously harmonises the training. For instance, in July 2012 the Centre for International Peace-Missions, the police and the Federal Armed Forces for the first time ran a training course on “Women, Peace and Security” at the Police Academy in Baden-Württemberg. This course is open to participants from civil society, the Federal Armed Forces and the police. It focuses primarily on gender-specific needs in conflicts.

Police officers are also prepared for their foreign missions as part of the standardised United Nations pre-deployment training, which includes training modules on the Code of Conduct and “Women, Peace and Security”.

## 3. Administrative supervision

The Act on the Legal Status of Soldiers already contains comprehensive provisions applicable to military staff in the area of responsibility of the BMVg. Soldiers are informed about their rights and duties at the beginning of their military training. Monitoring compliance with these regulations is the task and obligation of all superiors in the context of their supervisory duty. It is enshrined in the Act on the Legal Status of Soldiers and common practice. Consequently, introducing a special “national code of conduct” or a special, strict “national monitoring system” is not necessary in our opinion.

## 4. Criminal prosecution

Germany endeavours to guarantee efficient criminal prosecution of any criminal offences committed by German soldiers on a foreign mission. In accordance with section 1a (2) Military Criminal Code, German criminal law also applies, irrespective of the law of the place of commission, to acts committed by soldiers during a period of service abroad or in relation to service abroad. In order to guarantee efficient criminal prosecution where German soldiers do in fact commit criminal offences while on a foreign mission, section 11a Code of Criminal Procedure of 1 April 2013, created a special jurisdiction with the court competent for the City of Kempten for soldiers of the Federal Armed Forces under special deployment abroad.

## Recommendations 53 and 54: Health, Article 12 CEDAW

*The Committee welcomes the existence of a number of measures and information material targeted at women but regrets that not all programmes, policies and activities are aimed at promoting the inclusion of gender and diversity perspectives in health reporting. In addition, the Committee notes with concern the low percentage of women in high-level positions in all fields of health care. While welcoming the plan of action to combat HIV/AIDS, the Committee expresses its concern at the continuous increase in the number of new infections since 2004. The Committee notes that not all reproductive health treatments are available in the State party, which might lead women to seek such treatment in countries where health standards are not met. The Committee regrets the lack of data provided in the State party's report on access to health services for migrants, asylum-seekers and refugee women as well as on the incidence of abortion, disaggregated by age and ethnic group.*

*The Committee calls upon the State party to continue its efforts to improve health services and to integrate a gender perspective into all health sector programmes, services and reforms, in line with the Committee's general recommendation No. 24, so that all women and men in every part of the territory have equal access to appropriate and adequate health services. The Committee further recommends that the State party ensure the presence of a proportionate percentage of women in decision-making positions in order to better take into account women's needs and perspectives. It further calls upon the State party to ensure the effective implementation of the HIV/AIDS plan of action and to provide detailed statistical and analytical information about women and HIV/AIDS in the next report. In addition, the Committee recommends that the State party address the concerns raised by civil society about reproductive treatments. The Committee requests the State party to provide disaggregated data on access to health services for migrant, asylum seeker and refugee women and on the incidence of abortion in Germany in its next periodic report.*

### 1. Gendered health

The following questions arise regarding gender-specific health policy:

- What makes women and men healthy and what makes them ill?
- What does that mean for prevention and for diagnosis, treatment or rehabilitation in case of illness?

The Federal Ministry of Health (BMG) has taken up these questions regarding men and women. As regards women's health it looks at health risks and illnesses which only or more frequently affect women or have a more serious disease course. Moreover, it looks at the influence of social factors on health. The different phases and stages of men's and women's lives are addressed. Gendered approaches to prevention, health promotion and healthcare are also supported by regular women's and men's health conferences to disseminate these approaches and encourage new activities in this field. Challenges as regards exercise, addiction prevention, statutory health insurance, and in-company health promotion are addressed and gender-sensitive preventive and health promotion methods are presented and discussed.

Several of the *Länder* have adopted a gendered approach in their health policy (see *Länder Exhibit*).

## 2. Women in leading positions in the health sector

In 2014 the share of women working as physicians was approximately 45% and 26% of leading positions in German hospitals were held by women; the share of female head physicians was estimated between 8% and 10%.<sup>30</sup> Implementation of the equal participation of women in leading positions in the health sector is generally the responsibility of local funding bodies. Since the number of female students of medicine exceeds that of male students and women in leading positions and reconciling work and family life are now discussed across society, it is expected that in the future more qualified women will obtain positions of leadership in the health sector. The Federal Government thus hopes that the Act on the Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector will have a positive impact (see remarks concerning recommendations 37 and 38).

## 3. Combating HIV

Germany's HIV strategy is based on a positive understanding of sexuality and has for years been incorporating HIV and other sexually transmitted diseases. As part of the Action Plan to Combat HIV/AIDS the reach of HIV prevention campaigns has been further extended in recent years in Germany and prevention activities have been expanded. Gender-specific education measures for various age groups in the general population and for especially vulnerable groups, such as sex workers, are implemented as part of mass and individual communication. Women-specific help and support has become an established part of advisory services, testing, treatment, and self-help in Germany.

Annual studies prove that public knowledge about transmission risks and protection methods has continuously risen and reached a very high level recently. The use of condoms has increased considerably since HIV/AIDS awareness campaigns were first launched: In 1988, 67% of women had experience of using condoms; in 2011, that figure had risen to 91%. The graph in Annex 2 illustrates this development in detail.

The high-quality healthcare available in Germany means that fewer people are dying of AIDS. According to estimates, in late 2012, 78,000 people in Germany were HIV positive, 15,000 of them women. The share of HIV-positive women (19%) has remained practically constant in recent years. The estimated number of new infections in women in 2012 (410), shows that the share of women out of total new infections is still very low (12%). In 2008, the number of new HIV infections in women was 350, i.e. approximately 12% of all new infections. Since 2007, the annual number of new HIV diagnoses in women has varied between 402 and 465. Annex 2 includes a list of statistical data for the period between 2003 and 2012.

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<sup>30</sup> <http://www.aerztinnenbund.de/Die-Zukunft-der-Medizin-ist-noch-lange-nicht.2223.0.2.html>.

Since 2008 all women are offered a free HIV test as part of prenatal care. In 2012, the mother-child transmission rate amounted to less than 10 cases. Since 2010 HIV-positive spouses have been able to claim statutory health services for artificial insemination measures. Guidelines were drawn up regarding HIV treatment during pregnancy, new-borns exposed to HIV, and on the diagnosis and treatment of couples with HIV who wish to have children. This is evidence of the successful implementation of the HIV strategy, the high level of which has been safeguarded for more than 25 years by means of sustainable financing, and of the good cooperation between governmental and non-governmental actors and strong commitment from the voluntary sector.<sup>31</sup>

#### 4. Pregnant women in conflict situations and reproductive medical treatment

The Federal Centre for Health Education (BZgA) has the legal mandate to draw up and disseminate free sex education and family planning strategies for various ages and groups of people in order to prevent pregnant women finding themselves in conflict situations. Current strategies include “Migrants as a Target Group of Sex Education and Family Planning” and “Sex Education for People with Impairments”. They aim to support girls and boys in a gender-sensitive and age-appropriate manner in finding their own way of dealing responsibly with love, relationship, and sexuality. Other measures cover topics such as relationship, parenthood and infertility, based on the framework-strategy on sex education drawn up by consulting the *Länder* and representatives of family counselling centres. All strategies apply the gendered approach and are based on key findings of scientific evaluations, such as the BZgA’s study on sexuality of adolescents.

According to official abortion statistics, 99,715 abortions were performed Germany in 2014. Continuing the downward trend, this is the lowest figure since the law was amended in 1996. The number of underage abortions has also dropped steadily: In 2014, there were 3,560 abortions by girls under the age of 18, which are less than half the figure for 2005 (7,247). A study called “women’s lives 3”, commissioned by BMFSFJ and compiled by BZgA, showed that a stable relationship and a woman’s professional and financial security are key factors when those dealing with an unwanted pregnancy ultimately choose to have the child. The legal survey characteristics in official statistics do not refer to features such as origin, nationality and ethnicity. The *Länder* also recognise that pregnancy and reproductive medicine are key elements (see *Länder* Exhibit).

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<sup>31</sup> Additional sources:

<http://www.frauengesundheitsportal.de/themen/hiv-aids/> <http://www.netzwerkfrauenundaids.de/>;  
<http://www.bzga.de/forschung/studien-untersuchungen/studien/aidspraevention/>; [https://www.rki.de/DE/Content/Infekt/EpidBull/Archiv/2013/Ausgaben/24\\_13.pdf?\\_\\_blob=publicationFile](https://www.rki.de/DE/Content/Infekt/EpidBull/Archiv/2013/Ausgaben/24_13.pdf?__blob=publicationFile)  
<http://www.daignet.de/site-content/hiv-therapie/leitlinien-1>

## 5. Health of migrants, refugees, and asylum seekers

Based on select health indicators, such as the rate of staff sickness, obesity, smoking behaviour and causes of death, the Federal Government's Social Report 2013 comes to the conclusion that in all sections of the population, including migrant women, a person's social situation is a key determinant of their general health and health-related quality of life. Migrants are not generally at a disadvantage regarding their health. Concerning prevention in particular, studies prove that migrants take advantage, i.e. of vaccinations and prenatal care equally as frequently as people without a migration background. Projects run by Germany, measures taken by the *Länder*, municipalities, and voluntary organisations aim to improve healthcare provision for refugees and immigrants.

Before the end of the current legislative term, healthcare services set out in the Asylum Seekers Benefits Act will be improved for especially vulnerable persons in particular, thereby implementing EU-Directive 2013/33/EU of 26 June 2013 that requires standards for the reception of applicants for international protection (known as the "Reception Directive"). People being especially vulnerable include, for example, women victims of violence.

BMG will examine, in cooperation with the *Länder*, how interested non-city *Länder* can be helped to introduce the electronic health card for asylum seekers. This would give those entitled to health services easier direct access to doctors.

### Recommendations 55 and 56: Economic consequences of divorce, Article 16 CEDAW

*The Committee is concerned that the State party's current legislation on the distribution of property upon divorce and on maintenance does not adequately address gender-based economic disparities between spouses resulting from the existing sex segregation in the labour market and from women's greater share in unpaid work. The Committee notes with concern the self-reliance policy underpinning the maintenance legislation in force since 1 January 2008, which provides for the termination of alimony rights to the custodial parent when the child reaches three years of age. The Committee further notes that the new maintenance legislation does not offer adequate redress to women.*

*The Committee calls upon the State party to undertake research on the economic consequences of divorce on both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career pattern. The Committee recommends that the State party review its current legislation in light of the outcome of the research and include such information in its next periodic report. In view of the still insufficient provision of childcare facilities in the State party, the Committee recommends that the State party amend the new maintenance legislation so as to take into account the difficult situation of divorced women with children.*

The Federal Government believes that the **law of maintenance**, which is as a matter of principle gender neutral, does justice to today's understanding of the gender roles of men and women in modern German society. Apart from those provisions which concern the specific protection afforded to women in their role as mothers (see section 1615 (1) of the German Civil Code), the law of maintenance has therefore consciously been worded in a gender-neutral manner. Promoting self-reliance after divorce has been a feature of German divorce law since 1977; the reform of 1 January 2008 did not change this basic principle. In accordance with section 1570 of the German Civil Code, a divorced spouse may demand maintenance from the other for the care and the upbringing of a child for at least three years after the child's birth. The duration of the claim to maintenance is extended as long as and to the extent that this is equitable. Account must be taken of the concerns of the child and the existing possibilities of childcare. The duration of the maintenance claim is further extended if this is equitable, taking into account the arrangements for childcare and gainful employment in the marriage and the duration of the marriage.

A large proportion of single mothers are in employment: 70.4% of all single mothers were in gainful employment in 2013, 42.1% of them in full-time jobs. Single working mothers (to lesser extent single fathers) are in effect subject to stresses and strains on account of raising their children, which the law of maintenance generally neither reduces nor can reduce.

The statutory matrimonial property regime of the **community of accrued gains**, takes account already of the distribution of roles between spouses especially in the case of divorce and provides for financial compensation in favour of that spouse who had less opportunity during the marriage to accrue wealth. This rule represents a matrimonial property regime of separate property and the equalisation of accrued gains upon termination of the matrimonial property regime (section 1371 et seqq. German Civil Code). The regulations were reformed and expanded by means of the Act to Amend the Law of the Equalisation of Accrued Gain and of Guardianship of 6 July 2009 in order to improve the protection of that spouse, who is in a structurally weaker position.

The Federal Government is in continuous contact with practitioners. BMJV is aware, based on its diverse contacts, reports, conferences etc., what impact the reform of 2008 has had on all practitioners, and most especially on those affected. The Ministry receives a few hundred letters and petitions every year on this matter. It not only answers but also evaluates them. The Ministry intends to continue this close contact with practitioners and is always willing to react to difficulties when they arise.

## Recommendations 57 and 58: Vulnerable groups of women – girls in the juvenile justice system, Articles 3 and 10 CEDAW

*The Committee expresses concern at reports received on the lack of penal institutions for girls and their detention in high security women's prisons despite the low security risk they often pose. The Committee notes that the detention of juveniles in adult prisons, often located in remote areas, may impair their right to education and the visiting rights of their families. It notes with further concern the reported insufficiency of facilities and programmes for physical and psychological recovery and social reintegration of girls.*

*The Committee recommends that the State party ensure full implementation of juvenile justice standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the "Riyadh Guidelines"), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the "Havana Rules") and the Vienna Guidelines for Action on Children in the Criminal Justice System. The Committee urges the State party to take all necessary measures to ensure that persons, including girls below 18, are deprived of liberty only as a last resort and, when in custody, are in any case separated from adults. It further calls upon the State party to ensure that girls in prison are provided with a full programme of educational activities, including physical education, and that adequate gender and child-sensitive recovery and social reintegration measures are applied.*

The German criminal justice system already guarantees the international minimum standards and regulations concerning juvenile justice referred to in the recommendation. Reference is in particular made to the special Youth Courts Act, which has provisions on the special courts responsible for criminal proceedings against juveniles, special provisions applicable to criminal proceedings involving juveniles (considering age, developmental state and need for protection of juvenile offenders) and on the sanctioning and restricting of deprivation of liberty, whose main goal is not to punish wrongs committed but re-integration and prevention of reoffending.<sup>32</sup>

As regards the recommendation to take all necessary means that persons below 18, including girls, are deprived of their liberty only as a last resort, even before 2007 under the Youth Courts Act a youth custody sentence could only be imposed as a last resort: It represents the upper end of the range of sanctions under the law applicable to juvenile offenders, and pursuant to section 5 (2), section 13 (1) and section 17 (2) Youth Courts Act, it may only be imposed in cases where more ancillary educational measures and educationally-oriented disciplinary sanctions without a penal nature do not suffice. Furthermore, some 70% of all criminal proceedings involving juveniles in Germany are closed without a conviction. Even where convictions are made, only a small proportion of the juveniles receive a sentence of detention in a youth facility, which is often suspended on probation in the judgment.

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<sup>32</sup> See [http://www.gesetze-im-internet.de/englisch\\_jgg/index.html](http://www.gesetze-im-internet.de/englisch_jgg/index.html)

As regards the penal system for young female detainees in the **Länder** Baden-Württemberg, Bavaria, Berlin, Bremen, Hesse, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt and Thuringia, the family problems described by the Committee do not hold true. On the contrary, the *Länder* provide for generous visiting rights in order to foster young detainees' relationships with their families. This applies especially where girls and young women from Hamburg, Lower Saxony and Schleswig-Holstein are placed in a central facility (Vechta Prison in Lower Saxony) to serve youth custody sentences. Absolute numbers as regards detained young female detainees are consistently low, which shows that deprivation of liberty is used only as a measure of last resort. The juvenile justice system applies an educational, gender-specific and age-appropriate approach.

Under Germany's federal structure the **16 Länder** are responsible for prison system legislation and its implementation. An overview of the diverse and individually tailored measures and programmes for (continuing) education, treatment, re-integration, sports and leisure-time activities for young female detainees available in the *Länder* is provided in Annex 3.

### Recommendations 59 and 60: Immigrant, refugee, asylum-seeker, and minority women, Articles 2, 3, 13, and 16 CEDAW

*While noting the measures taken with the aim of enhancing the integration of immigrant, refugee, and minority women into German society and of including such women in the labour market, the Committee continues to be concerned that they may be subject to multiple forms of discrimination with respect to education, health, employment, and social and political participation. The Committee notes that the 2007 action plan on violence recognises women of immigrant or foreign origin as a particularly vulnerable group requiring special protection, but it remains concerned at the violence and discrimination on the grounds of sex that such women face in their own communities.*

*The Committee urges the State party to intensify its efforts to eliminate discrimination against immigrant, refugee, asylum-seeker and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against such women, both within their communities and in society at large, to combat violence against them, and to increase their awareness of the availability of social services and legal remedies as well as familiarise them with their rights to gender equality and non-discrimination. The Committee also urges the State party to take effective measures to integrate them into the German labour market. In addition, the Committee calls upon the State party to conduct regular, and comprehensive studies on discrimination against immigrant, refugee, asylum-seeker and minority women, to collect statistics on their employment, education and health situation and on all forms of violence that they may experience and to submit such information in its next periodic report.*

## 1. Promoting integration and interests

The Coalition Agreement sets out migrant women's organisations to be increasingly included as partners promoting integration, particularly national organisations active across Germany by means of training courses for multipliers and financial support for their establishment. BMFSFJ organised two national conventions for migrant women and their organisations Germany which looked into various key issues, e.g. equal opportunities in the labour market. The events were primarily geared to women with a migration background planning to get involved in a migrant women's organisation. The convention offered up to 300 participants the opportunity to improve their qualifications and to network.

Following the second convention BMFSFJ, in cooperation with the Federal Office for Migration and Refugees, launched a three-year model project in November 2013 which supports DAMIGRA regarding its establishment, development and professionalisation. The project goals include promoting the legal, political and social equality of migrant women, as well as representing migrant women in politics, in public and in the media. DAMIGRA was founded to engage in lobby and PR work at federal level (see also recommendations 37 and 38). The online forum for migrant women ([www.migrantinnenforum.de](http://www.migrantinnenforum.de)), which BMFSFJ made available between December 2012 and 2014 and which DAMIGRA has now taken over, offers interested migrant women the possibility to network, to learn about new developments and to provide information about their own organisation.

## 2. Protection against violence

The Action Plan II to Combat Violence against Women focuses in particular on women and girls with a migration background. Measures to protect migrant women against violence are increased. Special measures are being implemented regarding human trafficking, especially for the purpose of sexual exploitation and work exploitation, and for FGM. The social and political participation of women with a migration background is promoted in order to strengthen their autonomy and to thus prevent violence. Germany supports the fight against forced marriage through targeted projects (see also the remarks concerning recommendation 41). Networking offices supported by BMFSFJ, as the Shelter Coordination, the Federal Association of Women's Advice Centres, Women's Helplines and *KOK e. V.* also provide continuous measures for this target group.

The "Violence against Women" helpline is also available to migrant women (see recommendations 43 and 44). For migrant women to access the helpline's support, it is available in 15 different languages and takes account of their particular situation. Where required, the women are referred to facilities which can provide support via local contacts.

Furthermore, the Act to Combat Forced Marriage and to Better Protect Victims of Forced Marriage and to Amend Other Provisions of Asylum and Residence Law of 2011 created a separate offence against forced marriage. Additionally, it introduced a separate right of return for the victims of forced marriage into the Residence Act.

Finally, the new directives on asylum known as the Common European Asylum System (CEAS), especially the Reception Directive and the Asylum Procedure Directive contain additional provisions considering the specific situation of vulnerable persons upon reception and during implementation of the asylum procedure. "Vulnerable persons" include pregnant women, single mothers with children under the age of 18, and those who have suffered torture, rape or other serious forms of violence, including FGM. The directives are implemented in German law by July 2015.

The Federal Government funds low-threshold courses to integrate immigrant women ("women-courses"). They target immigrant women with a permanent residence title who need to integrate and who are difficult to reach by means of other integration services. These women are empowered to fulfil their function as bridges between their families and society, and they are informed about integration and counselling services.

Since their introduction in 2007, these courses have addressed prevention of violence, especially protection against domestic violence. However, this sensitive issue needs an atmosphere of trust. The topic of "non-violent communication in the family" is used to discuss different roles of women, questions regarding their rights, conflicts in the family and suitable conflict resolution strategies. The women teaching these courses take advanced training courses on domestic violence and forced marriage so they can refer victims to qualified advice centres and other assistance. The concept was updated in 2012 to include also "protection against domestic violence". Information materials, e.g. a flyer about forced marriage and online searches for specific counselling offices and shelters, were included. In 2012, information on forced marriage was offered to integration courses (German and orientation courses).

### 3. Measures to integrate migrant women into the labour market

Promoting the integration of migrant women into the labour market and simultaneously countering discrimination are matters of great concern to the Federal Government. Emphasis is given to the national ESF-programme for job-related language courses for people with a migration background, launched in 2007 and. The share of women taking part in the programme is 60%, which shows that it especially attracts women. Moreover, the national programme on labour market support for asylum seekers and refugees aims to integrate asylum seekers and refugees without a permanent residence title into the labour market (term: 2008 – 2014). Gender mainstreaming is respected when implementing these programmes.

Furthermore, the "Integration through Qualification (IQ)" programme, initiated by BMAS and implemented in cooperation with the Federal Ministry of Education and Research and the BA, has become one of Germany's key labour market policy instruments. The focus during the current phase of the programme is on qualifying migrants under the Federal Recognition Act. The training courses on intercultural openness and diversity available under the programme

consider gender-specific factors and are therefore particularly relevant in improving the situation of migrant women in the labour market. The employment rate of women with a migration background (between 20 and 64) rose from 54.8% in 2007 to 60.4% in 2012. Their employment rate is thus lower than that of men with a migration background (2007: 72.7%; 2012: 77%) and of women in general (2007: 66.7%; 2012: 71.5%). Nevertheless, it rose comparatively strongly by 5.6 percentage points.

The new ESF-programme “Strong Careers – Mothers with a Migration Background Start Out” that establishes career opportunities for women and helps them transition into the workforce, also contributes to integrating mothers with a migration background into the labour market. It focuses on better coordinating access to available measures and support to the individual needs of this group and to close gaps in the integration process (see also recommendations 37 and 38).

Unlike other groups of migrants, e.g. those from the EU, asylum seekers and tolerated persons are subject to a waiting period during which they are not permitted to work in Germany. In November 2014 this waiting period was reduced to three months (compared to one year previously, then nine months, for asylum seekers and one year previously for persons with discretionary leave to remain). The “priority check”, where the BA examines whether a particular position can be filled with someone who is entitled, is dropped after 15 months.

#### 4. Statistics and data

In order to find out more about migrant women’s organisations and their needs, BMFSFJ commissioned the “Migrant Women’s Organisations in Germany”, which was published in November 2010. It presented various types of self-organising bodies: education-oriented, politically-oriented, professional, and leisure-time oriented. The study also provides information about the structure, tasks, and members of the organisations. Furthermore, it shows that migrant women’s organisations often provide support to overcome discriminatory structures and build bridges to other parts of society.<sup>33</sup>

With BMFSFJ study “Forced Marriage in Germany – Number and Analysis of Advice Centres” the knowledge available in counselling facilities across Germany was for the first time surveyed and systematically analysed regarding people who are vulnerable to or victims of forced marriage.<sup>34</sup> Moreover, funding was provided to an intercultural online advice for victims of forced marriage. The project evaluation contains important information on the new instrument.<sup>35</sup>

The *Länder* are extremely interested in protecting and better integrating minorities into society.

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33 See <http://www.bmfsfj.de/BMFSFJ/Service/Publikationen/publikationen,did=164634.html>

34 See also recommendations 41 and 42

35 All the reports are available at: <http://www.bmfsfj.de/BMFSFJ/gleichstellung,did=88292.html>

## Recommendations 61 and 62: Dialogue with non-governmental organisations in regard to intersex and transsexual people

*The Committee notes with satisfaction the cooperation of the State party with civil society organisations, particularly women's organisations, which is mostly achieved through Government cooperation with such organisations on specific programmes and projects. The Committee regrets, however, that the call for dialogue by non-governmental organisations of intersexual and transsexual people has not been favourably entertained by the State party.*

*The Committee requests the State party to enter into dialogue with non-governmental organisations of intersexual and transsexual people in order to better understand their claims and to take effective action to protect their human rights.*

Germany complied with the Committee's request to social dialogue on intersexuality and transsexuality. Reference is made to the interim report which Germany already submitted to the Committee. On 17 December 2010 the Federal Government commissioned the German Ethics Council with drawing up a report on the situation of and challenges faced by intersex people. The Opinion, which the German Ethics Council published on 23 February 2012 (Bundestag Printed Paper 17/9088), was written with the participation of and after hearing experts and relevant organisations of intersex people. It deals comprehensively with the specific situation of intersex people in Germany. The Opinion summarises the current state of research and makes recommendations which the German Ethics Council feels would be suited to improving the situation of intersex people overall.

BMFSFJ has continued its dialogue with non-governmental organisations and in May 2013 organised a conference on "Living between the Sexes" together with the Konrad Adenauer Foundation. A total of 80 medical experts, political actors and intersex people were able to exchange their views on the German Ethics Council's Opinion at this event.

In response to the recommendations made by the German Ethics Council, the Federal Government, in a first step, amended the Civil Status Act in 2013. According to a new regulation, when registering a birth, parents need not enter the child's sex if this cannot unequivocally be established. The provision aims to relieve parents of the pressure of having to establish the sex of their child immediately after birth and thus of carrying out sex reassignment surgery hastily.

Under the Coalition Agreement it is agreed that this amendment to the law of civil status in favour of intersex people will be evaluated, possibly extended and the specific situation of transsexual and intersex people emphasised.

Hence, an Inter-Ministerial Working Group on Intersexuality/Transsexuality was founded in September 2014, for which BMFSFJ has overall responsibility. The Working Group will look in great detail into the demands of the German Ethics Council and resolutions drawn up on its basis (resolution of the Conference of Ministers of Health of 26 June 2013, motion of the German Bundesrat of 14 March 2014, resolution of the Conference of Ministers of Youth and Fami-

ly Affairs of 22/23 May 2014, resolution of the Conference of Ministers and Senators Responsible for Gender Equality of 1/2 October 2014), it will involve organisations of intersex and transsexual people and, if necessary, propose corresponding legislative amendments.

In a working arrangement the Working Group agreed to successively address the following:

- Medical treatment
- Development and consolidation of counselling, educational, and preventive structures
- Examination of necessary legislative amendments
- Analysis of the factual and legal situation of transgender persons.

In addition, BMFSFJ will be promoting several projects on combating transphobia and homophobia as part of its national “Living Democracy” programme.

### Recommendation 63: Implementation of the Beijing Declaration and Platform for Action

*The Committee urges the State party, in implementing its obligations under the Convention, to continue to utilise the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.*

The Platform for Action and its follow-up documents represent an important guideline regarding gender equality policy in Germany and the EU. Its comprehensive approach is implemented by means of measures, legislation and activities. The Federal Government completes the UNECE Questionnaire on the Implementation of the Beijing Declaration and Platform for Action every five years. In the last questionnaire, submitted in June 2014, Germany reported on detailed progress made (Annex 1).

Furthermore, the various presidencies of the Council of the European Union have since 1999 developed quantitative and qualitative indicators for 11 out of the 12 areas of concern referred to in the Platform for Action in order to monitor progress made on implementing the goals of the Platform across the EU. Each year, the Council has accepted the conclusions on these indicators. The European Institute for Gender Equality (EIGE) was founded in 2006 with key involvement of Germany as chair of its management board until 2012. The task of EIGE is, inter alia, to develop methods for improving the comparability and reliability of data related to gender equality. Since 2010 EIGE has given key support to the Council of the European Union and its presidencies regarding the follow-up measures to the Beijing Platform for Action by reviewing the area of concern selected by each respective presidency.

## Recommendation 64: Millennium Development Goals

*The Committee emphasises that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and for the explicit reflection of the provisions of the Convention in all efforts aimed at achieving the Goals and requests the State party to include information thereon in its next periodic report.*

Germany has adopted the Millennium Declaration and undertaken to implement the Millennium Development Goals (MDGs). German development policy makes important and substantial contributions to achieving the MDGs. Promoting gender equality and empowering women is a binding goal and consistent principle applied to German development cooperation. All the measures implemented regarding gender equality and empowering women thus contribute directly or indirectly to achieving the MDGs.

Germany is actively committed to improving the employment situation and working conditions of women (MDG 1 and MDG 3), access for girls and women to education (MDG 2 and MDG 3), reducing maternal mortality and improving access to healthcare services (MDG 5). Additionally, strengthening the participation generally and in decision making as well as the representation of women, reducing school drop-out rates for girls, promoting the realisation of sexual and reproductive rights, and supporting measures for preventing and combating gender-specific violence are key matters of concern for Germany.

In Guinea, for instance, Germany is involved in enabling socially disadvantaged girls in rural regions to successfully complete their primary education. They are given remedial lessons in French, mathematics and health education. Additionally, advanced training courses for teachers and better teaching materials contribute to girls and boys equally exercising their rights to education.

Germany is helping to improve the employment situation of women in the MENA region. Young women e.g. receive professional orientation support through mentoring projects in order to prepare their transition from higher education to working life.

Germany is committed to a transformative and human rights-based post-2015 agenda. It advocates a target system which systematically and consistently enshrines gender equality and implementation of the rights of women and girls in the post-2015 agenda for sustainable development. This includes combating gender-specific violence and realising sexual and reproductive health and rights for women and girls. The Federal Government's report on Germany's position in negotiations on the post-2015 agenda was published in December 2014. It sets out that Germany will advocate maintaining the substance of the current proposal put forward by the Open Working Group on the SDGs: an independent gender goal and gender mainstreaming in other target areas.

## Recommendation 65: Ratification of other conventions

*The Committee notes that States' adherence to the nine major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Germany to consider ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.*

Germany has already ratified the International Convention for the Protection of all Persons from Enforced Disappearance on 24 September 2009 and the United Nations Convention on the Rights of Persons with Disabilities on 24 February 2009.

## Recommendations 11 and 66: Dissemination of the concluding observations

*The Committee requests the wide dissemination in Germany of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians, and women's and human rights organisations, aware of the steps that have been taken to ensure de jure and de facto equality of women and men and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women's and human rights organisations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development, and peace for the twenty-first century".*

The concluding observations were forwarded to all the relevant federal and *Land* ministries. The Convention, its Optional Protocol, the Committee's general recommendations, and the other documents to which the Committee refers are widely disseminated by BMFSFJ via its website and brochures about the Convention. BMFSFJ also has new general recommendations made by the Committee translated and makes these translations available to non-governmental organisations. The Federal Government also provides financial support to the German Institute for Human Rights, which maintains a detailed website with links to all important documents relating to the Convention.

## Recommendation 67: Follow-up to the concluding observations

*The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 40 and 62.*

Germany sent the Committee its interim report on 5 August 2011. The recommendations made by the Committee on 4 November 2011 were taken into account and commented on in the present report.

# III.

## Annexes

### List of Abbreviations

**Länder Exhibit** Examples of *Länder* Policies regarding the Concluding Observations of the CEDAW-Committee on Germany's Sixth Periodic Report

**Annex 1** Response of the Government of the Federal Republic of Germany to the UNECE Questionnaire on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome Document of the 23rd Special Session of the General Assembly (2000)

**Annex 2** Regarding recommendations 53 and 54: Health – reducing HIV

**Annex 3** Regarding recommendations 57 and 58: Vulnerable groups of women – girls in the juvenile justice system

**Annex 4** Follow-up Letter from the CEDAW Committee of 4 November 2011 (in regard to the information provided by the Federal Republic of Germany on measures taken to implement the recommendations contained in paragraphs 40 und 62 of the Concluding observations of the Committee of the United Nations on the Elimination of Discrimination against Women of 10 February 2009)

## List of Abbreviations

<b>AIDS</b>	acquired immune deficiency syndrome
<b>BA</b>	Federal Employment Agency
<b>BKA</b>	Federal Criminal Police Office
<b>BMAS</b>	Federal Ministry of Labour and Social Affairs
<b>BMFSFJ</b>	Federal Ministry for Family Affairs, Senior Citizens Women and Youth
<b>BMG</b>	Federal Ministry of Health
<b>BMJV</b>	Federal Ministry of Justice and Consumer Protection
<b>BMVg</b>	Federal Ministry of Defence
<b>BZgA</b>	Federal Centre for Health Education
<b>DGB</b>	German Trade Union Confederation
<b>EIGE</b>	European Institute for Gender Equality
<b>ESF</b>	European Social Fund
<b>EU</b>	European Union
<b>Eurostat</b>	Statistical Office of the European Union
<b>FGM</b>	female genital mutilation
<b>GRETA</b>	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
<b>HIV</b>	human immunodeficiency virus
<b>HPV</b>	human papilla virus
<b>HR</b>	human resources
<b>KOK e. V.</b>	German NGO network against trafficking in human beings
<b>MDG</b>	Millennium Development Goals
<b>MENA</b>	Middle East and North Africa
<b>NAP 1325</b>	National Action Plan to Implement Security Council Resolution 1325
<b>PR</b>	public relations
<b>SDG</b>	Sustainable Development Goals
<b>UN</b>	United Nations
<b>UNECE</b>	United Nations Economic Commission for Europe

## Länder Exhibit

### Examples of *Länder* Policies regarding the Concluding Observations of the CEDAW-Committee on Germany's Sixth Periodic Report

#### **Recommendations 19 and 20: Federal Anti-Discrimination Agency, Article 2 CEDAW**

**Six *Länder*** have now also established their own anti-discrimination agencies (Berlin, Brandenburg, Rhineland-Palatinate, Thuringia, Schleswig-Holstein, and Hesse).<sup>36</sup> Other *Länder* have programmes, which support implementation of the General Equal Treatment Act.

**Saxony-Anhalt**, for example, has been funding the project "Network Office on the General Equal Treatment Act" since 2012. The project supports cooperation with authorities, non-governmental organisations and individual groups of experts with the aim of developing joint strategies and concrete help and support to implement the statutory protection.

#### **Recommendations 23 and 24: Gender mainstreaming and gender budgeting, Articles 2 and 3 CEDAW**

The guiding principle is also applied at *Länder* level and has in many cases been enshrined in the gender equality legislation of the *Länder*.

Between 2003 and 2009 gender mainstreaming structures, procedures, and instruments were, for instance, incorporated into standard *Land* administrative practice in **Rhineland-Palatinate**. The Joint Rules of Procedure of the Federal Ministries and a checklist with test criteria serve as the basis for practical implementation. Several training measures, including specialist conferences, workshops and gender dialogues, have contributed to raising awareness for the issue of gender mainstreaming in the following areas, for instance: the judiciary, education, cross-border cooperation, volunteer agencies, nature conservation, health, family policy, gender budgeting, care work, and *Land*, regional, and municipal planning. In 2007 the Rhineland-Palatinate Ministry for Integration, Family, Children, Youth and Women created a public information forum with its own website on gender mainstreaming ([gender-mainstreaming.rlp.de](http://gender-mainstreaming.rlp.de)).

Some *Länder* are already testing gender budgeting in certain areas of their budget management. The Senate of **Hamburg's** Gender Equality Policy Framework Programme 2013 – 2015, for example, provides for including gender-related statements and data in the objectives and key indicators of all product groups in the budget which are relevant for gender equality policy, and for a corresponding evaluation. By way of shifting from cameralistic to double-entry accounting, this strategic realignment of the budget aims to depict how all the resources in the budget are used.

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<sup>36</sup> Schleswig-Holstein: <http://www.landtag.ltsh.de/beauftragte/ad/>; Brandenburg: <http://www.antidiskriminierungsberatung-brandenburg.de/>; Berlin: <http://www.berlin.de/sen/lads/>; Rhineland-Palatinate: <http://mifkjf.rlp.de/familie/vielfalt-foerdern-benachteiligung-abbauen/antidiskriminierungsstelle>; Thuringia: <http://www.thueringen.de/th1/Antidiskriminierung/index.aspx>; Hesse (under construction): <https://www.hessen.de/pressearchiv/pressemitteilung/antidiskriminierungsstelle-wird-personell-besetzt>

Likewise, **Rhineland-Palatinate** has introduced gender budgeting as a budget policy instrument. The aim is to incorporate gender mainstreaming economically and fiscally into a gender equitable and transparent budget and thereby to contribute to gender equality. Gender budgeting has already been implemented in regard to social work in schools.

Based on a resolution of the *Land* Parliament of 10 November 2011 (*Land* Parliament Printed Paper 6/567), the *Land* Government of **Saxony-Anhalt** is called to draw up a framework programme for a gender-equitable Saxony-Anhalt, which refers to all specialist policies in the *Land*. The key element of the *Land* programme is to be a master plan with precise gender equality policy goals as well as measures, projects, and activities in the areas of education, secure livelihood, social equality, participation, and anti-violence work.

In **Berlin**, implementation of gender budgeting in the *Land* budget has been explicitly laid down, and work is ongoing on integrating it into normal budgetary policy.<sup>37</sup>

The Working Group on Gender Budgeting, which was set up in 2003 by the Senate Administration for Work, Integration and Women, cooperates closely with the Senate Administration for Finance and the Gender Mainstreaming Office. It is responsible for developing the conceptual and strategic bases for continually evolving implementation of gender budgeting within the Berlin administration.

#### **Recommendations 27 and 28: Stereotypes, Articles 5 and 10(c) CEDAW**

The Conference of Ministers and Senators of the *Länder* Responsible for Gender Equality (GFMK) has repeatedly dealt with typical gender stereotypes in representations of women and men in the media, most recently in 2013 (Resolution 9.1). This resolution was directed at important actors in the German media landscape, calling on them to work to ensure that role stereotypes are eliminated from the media. It was sent to a total of 20 different institutions, including all the public broadcasting companies. In their responses, those responsible gave the assurance that an analysis of content regarding gender equality issues and stereotypes was an integral part of editorial practice. They asserted that they took their responsibility seriously and would continue to do so.

Raising public awareness and fighting against stereotypical attitudes, especially in the media, are also promoted through various events and prizes:

- The Government of **Lower Saxony** has regularly awarded the Juliane Bartel Media Prize since 2001. The prize is awarded to authors whose articles show a fair and equitable image of women and depict women in a variety of roles or as active agents.
- In 2014, the *Prix Jeunesse International*, the biggest TV competition for the world's best TV programmes for children and youth, for the first time included a gender prize awarded at the initiative of the Government of Bavaria.

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<sup>37</sup> <http://www.berlin.de/sen/finanzen/haushalt/gender-budgeting/artikel.11915.php>

- The Government of **North Rhine-Westphalia**, in cooperation with the Federal Government, the cities of Dortmund and Cologne and other partners, supports the International Women's Film Festival Dortmund | Cologne, one of the biggest and most important women's film festivals worldwide.
- A negative prize called "*Saure Gurke*" (literally "pickled gherkin") was first awarded in 1980 at the autumn meeting of the *Medienfrauen*, an annual meeting of women working in the public broadcasters ARD, ZDF and ORF. The prize is awarded to a TV programme produced by a public broadcasting company, which is particularly hostile to women.
- Once a year the Media Lab of the League of Women Journalists takes a critical look at the media landscape in Germany from a feminist perspective, focusing on various issues. The event is sponsored by the Federal Government, amongst others.

### **Recommendations 29 and 30: Reconciliation of family and work life, Article 11 para. 2 and Article 16 CEDAW**

The *Länder* have diverse programmes aimed at increasing women's employment and making it easier to coordinate work with family life as well.

**Baden-Württemberg** launched its "Contact Points Women and Work" programme in 1994. The programme helps to ensure that skilled female workers are available to the economy, helps in reconciling family life and work and establishing equal participation of women in working life. Ten "Women and Work" contact points at 11 sites across Baden-Württemberg provide orientation counselling, networking opportunities, and training courses on professional issues. They advise and support women, who wish to go back to work after spending time at home, as regards retraining and promotion, and setting up their own business. The contact points cooperate closely with businesses, business organisations, continuing training providers, employment agencies, and equal opportunities officers in order to make it easier for women to integrate into the world of work and to reconcile family life with a career.

### **Recommendations 31 and 32: Political participation and participation in public life, Articles 4 and 7 CEDAW**

The *Länder* have their own gender equality acts which are applicable to their public administration. Their legislation is similar to the federal law, sometimes different priorities are set, other mechanisms are used for implementation and the legislation is repeatedly reformed. In 2011, the share of women heading administrative authorities in the *Länder* was 26 %; the share of women heading directorate-generals in the *Länder* averaged 20 %.<sup>38</sup> The *Länder* gender equality acts contain provisions on implementation in the respective *Länder*. At municipal level there is a network of approximately 1,900 local authority equal opportunities commissioners (Federal Working Group of Local Authority Women's Offices and Equal Opportunities Commissioners), which implement gender equality policy in cities and municipalities in regard to both those employed in the public service and citizens in general.

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<sup>38</sup> 2. Atlas zur Gleichstellung von Männern und Frauen in Deutschland (2nd Gender Equality Atlas for Germany): <http://www.bmfsfj.de/BMFSFJ/root,did=204312.html>

The numerous statutory and non-statutory measures available in the *Länder* and municipalities further increase the share of women involved in political and public life.

In the period under review (2007 – 2014), the **Free and Hanseatic City of Hamburg**, for example, implemented measures to increase the share of women in leading positions in the public service. These included a series of events in 2012 for women executives in the HR Office, a series of training courses on reconciling work and family life for young career oriented women (2009 – 2011), and incorporating new topics in regard to career orientation for women in training centres run by Hamburg’s central training facility in 2013.

**Rhineland-Palatinate** is planning to amend its *Land* gender equality legislation. Important elements of the amendment include introducing regulations concerning the equal representation of women and men on committees and boards and on promoting women in under-represented areas. A mentoring programme called “More Women to the Top!” was launched to increase the share of women in management functions in the public service in Rhineland-Palatinate. Under the programme, women who are about to take on a leading position or have already done so will receive support from experienced mentors for a period of one year.

**Saarland** is also currently amending its *Land* Gender Equality Act, which entered into force on 24 April 1996. More binding regulations and sanctions as well as targets to be included in promotion schemes for women aim, in particular, to stop women being under-represented in leading positions and decision-making bodies.

The *Länder* implement numerous programmes which aim to promote the share of women in academia. **Saxony-Anhalt**, for example, supported projects in the period 2009 to 2012 to enable female students and young female job starters to take on leading positions. The project “Mentoring for Female Graduates and Young Female Scientists at Halle University” and the project “Promoting Career Opportunities for Women” also receive support.

#### **Recommendations 33 and 34: Education, Article 10 CEDAW**

The *Länder*, responsible for education in their respective *Land*, have diverse programmes on gender-inclusive teaching and learning in nurseries, schools and all other educational institutions.

**Berlin**, for example, runs what are known as “gender competence schools” which have made it their task to reflect and change socially and culturally grown role models and to offer pupils the possibility of developing their own individual potentials. This includes structuring lessons so they are geared to real life, thereby awakening girls’ curiosity for the MINT subjects, arousing their interest for job and career opportunities in various professional fields, and at the same time strengthening their self-understanding of their skills and abilities in the MINT subjects. Boosting reading skills, planning one’s future, establishing more flexible male role models and strengthening social skills are, by contrast, areas of activity when working with and for boys.

In the context of implementing its gender equality policy framework programme, **Hamburg** takes account of the aspect of gender equality in measures such as drawing up guidelines for

work and educational measures with and for girls, introducing more gender equality in school education, including gender-sensitivity in the conceptual basis for the Youth Vocational Agency and teaching materials on employment relationships, pay levels and planning one's future.

Other *Länder* have similar programmes. Young women with a migrant background in particular tend to base their choice of career on traditional gender stereotypes. As part of a state-wide mentoring project "New Paths to a Career" in **North Rhine-Westphalia**, young women with a migrant background who have done well at school receive individual support and promotion over the course of one school year. Once they finish school the young women receive help in finding a career path which suits their qualifications.

From 2007 to 2013 **Saxony-Anhalt** provided financial support to a total of five projects which promoted and supported vocational training for, in particular, single young mothers to improve their possibilities of integrating into the labour market. In the funding period 2009 to 2012 it also supported projects which aimed to arouse young women's and girls' interest for MINT careers.

#### **Recommendations 37 and 38: Equal Participation of women in the labour market, Articles 11 and 13 CEDAW**

The *Länder* also apply temporary special measures at their own discretion.

The amendment to the Equal Treatment Act of the **Free and Hanseatic City of Hamburg**, for example, provides that offices of the Hamburg administration must in future ensure that their gender equality plans set out targets in select equality policy areas of action, for instance the share of women in leading positions, and that they must achieve these by the end of the term of the gender equality plan.

The *Länder* are committed to the equal participation of women in the labour market. The measures implemented by the *Länder* are in addition to the programmes run by the Federal Employment Agency across Germany, which have already been described in the above.

**Rhineland-Palatinate**, for example, has launched programmes on the most diverse topics: The information platform and first point of contact called *ZeitZeichen* – Information Office for Equal Opportunities in the World of Work answers questions raised by employees and businesses on priority issues such as equal opportunities in the world of work, organising working time, and reconciling work with family life.<sup>39</sup> The Women & Work advisory centres provide women with tailor-made advice and individual support on all matters relating to education, work and employment. The labour market policy programme for integrating and re-integrating women and men into the labour market organises seminars for women and men who are fit to work and who have interrupted their gainful employment for at least three years to raise children or care for relatives and who are not eligible for benefits (Unemployment Benefit I and II). The programme "FiT – Women in Part time Work" supports measures for young single mothers who have not completed any vocational training. These women receive support and advice while they are doing part time vocational training under the dual system in a profession of their choice.

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39 See <http://www.zeitzeichen-rlp.de> and [www.frauennetz-aktiv.de](http://www.frauennetz-aktiv.de)

**Berlin**, prescribes in its procurement legislation that companies must obligate themselves to implement measures to promote women and compatibility between work and family life, and to comply with the applicable law on equal treatment. **North Rhine-Westphalia** has also adopted an Act on Collectively Agreed Pay in Public Procurement, which stipulates that contracts may only be awarded to companies, which undertake to implement measures to promote women and compatibility between work and family life. In accordance with section 14 of its *Land Act on Gender Equality*, whenever several tenders of equal value have been submitted, **Brandenburg** favours that bidder, which has taken action as regards gender equality in the workplace.

#### **Recommendations 39 and 40: Equal pay, Article 11 CEDAW**

The *Länder* also have a keen interest in eliminating the gender pay gap. That is why the **23rd Conference of Ministers and Senators of the Länder Responsible for Gender Equality**, a conference of all the specialist ministers in all 16 *Länder*, unanimously adopted a resolution on equal pay in 2013. The Conference resolved to establish a working group for a fixed term which is open to all the *Länder*; **Hesse** and **Saxony-Anhalt** have overall responsibility for the working group, which took up its work in 2013. The working group is to take stock of and make concrete suggestions for statutory and non-statutory measures before the 25th Conference in 2015.

#### **Recommendations 41 and 42: Violence against women, Articles 1, 2, 3, and 6 CEDAW**

The prevention and elimination of all forms of violence against women and girls as well as the protection and support of victims and survivors are important areas of action for the *Länder*.

For example, in 2009 **Berlin** set up an interdisciplinary specialist commission in the Berlin Coordination Centre for Domestic Violence (BIG). Berlin has a wide range of support available when it comes to protection against domestic violence. As from the budget year 2014 Berlin has 322 places available in shelters for women and 117 places in safe houses for those suffering domestic violence. The BIG HOTLINE offers round-the-clock initial advice in 50 languages on the telephone, crisis intervention and can refer women to a shelter – in line with the times when the national helpline is available. Since March 2013 additional help has been available in the form of a contact point at an anonymous address known to the BIG HOTLINE. Implementation of the Workplace Policy is a new building block with which women are also to be offered more support and protection against violence in the workplace. A set of guidelines entitled “Step by Step against Domestic Violence” was published in 2012. Given that the support facilities available are continually full to capacity, there are plans to commission a study in 2014 to take stock of the infrastructure available in Berlin and make recommendations for developing the concept further. This will link into the results of the Federal Government’s 2013 report. The number of places available in shelters for women in Berlin fulfils the quota proposed by the Council of Europe’s committee of experts (one place per 10,000 inhabitants).

**Berlin** set up its Berlin Working Group against Forced Marriage in 2001. It is an interdisciplinary networking body which in the period under review developed various measures on the prevention of and PR work regarding forced marriage. In addition, the online counselling service called SIBEL ([www.sibel-papatya.org](http://www.sibel-papatya.org)) has proved to be a suitable tool for providing low-level and (where requested) anonymous access to the available help and support.

**North Rhine-Westphalia** has two specialised advice centres which are subsidised from the *Land* budget: The state-wide facilities are organised by the *agisra* registered society in Cologne ([http://www.agisra.org/index.php?de\\_forcedmarriage](http://www.agisra.org/index.php?de_forcedmarriage)) and the *Mädchenhaus Bielefeld* (<http://www.zwangsheirat-nrw.de>). The specialist advice centre on protection against forced marriage in the *Mädchenhaus Bielefeld* was set up in 2007. In addition to online and telephone advice, the facility provides information via its extensive multilingual website. It also organises preventive information events for schoolgirls in schools in North Rhine-Westphalia. Since 2008 the *Land* has also subsidised five safe refuge places in three youth welfare facilities which are reserved for under-age victims of forced marriage. They guarantee that girls who are victims of forced marriage can quickly find suitable accommodation and thus benefit from effective crisis intervention.

### **Recommendations 43 and 44: Shelters and help for women in distress, Articles 1, 2, 3 and 6 CEDAW**

Responsibility for the availability, organisation and the secure funding of support lies with the **Länder and municipalities**, who make considerable funding available in their budgets. Most of the *Länder* use mixed financing (a combination of daily rates and grants from *Land* and/or municipal budgets) to fund shelters and refuge accommodation for women.

In **Bavaria**, for example, funding for shelters for women was safeguarded by means of an overall strategy which was jointly elaborated with local government associations and independent welfare organisations in 1993. Based on this strategy, adjoining municipalities take responsibility for a particular shelter and contribute towards its basic costs. Bavaria supports the municipalities by contributing to the personnel costs of the shelters for women.

Further, many *Länder* have action plans, interdisciplinary specialist committees and networks against violence in the administration, police and non-governmental organisations against violence, services for victims and survivors, shelters for women, and work with perpetrators etc. These activities serve to combat gender-specific violence at a structural level, to protect victims and survivors, and to do prevention work.

Based on a Resolution of the *Land* Parliament of 10 November 2011 (*Land* Printed Paper 6/567) the *Land* government of **Saxony-Anhalt**, for instance, is called upon to develop a framework programme for a gender-equitable Saxony-Anhalt which is applicable to all specialist *Land* policies. The key element of the *Land* programme is to be a master plan with precise gender equality policy goals as well as measures, projects and activities in the fields of education, secure livelihood, social justice, participation, and anti-violence work.

**North Rhine-Westphalia** has, for instance, been promoting local and regional cooperation on violence against women since 2008, focusing on measures addressing the **target group of migrant women**. That year and in subsequent years, multilingual information material on the topic of violence against women was compiled and training measures carried out for professionals working in the field. Since 2011 the shelters for women receiving financial support from the *Land* government have also been given material resources to cover interpreters' costs.

An interdisciplinary working group in **Berlin** was launched in 2007 to develop disability-specific measures to protect **women with disabilities** against domestic violence. One important focus of this work is on improving barrier-free access to advice centres, shelters and help centres and on compiling accessible information for women with disabilities. For example, various shelters were fitted with technologies for the deaf and hard of hearing and courses in German sign language were run. Special workshops are organised for staff in the non-governmental organisation to raise awareness for the needs and concerns of women with disabilities.

In the field of anti-violence work, **Saxony-Anhalt** funds 20 shelters for women and their eight drop-in advice centres, four intervention offices, four advice centres for victims of sexual violence, an advice centre for victims of human trafficking and forced marriage (called “VERA”), an advice centre for violent men (called “ProMann”) and the *Land* Intervention and Coordination Office for Domestic Violence and Stalking (LIKO). The results of this work are evaluated and analysed annually as part of a joint quality development process conducted together with the project sponsors, and conclusions are drawn regarding further work.

#### **Recommendations 45 and 46: Statistical data on violence against women, Articles 1, 2, 3 and 6 CEDAW**

In 2001, **Saarland** for instance, adopted an Action Plan for Combating Domestic Violence. A Coordination Office against Domestic Violence, which was set up specifically to that end in the Ministry of Justice of Saarland, was commissioned with implementing the Action Plan.<sup>40</sup> It began applying an integrated overall strategy to all institutions concerned with domestic violence in 2002. Basic and continuing training measures for those professions responsible in regard to this matter (trainee lawyers, judges, police officers, staff in youth welfare offices in Saarland, and the medical, caring and psychotherapeutic professions) play a prominent role. The main focus of the Action Plan is on the psychosocial background to domestic violence. It differentiates between specific groups of victims, such as migrant women, women with disabilities and women senior citizens. The measures all include a threat assessment module which deals with high-risk cases and the risk of homicide of (former) partners and/or their children.

The issue of domestic violence was also incorporated into the project “Early Assistance” as part of family midwives’ and paediatric nurses’ training.

As regards criminal prosecution and averting threats, Saarland set up special departments in public prosecution offices in 2001 which are responsible for dealing with domestic violence cases. The police also created specific competences by introducing specialist Domestic Violence Officers into the force in 2004.

#### **Recommendations 47 and 48: Trafficking in human beings, Article 6 CEDAW**

Combating human trafficking has, e.g. been an important concern of the **Berlin** Senate Administration for approximately 20 years now. In 1995, an interdisciplinary committee of experts on trafficking in women was established which initially focused on human trafficking for the purposes of sexual exploitation. The aim was and is to coordinate all the governmental and non-governmental institutions confronted with the phenomenon and to develop

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40 [www.saarland.de/88401.htm](http://www.saarland.de/88401.htm) and [www.saarland.de/3048.htm](http://www.saarland.de/3048.htm)

appropriate and precise solutions. In order to be able to take account of other forms of human trafficking, such as human trafficking for work exploitation, the committee was restructured into the Berlin Committee of Experts on Human Trafficking in January 2013, and now incorporates more actors.<sup>41</sup>

In the period under review, measures to improve the effectiveness of criminal prosecution in the case of human trafficking and to improve the situation of victims were implemented in **Berlin**, such as cooperation between the police and specialist advice centres, compiling information sheets in several languages, timely and non-bureaucratic help for victims, interdisciplinary advanced training courses for the police and judiciary, taking suitable account of the specific situation of those who are victims of human trafficking in the procedural information provided by the foreigners' authorities in Berlin, for instance by referring to section 25 (4), second sentence, of the Residence Act as the possible basis for being granted a residence permit after the criminal proceedings have ended.

The *Land* Government of **Rhineland-Palatinate** has been supporting the *SOLWODI* (Solidarity with Women in Distress) registered society since the late 1980s. The society's counselling facilities work to combat both human trafficking for the purposes of sexual exploitation and forced marriage, amongst other things. The cooperation strategy launched in Rhineland-Palatinate in 2004 involves the criminal prosecution authorities, specialist advice centres, and those facilities and authorities involved in looking after victims. The aim is to improve the protection of at-risk witnesses and to support criminal prosecution in cases involving human trafficking for victims who wish to testify as witnesses in proceedings against human traffickers.<sup>42</sup>

Between 2013 and 2014, **Rhineland-Palatinate**, in cooperation with the DGB (Berlin/ Brandenburg), the *Diakonie Wuppertal*, and the Working and Living in Berlin Registered Society, was involved in the Alliance against Human Trafficking for the Purpose of Work Exploitation.<sup>43</sup> As part of this project the Rhineland-Palatinate Ministry for Integration, Family Affairs, Children, Youth and Women organised advanced training courses, specialist conferences and workshops for the regulatory and supervisory authorities, the police, customs authorities, migration advice centres, trade unions and other actors. Multilingual information material was produced for victims of human trafficking. In addition, a teaching module on human trafficking for the purpose of work exploitation was developed for use in community work. The Ministry is also examining provisions in the law on residence to see whether more effective victim protection can be provided.

#### **Recommendations 49 and 50: Exploitation of prostitution, Article 6 CEDAW**

In 2008, **Berlin** submitted a motion at the Conference of Ministers and Senators of the *Länder* Responsible for Gender Equality and Women which was geared to regulating places of prostitution by law. The aim was to create more transparency in the milieu and thus improve the situation of prostitutes and contribute to combating human trafficking. Since then Berlin has

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41 See also [http://www.institut-fuer-menschenrechte.de/uploads/tx\\_commerce/Handreichung\\_Menschenhandel\\_als\\_Menschenrechtsverletzung.pdf](http://www.institut-fuer-menschenrechte.de/uploads/tx_commerce/Handreichung_Menschenhandel_als_Menschenrechtsverletzung.pdf)

42 <https://mffjiv.rlp.de/de/themen/integration/integrationspolitik-in-rheinland-pfalz/besondere-zielgruppen/opfer-von-menschenhandel/>

43 <http://www.buendnis-gegen-menschenhandel.de/>

wide-ranging national regulations, in 2010 the then Senate Administration sent a circular letter to the agencies responsible for public order at a local level (*Ordnungsämter*) in Berlin stating that the background checks referred to in section 38 (2) of the Trade Regulation Code were to be carried out in all brothel-like operations.

**Berlin** has a range of support available to people working in prostitution, from health prevention to psychosocial help to counselling to help leaving the profession. In recent years Berlin has reacted flexibly to changes in the milieu, for example to the increase in street prostitution.<sup>44</sup>

In early 2011, the *Land* Government of **North Rhine-Westphalia** set up a round table on prostitution in order to improve the situation of female and male prostitutes and to get prostitution out of the social grey area. The composition and working method of the round table means this is the first time that all important actors at *Land* level will be involved on this issue. Prostitutes are on an equal footing with other members of the round table and, where necessary, additional experts from academia and practitioners can be incorporated. In order to get a comprehensive overview of the different forms and attendant side effects of prostitution, everyone involved in the dialogue in the round table meets as equals, and it stresses the competencies, experience and wishes of sex workers. The aim is for those involved in the round table to work on developing a strategy for regulating prostitution and also to drive forward the necessary social debate.

The advice centre *Roxanne* in **Rhineland-Palatinate** has been offering advice and support to prostitutes since 2009. The range of services on offer include psychosocial counselling in regard to dealing with everyday problems and specific emergencies, legal advice, help dropping out, education and information on sexually transmitted diseases, referring those seeking advice to other available help and outreach work by street workers. In 2012, a total of 259 women sought help in the advice centre. *Roxanne* has also set up a round table on prostitution at municipal level. The Rhineland-Palatinate Ministry for Integration, Family Affairs, Children, Youth and Women provides *Roxanne* with 33,000 euros in funding annually.

#### **Recommendations 53 and 54: Health, Article 12 CEDAW**

Social and health statistics have been collected since 2008 as part of the Berlin health reporting and social statistics reporting system. The share of gender-specific data collected is currently 70%.

Steering committees in the field of health policy – like the *Land* Health Conference, which has been held annually since 2004, and the Coordination Office for Equal Opportunities in Health **Berlin**, which was also set up in 2004 – take account of gender-specific and gendered approaches to existing problems. Examples include the meetings of experts on the health situation of unemployed women in Berlin which have taken place since 2012 and the integrated development of strategies and measures for health promotion and prevention in regard to childbirth.

In late 2011, the *Land* Government of **North Rhine-Westphalia** set up a *Land* Coordination Office on Women and Addiction. The *Land* addiction policy is being further developed, taking

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<sup>44</sup> For detailed information, see <http://pardok.parlament-berlin.de/starweb/adis/citat/VT/17/KlAnfr/ka17-12627.pdf>.

systematic account of the gendered dimension. A Centre of Excellence for Women and Health in North Rhine-Westphalia was established in 2012. Its aim is to improve healthcare for women and to increase awareness of the need for all health professions to differentiate according to gender when it comes to diagnosis, treatment, and therapy. Another aim is to provide impetus to the political realm, self-governing bodies, academia, and practitioners and, in particular, to drive forward the networking of women-specific counselling facilities and the health sector. The Centre of Excellence has been commissioned by the Ministry for Health, Emancipation, Care and Old Age for three years up to the end of 2014 and will during this time focus on the issues of domestic violence and health, obstetric care and women's mental health.

The **Länder** also recognise that pregnancy and reproductive medicine are key elements, and they are in particular treated and regulated by means of education and information. Healthy women and girls have a growing need for education and advice in regard to reproductive health given the confusion that has arisen on account of the new medical/technical possibilities which are available, such as prenatal diagnostic tests, artificial insemination, elective caesareans, and cosmetic surgery.

In response to this, an interdisciplinary cooperation project involving experts in the Network on Women's Health in **Berlin**, municipal and *Land* bodies has evolved and information events have been organised. Materials on specific topics have been published, such as the brochure "Caesarean Yes! No! Maybe?" and a flyer on HPV vaccination. The existing ranges of advisory services on sexuality and self-determination and on all issues relating to pregnancy and childbirth have been adapted to actual needs.

As part of implementing the extensive **North Rhine-Westphalian** Action Plan for Equality and Acceptance of Sexual and Gender Diversity – Against Homophobia and Transphobia, the Ministry of Health of North Rhine-Westphalia asked the German Medical Association to make it clear in its guidelines that lesbian women may also be given access to reproductive medical services. The German Medical Association has so far refused to do so, citing that legislative amendments would have to be made, for example to civil law.

**Recommendations 59 and 60: Immigrant, refugee, asylum-seeker, and minority women, Articles 2, 3, 13 and 16 CEDAW**

The Network Office Women and Girls with Disabilities in **North Rhine-Westphalia** has been receiving funding as a lobby group from the *Land* Government since 1995. It is competently and dedicatedly committed to achieving self-determination and sustainably improving the situation of girls and women with disabilities. The Network Office represents women's concerns in important bodies when it comes to implementation of the UN Convention on the Rights of Persons with Disabilities in North Rhine-Westphalia, including advisory committees on health and work. Furthermore, it is involved on important issues, for example it is a member of the steering committee drawing up a *Land* action plan against violence against women.

### **Recommendations 61 and 62: Cooperation with non-governmental organisations in regard to intersex and transsexual people**

North Rhine-Westphalia is mentioned here as a good example of the positive developments occurring in the *Länder*. As part of implementing the North Rhine-Westphalian Action Plan on Equality and Acceptance of Sexual and Gender Diversity – Against Homophobia and Transphobia, which was drawn up with the broad involvement of civil society organisations, the *Land* government of North Rhine-Westphalia took first steps to improve the lives of transsexual and intersex people. Funding is provided to specialist conferences, workshops, internet portals, campaigns to abolish prejudices (e.g. “Different and the Same – Only Respect Works”) and psychosocial counselling services for lesbian women and gay men who seek advice after suffering violence and in regard to health problems and which are also used by bisexuals, transsexuals and transgender people, for example.<sup>45</sup>

The project “Gay Lesbian Bi Trans\* Education in **North Rhine-Westphalia**” provides authentic education mainly in schools and recreational facilities run by and for young people. The idea has also been implemented in other *Länder*. A project and a campaign entitled “Schools of Diversity – Schools without Homophobia” goes in the same direction but is more clearly oriented to schools. Other *Länder* have their own action plans (e.g. Berlin, Rhineland-Palatinate) or are developing such action plans (e.g. Baden-Württemberg, Hesse, Mecklenburg-Western Pomerania, Saxony-Anhalt, Schleswig-Holstein).<sup>46</sup>

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<sup>45</sup> Further information on how to obtain materials and media such as the “Fibel der vielen kleinen Unterschiede” (Primer on the Many Little Differences) is available via the portal [www.andersundgleich-nrw.de](http://www.andersundgleich-nrw.de).

<sup>46</sup> See the website of the Lesbian and Gay Association in Germany: <http://www.lsvd.de/politik/aktionsplaene-in-den-laendern.html>.

## Annex 1

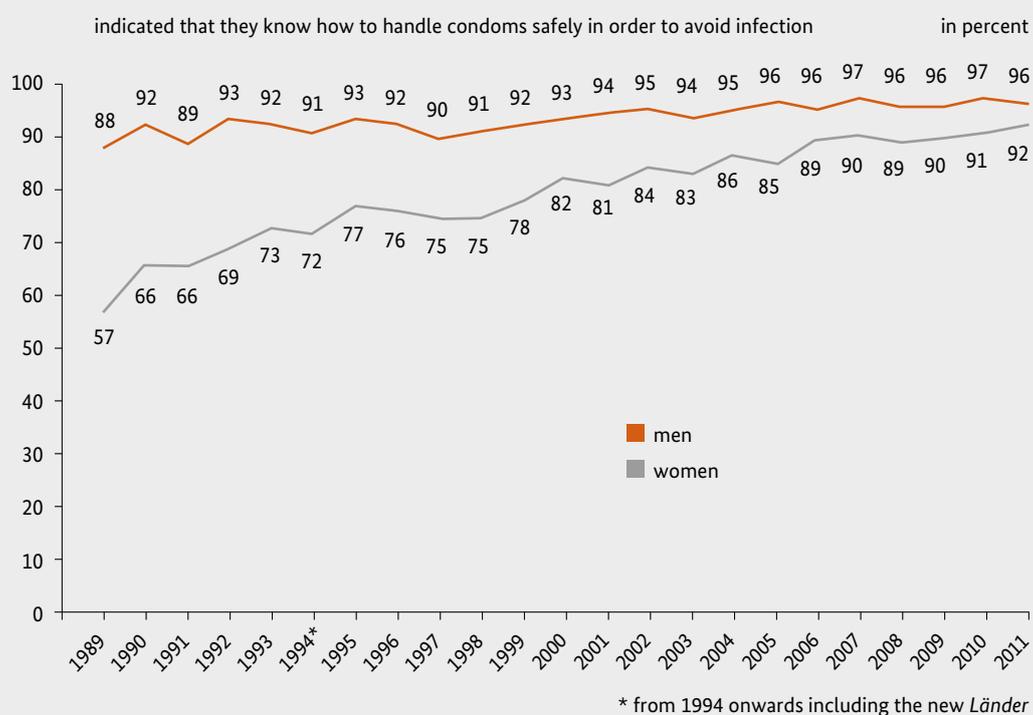
Response of the Government of the Federal Republic of Germany to the UNECE Questionnaire on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome Document of the 23rd Special Session of the General Assembly (2000)

See: <http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Peking-plus-20-Umsetzung-der-Aktionsplattform-von-Peking-englisch,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf>

Berlin, June 2014

## Annex 2: Regarding Recommendations 53 and 54: Health – combating HIV (working translation)

**Chart 31: Safe handling of condoms (16 to 65 year old, general population, indicated that they know how to handle condoms safely in order to avoid infection, in percent, from 1994 onwards including the new Länder)**



Reference: AIDS im öffentlichen Bewusstsein (HIV in public awareness), BZgA 2011

**Chart 2: Notifications of confirmed positive HIV- antibody tests in the Federal Republic of Germany, initial HIV diagnosis, according to the year of diagnosis and sex (columns from left to right: year of diagnosis, sex: male, sex: female, sex: no statement, total numbers)**

year of diagnosis	sex						total numbers
	male		female		no statement		
< 2003	14.519	75,2%	4.214	21,8%	575	3,0%	19.308
2003	1.546	78,2%	399	20,2%	32	1,6%	1.977
2004	1.738	78,1%	456	20,5%	30	1,3%	2.224
2005	1.976	79,3%	480	19,3%	36	1,4%	2.492
2006	2.120	80,2%	500	18,9%	23	0,9%	2.643
2007	2.303	82,9%	450	16,2%	24	0,9%	2.777
2008	2.337	82,7%	465	16,5%	24	0,8%	2.826
2009	2.384	83,4%	459	16,1%	16	0,6%	2.859
2010	2.292	84,7%	402	14,9%	11	0,4%	2.705
2011	2.263	84,0%	425	15,8%	7	0,3%	2.695
2012	2.504	84,4%	448	15,2%	2	0,1%	2.954
total numbers	35.982	79,2%	8.698	19,1%	780	1,7%	45.460

stand: 2013/03/01

Reference: *Epidemiologisches Bulletin (Epidemiological Bulletin)*, Robert Koch Institut (RKI) 24/2013

### Annex 3: Regarding recommendations 57 and 58: Vulnerable groups of women – girls in the juvenile justice system<sup>47</sup>

Federal State	a) Remarks by the states concerning the problems outlined by the Committee in paragraphs 57 and 58 <sup>48</sup>	b) Legislation adopted by the <i>Länder</i> relating to the prison regime, specifically regarding the elimination of discrimination against female detainees, in the period 2007 to 2014
Baden-Württemberg	Baden-Württemberg has no “high-security women’s prison”. It does, though, have a centrally located detention facility for women that is geared to the specific needs of female detainees and in particular to those of women under the age of 18. The facility’s structural arrangement and the extensive outdoor facilities were also designed with these specific needs in mind. Deprivation of liberty is only ordered as a last resort where all the other available types of sanctions are not suitable. In recent years the average occupancy rate has been less than 10 female detainees under the age of 18.	The Youth Custody Act for Baden-Württemberg ( <i>Jugendstrafvollzugsgesetz für Baden-Württemberg, JStVollzG-BW</i> ) entered into force on 1 August 2007. In 2010 it was incorporated, essentially unchanged, into the Prison Code for Baden-Württemberg ( <i>Justizvollzugsgesetzbuch Baden-Württemberg, JVolzGB-BW</i> ). The Act explicitly applies to male and female juvenile detainees alike and includes the right to education and training. As well as education opportunities leading up to various leaving qualifications and vocational training courses, the juveniles are offered a broad range of sports and leisure-time activities. Professional staff is available to provide psychosocial and therapeutic support.
Bavaria	Bavaria established a separate unit for female juvenile offenders and remand prisoners in Aichach Prison, which is currently only two-thirds full, though. This shows that deprivation of liberty is the measure of last resort. Aichach Prison is the largest facility in Bavaria for women prisoners, and it offers the best conditions suited to the individual needs and circumstances of female juvenile offenders. The prison runs educational and vocational courses and continuing training courses, and offers diverse sports and leisure-time activities and therapeutic treatment programmes.	Execution of a youth custody sentence is regulated in a separate part of the Bavarian Prison Act ( <i>Bayerisches Strafvollzugsgesetz, BayStVollzG</i> ) of 10 December 2007 (Article 121 et seqq.) and remand detention for juvenile detainees in a separate part of the Bavarian Execution of Remand Detention Act ( <i>Bayerisches Untersuchungshaftvollzugsgesetz, BayUVollzG</i> ) of 20 December 2011 (Article 29 et seqq.).

<sup>47</sup> Information supplied by the *Länder* in response to a query from the Federal Ministry of Justice and Consumer Protection of 26 March 2014.

<sup>48</sup> Baden-Württemberg, Bavaria, Berlin, Bremen, Hesse, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saxony, and Saxony-Anhalt each stated that the problems described in paragraphs 57 and 58 do not apply to their women’s prisons.

Berlin	<p>Berlin Women's Prison is not a high-security women's prison. A total of 266 female detainees can be accommodated at the four sites across the city. They are always placed in single-occupancy cells, which are arranged into residential groups in the various prison wings. Of the places available, 44% are in open wings. It is only in the social-therapy unit, a small open facility with a total of 21 places, that young women are not kept separate from the adult women. This area is of a manageable size, has a good spatial design and very good human resources (highly qualified professionals), which means it is very well placed to deal with the mix of ages. The treatment strategy applied there takes account of the fact that various age groups live together, and detainees of all ages benefit from this structure. The strict separation is maintained at the other sites.</p>	<p>The Youth Custody Act for Berlin (<i>Jugendstrafvollzugsgesetz Berlin</i>, JStVollzG-Bln), which entered into force on 1 January 2008, made a major contribution to improving the qualification opportunities available to female juvenile offenders and to preparing them for the job market. A series of new educational and treatment measures was introduced to that end. These measures are implemented in cooperation with non-governmental providers. The highest priority is attached in the Act and in practice to preparing these detainees for vocational and social integration.</p>
Brandenburg	<p>On account of the fact that there are so few of them, young female detainees (juvenile offenders) in Brandenburg are placed in the women's unit in Luckau-Duben Prison. The prison can accommodate a total of 22 young female detainees (remand prisoners and offenders) and generally has an actual occupancy rate of around half (a max. of four to five under the age of 18). It is therefore not practical to place under-age female detainees in a separate facility. The female juvenile offenders are kept separate from (adult) female and male prisoners. Their detention is framed in an educational manner and takes account of their special needs. Compared to adult prisoners, young offenders have special visiting rights which are aimed at promoting family ties and social re-integration. Special efforts are undertaken in each individual case in cooperation with relevant actors in their home towns to prepare detainees in good time for their social, educational or vocational re-integration. Account is taken of the needs of young offenders by means of separate, needs-based programmes and support. The same goes for sports activities. A special preparatory vocational training programme means young female detainees can meet their obligation to attend school or vocational school.</p>	<p>Brandenburg first enacted its Youth Custody Act for Brandenburg (<i>Brandenburgisches Jugendstrafvollzugsgesetz</i>, BbgJStVollzG) on 18 December 2007 (Gazette of Laws and Ordinances I p. 348) and the Execution of Remand Detention Act for Brandenburg (<i>Brandenburgisches Untersuchungshaftvollzugsgesetz</i>, BbgUVollzG) on 8 July 2009 (Gazette of Laws and Ordinances I p. 271). The content of these Acts has now been incorporated into the Act on the Execution of Deprivation of Liberty, Youth Custody and Remand Detention for Brandenburg (<i>Brandenburgisches Justizvollzugsgesetz</i>, BbgJVollzG) of 24 April 2013 (Gazette of Laws and Ordinances I No. 14). All three Acts take account of the different needs of detainees, in particular as regards gender and age, when it comes to structuring the conditions of detention, and this principle is expressed in concrete regulations. Account was taken of international law requirements and international human rights standards when elaborating the Act on the Execution of Deprivation of Liberty, Youth Custody and Remand Detention for Brandenburg.</p>

Bremen	<p>Young female detainees are either placed in the women's unit in Bremen which is located outside prison walls, or in the relevant women's prison in Lower Saxony. Only in suitable cases and in consultation with all those involved, plus the convicted person and the court, will placement together with adult women be considered. This occurs around once every two to three years whenever this form of placement is better suited in an individual case, and also only where a short prison sentence has been imposed.</p>	<p>The Youth Custody Act for Bremen (<i>Bremisches Jugendstrafvollzugsgesetz</i>, BremJStVollzG) entered into force on 1 January 2008. For the German version, see <a href="https://bremen.beck.de/default.aspx?bcid=Y-100-G-brjstvollzg-name-inh">https://bremen.beck.de/default.aspx?bcid=Y-100-G-brjstvollzg-name-inh</a></p>
Hesse	<p>The very small numbers of young female detainees in Hesse show that deprivation of liberty is in fact only used as a last resort.</p> <p>Young female detainees are kept separate from adult women in a separate prison wing in small residential groups of a maximum of eight to nine young detainees each. Age, language skills, individual problems and developmental state are taken into account when placing detainees in a particular residential group. The residential groups are led by a trained member of the social service together with a dedicated support team, which guarantees optimum age-appropriate and needs-oriented supervision and promotion.</p> <p>Following a wide-ranging diagnostic procedure and determination of the detainee's educational/vocational situation, treatment is oriented to each detainee's individual problems and specific responsiveness. The school project, which includes creative and sports activities and a highly individualised curriculum, takes account of the possibilities and difficulties of young detainees in a very specific way. Each individual educational plan contains both group and personal measures and therapeutic treatment sessions which are geared to individual problems and resources. Social learning and relationship work during residential group events, such as preparing meals together, conflict resolution discussions, well-structured leisure time and promotion of family contacts, are a natural and everyday part of the educational approach to the execution of a youth custody sentence. The young detainees are guaranteed an individual, gender-specific, and age-appropriate programme to help them improve their situation and successfully re-integrate into society.</p>	<p>The standards referred to opposite are defined in the Youth Custody Act for Hesse (<i>Hessisches Jugend- strafvollzugsgesetz</i>, HessJStVollzG), which entered into force on 1 January 2008.</p>

Mecklenburg-West Pomerania	<p>At the same time as the Youth Custody Act for Mecklenburg-Western Pomerania entered into force on 1 January 2008, Neustrelitz Young Offenders Institute's jurisdiction was expanded to include young female detainees and a unit which can accommodate 15 female juvenile offenders and female juvenile remand prisoners was established. On average it has an occupancy rate of two thirds, which shows that deprivation of liberty is a measure of last resort. The personal circumstances of juvenile offenders, which are relevant when it comes to determining their individual prison plan, are established using a diagnosis method. In line with their individual educational and vocational needs female detainees can take part in existing educational and vocational courses and continuing training measures. The same goes for the available treatment programmes and sports and leisure-time activities.</p>	<p>The Youth Custody Act for Mecklenburg-Western Pomerania (<i>Jugendstrafvollzugsgesetz Mecklenburg-Vorpommern</i>, JStVollzG M-V) entered into force on 1 January 2008. The Act sets out the course of the execution of a youth custody sentence as described opposite.</p>
Lower Saxony	<p>In Lower Saxony girls and young women (known as "female young offenders") are kept separate from other female prisoners. The special unit is organised in an age-appropriate manner and has a large outdoor area, which includes a small zoo and gardens. The girls are offered an individualised treatment, employment and leisure-time programme. Despite its being centrally located, preparations for release and transition management are exemplary. Lower Saxony has no "high-security women's prison".</p> <p>On average between four to six young female remand prisoners and offenders under the age of 18 are placed in facilities in Lower Saxony.</p>	<p>The Prison Act for Lower Saxony (<i>Niedersächsisches Justizvollzugsgesetz</i>, NJVollzG), which entered into force on 1 January 2008, contains provisions applicable to the execution of a youth custody sentence. The provisions of the Act apply equally to male and female juvenile detainees.</p>
North Rhine-Westphalia	<p>The number of young female detainees serving youth custody sentences or in remand detention is relatively low. On 2 April 2014 there were 55 young female detainees in North Rhine-Westphalia, 19 of whom were in remand detention. Young female detainees serving youth custody sentences or who are in remand detention are centrally placed at Cologne Prison. The girls are kept in units which are separate from the women's prison and separate from adults, generally in single-occupancy cells. The prison has very good transport connections.</p> <p>As part of their school education, young female detainees are, for example, offered courses which enable them to get a school leaving certificate, measures to promote their language skills and vocational training measures for their vocational training and promotion in the fields of textile cleaning, hairdressing, fashion sewing, and office communications.</p>	<p>The support and treatment measures meet the standards set in the Youth Custody Act for North Rhine-Westphalia (<i>Jugendstrafvollzugsgesetz Nordrhein-Westfalen</i>, JStVollzG NRW) of 20 November 2007 (Gazette of Law and Ordinances of North Rhine-Westphalia p. 539).</p> <p>The Execution of Remand Detention Act for North Rhine-Westphalia (<i>Untersuchungshaftvollzugsgesetz Nordrhein-Westfalen</i>, UVollzG NRW) of 27 October 2009 (Gazette of Law and Ordinances of North Rhine-Westphalia p. 540) contains special provisions applicable to young remand detainees (sections 48 to</p>

	<p>In addition, there are social and anti-violence training courses, plus a football project “<i>Anstoß für ein neues Leben</i>” (Kick-off for a New Life) run in cooperation with a German Football Association Foundation, and a special video project called “<i>Podknast</i>” (a play on the words “podcast” and the colloquial term in German for “jail”). The aim of the latter project is to motivate young female detainees to look closely at themselves, their background and the causes of their criminal behaviour. Discussion groups run by pastoral workers and volunteers, games groups and adventure weekends are also available. Rabbits are kept in the facility as part of an occupational therapy measure so that the girls learn how to handle and care for animals.</p> <p>Visiting times of at least four hours per month, including at weekends, which are granted under the Youth Custody Act for North Rhine-Westphalia mean young detainees are much better off than adults. Contact visits between detainees and their children are especially encouraged.</p>	
<p>Rhineland-Palatinate</p>	<p>The numbers of young and adolescent female detainees in Rhineland-Palatinate are very low, even though detainees serving youth custody sentences from Saarland are also detained here. This shows that deprivation of liberty is used only as a last resort.</p> <p>There are currently 14 detainees. They are housed separately from adults serving a prison sentence in two units in the women’s prison in Zweibrücken.</p> <p>The execution of youth custody sentences is organised in an educational, gender-specific and age-appropriate manner in two residential groups which are supervised by appropriate members of staff of the social service, the psychological service and a dedicated team of “juvenile officers” in the general prison service.</p> <p>Zweibrücken Prison is not a high-security prison.</p> <p>The juvenile offenders go through a comprehensive diagnostic procedure. An individualised prison and integration plan is drawn up for each offender. It determines the problems and resources of each individual and sets out the required motivational and treatment measures.</p> <p>A wide range of educational, vocational and treatment-related measures is provided to the female juvenile offenders in the unit. The residential group approach promotes social learning. Group events, group therapy and one-to-one</p>	<p>The statutory requirements as regards the execution of juvenile custody sentences were elaborated in the period between 1 January 2008 and 31 May 2013 and then incorporated into the Youth Custody Act for Rhineland-Palatinate (<i>Landesjugendstrafvollzugs-gesetz Rheinland-Pfalz</i>, LJüStrVollzG Rheinland- Pfalz). Now execution is based on the provisions set out in the Prison Act for Rhineland-Palatinate (<i>Landesjustizvollzugsgesetz Rheinland-Pfalz</i>, LJüVollzG Rheinland-Pfalz), which entered into force on 1 June 2013.</p>

<p>Rhineland-Palatinate</p>	<p>meetings are used depending on each individual's problems. A separate treatment group for young women was set up so that they can work through their offence. The group is led by a psychologist and a social worker.</p> <p>Detainees can also turn to external professionals from independent drug counselling agencies as part of an addiction group, one-to-one counselling and therapy preparation and, if necessary, they can be referred to external addiction therapists.</p> <p>As well as their spiritual tasks the pastoral workers offer a discussion group for juveniles. Further, programmes are available so that juveniles can gain a school leaving certificate, they can undergo module-based or full-time training, they can take part in occupational therapy or take up employment.</p> <p>Female juveniles and adolescents can take part in a diverse programme of leisure-time activities (craft group, board games, decorating the residential group, cooking etc.) which are organised by the juvenile officers. Experiential and musical activities (piano lessons, guitar lessons, women's choir) are also on offered.</p> <p>A wide-ranging sports programme takes account of both women's preferences, including aerobics, a zumba course and therapeutic dance (Contacta – Movement and Music), as well as emancipatory approaches, such as the football project called "Kick-off for a New Life" which is run by the German Football Association's Sepp Herberger Foundation. A sports hall, a multifunctional playing field, a boule pitch and several pieces of outdoor equipment, which are part of the exercise concept are available so that young detainees can incorporate more exercise into their everyday lives. Family contacts are encouraged. The standard number of four hours' visiting time per month can also be used on one day if relatives have a long way to travel. Contacts between detainees and their children below age 14 are especially encouraged and their visits of up to two hours per month are not counted as regular visiting hours. "Family visits" are organised by the social service or pastoral workers as special visits.</p> <p>Capacities permitting, additional visits may also be granted.</p> <p>Social re-integration is supported by means of generous relaxation of conditions, which may also comprise transferral to an open unit. A special transition manager places women in vocational training or jobs to prepare them for their release.</p>	
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	<p>As well as specific activities in the context of the execution of youth custody sentences, suitable young women can also take part in a complete educational programme, the <i>E-lis Plattform</i>, and all social training courses on offer in the prison. They can thus benefit from an additional, very broad range of courses and activities.</p> <p>The prison is part of the European Further Education for Female Inmates (FEFI) project (see <a href="http://www.zww.uni-mainz.de/eng/2589.php">http://www.zww.uni-mainz.de/eng/2589.php</a>).</p>	
Saarland	<p>Saarland and Rhineland-Palatinate signed an agreement based on which remand detention and prison sentences imposed on young women and adult women from Saarland are executed in Rhineland-Palatinate.</p> <p>Please refer to the remarks concerning Rhineland-Palatinate.</p>	
Saxony	<p>The execution of women's prison sentences is organised in the centrally located Chemnitz Prison, which means that all the measures available there can be geared specifically to the needs of female prisoners and juvenile offenders.</p> <p>Female juvenile offenders are kept separately in residential groups of up to 12 in Chemnitz Prison in a building which underwent extensive renovation in 2011/12. The prison fulfils its educational mandate by offering treatment programmes which are specifically oriented to juvenile offenders, courses which teach social skills, art therapy, drug and debt counselling, educational and vocational training measures, as well as numerous sports activities. Saxony has no "high-security women's prison". On 1 March 2014, only 18 female juvenile offenders, including two between the age of 14 and 18, were being detained in Saxony.</p>	<p>The statutory basis for the execution of youth custody sentences is set out in the Youth Custody Act for Saxony (<i>Sächsisches Jugendstrafvollzugsgesetz</i>, <i>SächsJStVollzG</i>), which entered into force on 1 January 2008 and was amended on 1 June 2013. The Act applies in equal measure to female and male juvenile offenders and follows the educational approach. It provides for various types of treatment geared specifically to the needs of juvenile offenders, which are in particular realised in the context of the residential groups, and the right to education and training.</p> <p>In addition, the Act sets out various regulations which meet the special needs of female juvenile offenders. These include, for instance, the requirement that account must be taken of the various circumstances and needs of female and male detainees when organising the execution of their sentence and when it comes to individual measures (section 3 (5)), the obligation to always separate male and female detainees (section 23), and the possibility of placing mothers together with their child in special "mother and child facilities" (section 27).</p> <p>The Execution of Remand Detention Act for Saxony (<i>Sächsisches Untersuchungshaftvollzugsgesetz</i>, <i>SächsUHaftVollzG</i>), which entered into force 14 December 2010 and was amended on 1 June 2013, sets out comparable regulations based on the educational mandate for young remand detainees (section 66 et seqq.).</p>

<p>Saxony-Anhalt</p>	<p>There is no “high-security women’s prison” in Saxony-Anhalt. In line with an administrative agreement with Brandenburg, female juvenile offenders and prisoners from Saxony-Anhalt serving more than two months are placed in Luckau-Duben Prison and its branch in Spremberg. Convicted females serving up to two months and female remand prisoners in Saxony-Anhalt are placed in a separate unit for women in Halle Prison. Furthermore, it also has an open unit for women. Female juvenile offenders are placed in the juvenile detention facility, which is part of Halle Prison. Female pre-immigration detainees, whose pre-immigration detention is executed by way of administrative assistance for the Department of the Interior in Saxony-Anhalt, also remain here. The specific needs of female detainees, especially women under the age of 18, are taken into account in all forms of detention. The requirement that detainees be separated according to age, gender and form of detention is also fulfilled. Enforcement in the case of young offenders is primarily geared to their participating in educational and vocational orientation, training and continuing training measures to promote their educational, vocational and personal development. A wide range of sports and leisure-time activities is available to them. As regards the recommendation that all the necessary measures be taken “to ensure that persons including girls below 18 are only deprived of their liberty as a last resort”, the deprivation of liberty of young persons, be that in the form of remand detention, a youth custody sentence or youth detention (especially in regard to female detainees), plays a subordinate role in Saxony-Anhalt as there are very few of them.</p>	<p>The Youth Custody Act for Saxony-Anhalt (<i>Jugendstrafvollzugsgesetz Sachsen-Anhalt</i>, JStVollzG LSA) of 7 December 2007 applies to both male and female juvenile offenders. Section 3 (4) of the Act explicitly refers to gender differentiation, according to which account must be taken of the different circumstances and needs of female and male detainees when it comes to the execution of their sentence and individual measures. The Execution of Remand Detention Act for Saxony-Anhalt (<i>Untersuchungshaftvollzugsgesetz Sachsen-Anhalt</i>, UVollzG LSA) of 22 March 2010 also provides for the gender-specific execution of sentences (section 5 (2)). Young remand detainees are accounted for in a separate part of the Act (Part 11), which takes up the age-specific concerns of young remand detainees.</p>
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<p>Schleswig-Holstein</p>	<p>Responsibility for the enforcement of remand detention for girls and young women lies with Lübeck Prison. The closed women's section of the prison is in a separate area which is independent of the men's prison. No distinction is drawn in remand detention between girls and adult women, which is why no separation can be guaranteed. As Lübeck Prison is the only detention facility in Schleswig-Holstein in which women can serve a prison sentence, all detained girls and young women are accommodated there at one centrally located site. This also means that some detainees will not necessarily be close to home.</p> <p>Girls and young women serving a prison sentence are transferred to Vechta Prison (<a href="http://www.jva-fuer-frauen.niedersachsen.de/portal/live.php?navigation_id=24003&amp;_psmand=179">http://www.jva-fuer-frauen.niedersachsen.de/portal/live.php?navigation_id=24003&amp;_psmand=179</a>). Vechta Prison is a facility for women in which young detainees are kept separate from adult detainees. It has various different areas, e.g. an open unit, a social-therapy unit, a closed unit and a mother and child facility. Transferring girls and young women to Vechta Prison ensures that girls and young women can be accommodated separately from adult detainees.</p> <p>Because the girls and young women are detained in Vechta Prison, their families' visiting rights are curtailed: On account of an administrative agreement concluded between Schleswig-Holstein and Lower Saxony, they are detained a centrally located facility in Lower Saxony, which means they are not necessarily close to home. However, this problem would also exist if young girls and women remained in Lübeck Prison and were not transferred to Lower Saxony. Vechta Prison attempts to compensate for this fact by granting generous visiting times (including at weekends) so that relatives can visit their children if they wish to do so.</p> <p>The prison has a wide-ranging educational programme (school and vocational training), leisure-time activities (esp. sports, in order to improve the young women's relationship with their own body, reduce aggression, create an area for learning social skills and as a leisure-time activity after release), counselling services and therapies, and the coordination of release. Since school attendance is compulsory, they have to take part in the educational measures. The strategy applied in Vechta Prison includes a gender-specific treatment approach as well as implementation of the educational approach to youth custody. Staff and external operators are given the relevant training and continuing training.</p>	<p>The Youth Custody Act for Schleswig-Holstein (<i>Jugendstrafvollzugsgesetz Schleswig-Holstein</i>, JStVollzG SH), which entered into force on 1 January 2008, and the Execution of Remand Detention Act for Schleswig-Holstein (<i>Untersuchungshaftvollzugsgesetz Schleswig-Holstein</i>, UVollzG SH), which entered into force on 1 January 2012, were revised in the period between 2007 and 2014.</p> <p>Both Acts contain special provisions applicable to female detainees. Since girls and young women serving a prison sentence are accommodated exclusively in Vechta Prison, they are subject to the Prison Act for Lower Saxony of 14 December 2007. The Act also sets out provisions on the execution of youth custody sentences and remand detention for young offenders. There are separate provisions for female detainees.</p> <p>Schleswig-Holstein is in the process of drafting its Prison Act (<i>Landesstrafvollzugsgesetz Schleswig-Holstein</i>). The current draft contains a separate part applicable to the execution of sentences for women.</p>
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<p>Thuringia</p>	<p>Since 2009 this group of women has been placed in the centrally located women’s prison in Chemnitz (which is close to the border with Thuringia).</p> <p>Female juvenile offenders and young female remand prisoners from Saxony and Thuringia are kept separate from adult women prisoners in Building III, which has been completely renovated. A total of 42 places are available in residential groups. The educational approach is applied to youth custody, which means that the treatments available are geared specifically to the needs of female juvenile offenders and young remand prisoners.</p> <p>Accordingly, young detainees are supported in their development and ability to live an autonomous and socially competent life. The different residential groups (e.g. first sentence, “addiction” motivational unit, relaxed conditions/release) aim to promote social skills and create incentives to cooperate. Everyday life in the facility is close to real life, and it is (also) to be seen as a treatment unit.</p> <p>Pedagogical methods are used to influence communal life in the residential groups and to strengthen detainees’ autonomy and self-management. For example, a dedicated team of staff are assigned to the groups as supervisors, discussion partners and contact persons (ensuring continuity in relationships), residential group spokespeople and discussion groups to shape ongoing processes and make them more transparent.</p> <p>Visiting times are generous. On Sundays detainees from Thuringia may receive visitors for up to three consecutive hours. To promote social contacts and to incorporate detainees’ social environment, family members, especially parents, are actively involved in planning detainees’ stay over the entire period of detention. External people who had already had a positive influence on detainees prior to their detention can act as sponsors or mentors to support their detention and release.</p> <p>Various educational and vocational training measures are available to female juvenile offenders; a needs-based educational plan is drawn up for remand prisoners. Great importance is also attached to ensuring detainees use their leisure time sensibly, with the focus on creative activities and sports. Further, the treatment concept provides that the young women try out relaxed conditions of detention at as early an opportunity as possible. Detainees who are suitable for temporary leave can, for instance, take part in monthly group escorted visits, which focus on sports and cultural events or those involving animals.</p> <p>On 3 April 2014 there were a total of two female juvenile offenders and one young female remand prisoner from Thuringia in the closed unit in Chemnitz Prison. Another female juvenile offender and her child from Thuringia were in the mother and child (open) unit in Chemnitz Prison on the aforementioned date.</p>	<p>According to an administrative agreement concluded between Saxony and Thuringia, all female detainees from Thuringia (all forms of detention) are to be accommodated in prisons in Saxony. In consequence, the Youth Custody Act for Saxony, which is based on the educational concept, and the Execution of Remand Detention Act for Saxony are also applicable to them. The Prison Act for Saxony applies where a young mother is accommodated together with her child in a specific “mother and child facility”. Other legal regulations applicable in the Free State of Saxony also apply.</p>
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## Annex 4

Follow-up Letter from the CEDAW Committee of 4 November 2011 (in regard to the information provided by the Federal Republic of Germany on measures taken to implement the recommendations contained in paragraphs 40 und 62 of the Concluding Observations of the Committee of the United Nations on the Elimination of Discrimination against Women of 10 February 2009)



Address:  
Palais des Nations  
CH-1211 GENEVE 10

REFERENCE: AA/follow-up/Germany/50

4 November 2011

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the sixth periodic report of Germany at the Committee's forty-third session, held in January-February 2009. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/DEU/CO/6). You may recall that in paragraph 67 of the concluding observations, the Committee requested Germany to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 40 and 62 of the concluding observations.

The Committee welcomes the follow-up report submitted by Germany on 5 August 2011 under the CEDAW follow-up procedure (CEDAW/C/DEU/CO/6/Add.1). At its fiftieth session, held in October 2011 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 40** of the concluding observations to "take proactive precise measures to narrow and close the wage gap between women and men, in particular, ensure that non-discriminatory job evaluations and job assignment systems are put in place and implemented", the Committee commends the State party for analysis provided on the wage gap between women and men and considered that the recommendation had been **partially implemented**. It recommends that the State party provides, **in its next periodic report**, additional information on:

.../...

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- a) Addressing gender-based pay inequality recommended in the First Equality Report of the Federal Government of June 2011;
- b) Further progress made through the implementation of the Federal Government strategy for addressing the causes of gender pay gap;
- c) Any steps taken to address other factors related to pay inequality, such as the spousal tax splitting system which has been creating a disincentive for women to engage in full-time employment and migrant women working in positions significantly below their qualifications due to lack of legal regulation of recognition of their foreign professional degrees/ qualifications and integrating these factors in measures to narrow and close gender pay gap;
- d) Any steps taken to consider measures of binding nature, such as introducing temporary special measures to encourage diversification of occupational choices, the statutory minimum wage which could perhaps reduce pay inequality in lower income sectors, applying the European Union legislation which created an opportunity to link public procurement to employment policy and equality issues, and changes to the German corporate governance code to include gender equality as a benchmark for good governance as announced by the State party delegation during consideration of the sixth periodic report;
- e) Updated sex-disaggregated data on representation in management and decision-making positions in public and private sector and in leadership positions in trade unions and in the negotiating process through which collective wage agreements were signed and on works councils, actions taken to address the under-representation of women in trade unions and works councils leaderships, and whether the multi-stage plan to increase the number of women in executive positions for overcoming horizontal segregation was submitted by the Federal Government;
- f) The results achieved in overcoming main causes of gender pay gap through programmes, projects, initiatives and campaigns launched and supported by the relevant federal ministries and implemented in partnership and through cooperation with social partners and civil society organisations;
- g) The results achieved through policies and measures implemented to make easier for women and men to reconcile family and working life; and
- h) The results of the survey on part time employment in executive positions in federal departments and any measures taken on their basis.

Regarding the recommendation to: “ensure that non-discriminatory job evaluations and job assignment systems are put in place and implemented”, the Committee considered that it had been **partially implemented** and recommends the State party to provide, **in its next periodic report**, additional information on results achieved through the voluntary application of the Logib-D instrument by companies, including measures developed and introduced by companies to remedy gender inequalities in their pay structures.

.../...

Regarding the recommendation to “consider enacting an equality act for the private sector, with the establishment of a gender-based definition of pay in wage agreements and company pay structures, or amending the General Equal Treatment Act to that effect”, the Committee considered that the recommendation **had not been implemented** and recommends that the State party provides, **in its next periodic report**, additional information on steps taken in view of enacting an equality act for the private sector, with the establishment of a gender-based definition of pay in wage agreements and company pay structures, or amending the General Equal Treatment Act and other relevant laws to that effect.

Regarding the recommendation made in **paragraph 62** of the concluding observations to “enter into dialogue with non-governmental organisations of intersexual and transsexual people in order to better understand their claims and to take effective action to protect their human rights”, the Committee considered that the recommendation had been **partially implemented** and recommends that the State party provides, **in its next periodic report**, additional information on:

- a) The opinion of the German National Ethics Council submitted to the Federal Government, its findings, challenges, and recommendations as well as further actions taken by the government to enter into dialogue and ensure adequate consultations with relevant non-governmental organisations in order to better understand their claims as well as measures developed to effectively protect human rights of intersexual people; and
- b) Additional actions taken to enter into dialogue with the relevant non-governmental organisations in order to better understand their claims as well as measures developed to effectively protect human rights of transsexual people, in particular through the revision of the Transsexual Law by taking into account the current medical/scientific knowledge and the decisions of the Federal Constitutional Court.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Germany on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.



Yours sincerely,

Dubravka Šimonović  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women

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