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

1. The Committee considered the ninth periodic report of Germany (CEDAW/C/DEU/9), submitted under the simplified reporting procedure, at its 1975th and 1976th meetings (see CEDAW/C/SR.1975 and CEDAW/C/SR.1976), held on 11 May 2023.

A. Introduction

2. The Committee appreciates the submission by the State party of its ninth periodic report under the simplified reporting procedure. It welcomes the oral presentation by the delegation and also appreciates the State party's written replies to the questions raised by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by Her Excellency Ms. Margit Gottstein, State Secretary of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, and included representatives of the Federal Ministry for Economic Cooperation and Development, the Federal Ministry of Justice, the Federal Ministry of the Interior and Community, the Federal Ministry of Labour and Social Affairs, the Federal Ministry of Foreign Affairs, the Federal Ministry of Food and Agriculture, the Federal Ministry of Health, the Ministry of Social Affairs, Health and Inclusion, and the Federal Office of Statistics, as well as representatives from the German Bundestag, and the Standing Conference of the Ministers of Education and Cultural Affairs (KMK) and the of the Länder Standing Conference of Equality and Women's Affairs Ministers and Senators of the Länder (GFMK) in the Federal Republic of Germany, as well as His Excellency Mr. Hans-Peter Jugel, Ambassador and Deputy Permanent Representative and other representatives of the Permanent Mission of Germany to the United Nations Office and other international organizations in Geneva. The Committee appreciates the constructive dialogue held between the delegation and the Committee.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2017 of the State party's combined seventh and eighth periodic reports (7-8) in undertaking legislative reforms, in particular the adoption of the following:

- (a) Law on Corporate Due Diligence in Supply Chains (July 2021);
- (b) The Law to Protect against Conversion Therapies (June 2020);

* Adopted by the Committee at its eighty-fifth session (8-26 May 2023).

(c) The Good Day Care Law (2019) which addresses challenges in childcare, including the elimination of gender-based stereotypes;

(d) The Law to Combat Child Marriage (2017) which sets the minimum age of marriage at 18 years for both women and men, without exception;

(e) The Pay Transparency Law (2017) to ensure equal pay for work or work of equal value for women and men in the same workplace.

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

(a) An key issues paper of the Ministry of Justice proposing legislative amendments to the German Code of Crime Against International Law, the German Code of Criminal Procedure and the Court Constitution Act, inter alia, to include the offence of sexual slavery (February 2023);

(b) The Guidelines for Feminist Foreign and Development Policy, in 2023, to ensure that the rights, resources and representation of women and marginalised groups are strengthened and that the State party's development funds prioritize projects that address gender inequality;

(c) The new role of the German Institute for Human Rights as national rapporteur mechanism and monitoring unit for the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and the Convention on Trafficking in Human Beings in 2022;

(d) The Federal Foundation for Equality, in 2021;

(e) The Gender Equality Strategy, in 2020;

(f) The Midwifery Study and Examination Regulations, in 2020, stipulating that account must be taken of the specific concerns of women who have undergone female genital mutilation;

(g) The Digital Women's Archive, in 2018, providing users with information on the history of the women's movement.

6. The Committee welcomes the fact that, since the consideration of the previous report, the State party has ratified or acceded to the following international treaties:

(a) Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization, in 2021;

(b) The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), in 2017.

7. The Committee commends the State party on its willingness to receive more than one million refugees from Ukraine, the majority of whom are women, adding to the already significant number of asylum seekers and refugees it had accepted in previous years. The Committee notes with appreciation that Germany hosts the third highest number of refugees globally.

C. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Bundestag, the Bundesrat and the parliaments of the federal states, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

D. Principal areas of concern and recommendations

Implementation of the Convention, the Optional Protocol thereto and the Committee's general recommendations

9. The Committee welcomes the many efforts being made by the State party to disseminate the Convention, including efforts to raise awareness of the Convention and the Committee's General Recommendations at all levels and within the judiciary. It further notes the publication in 2019 of a handbook entitled "Rightfully Gender Equality", which contains translations of the Convention and its Optional Protocols as well as the Committee's more recent General Recommendations. The Committee notes with concern, however, the lack of sufficient explicit references to the Convention and the Optional Protocol thereto in judgments of national courts.

10. Reiterating its previous recommendations (CEDAW/C/DEU/CO/7-8, para.10) the Committee recommends that the State party increase its efforts to encourage the direct application of the Convention and its Optional Protocol by national courts, law enforcement agencies and lawyers, including through capacity building for judges, prosecutors and lawyers.

Application of the Convention under the federal system

11. The Committee takes note of the State party's indication that gender equality policy cooperation and coordination is supported by several Federal or Länder working groups as well as the Standing Conference of Equality and Women's Affairs Ministers and Senators (GFMK). It further notes that the decisions of the GFMK serve as a baseline for gender equality policy in all federal states (Länder) and that it has explicitly referred to CEDAW provisions in its policy decisions. The Committee notes with concern, however, that, while decisions of this standing body have political weight, they are not binding.

12. Taking into account the legal responsibility and leadership role of the federal Government in the implementation of the Convention, as well as its previous recommendation (see CEDAW/C/DEU/CO/7-8, para. 12), the Committee recommends that the State party take steps to ensure that policy decisions of the Standing Conference of Equality and Women's Affairs Ministers and Senators are systematically applied across all Länder.

Legislative framework

13. The Committee notes the efforts of the State party to strengthen its legislative framework on gender equality through the adoption of legislation and the ratification of relevant international treaties. It notes with appreciation the explicit reference to the Convention in the 2021 Coalition Agreement. The Committee notes with concern, however, that:

(a) The 2021 Coalition agreement does not provide for the amendment of the General Law on Equal Treatment to expand its range of application;

(b) That no accommodation has been made for group actions by women's organizations and trade unions to bring discrimination cases before the courts;

(c) That the State party does not currently consider abolishing section 9 of the Law, which provides for differential treatment on the grounds of religion or beliefs.

14. The Committee reiterates its previous recommendations (CEDAW/C/DEU/CO/7-8, para.14) that the General Law on Equal Treatment be amended, in line with the recommendations by the Federal Anti-Discrimination Agency, to introduce the right of group action for women's organisations and trade unions to bring collective complaints of gender discrimination before the courts, extend the deadline for submitting such complaints to at least six months, expand the application of the Law to cases of dismissals amounting to discrimination against women, and reconsider article 9 of the Act.

15. The Committee welcomes the establishment in June 2020 of the Gender Diversity Forum and the provision of funding to civil society networks combatting homophobia and transphobia. It notes the new proposed Self-Determination Law to replace the Transsexual Law (1980), removing the obligation for persons to undergo sex-affirming surgeries, hormone therapy, or seek psychological counselling to legally change their name and sex. The Committee commends the State party for including a monitoring process within the law proposal.

16. The Committee recommends that in the event that the proposed Self-Determination Law is adopted, the evaluation process identified in Article 13 in the proposed legislation, be ongoing, and expanded to assess its impact on the rights of all stakeholders including women and girls in the state party.

Access to justice

17. The Committee acknowledges that a distinguishing feature of German criminal law is that victims actively participate in trial and that there is access to audio-visual interviews of survivors and victims of violence. The Committee notes the 2017 law against online hate speech, which requires social media platforms to remove hate speech-related comments, pictures or videos within 24 hours of being notified about them or risk fines. The Committee is concerned, however, that:

(a) The audio-visual interviews are rarely granted, subjecting survivors to further victimisation;

(b) Women public leaders are still subject to pervasive online violence.

18. The Committee recommends that the State party:

(a) **Strengthen implementation of section 58(b) of the Code of Criminal Procedure;**

(b) **Implement the proposed European law on artificial intelligence, upon its adoption, in line with article 5 of the Convention and general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.**

Extraterritorial State obligation

19. The Committee commends the State party's efforts to integrate a gender perspective into its foreign and development policy. It also notes that the National Action Plan for Business and Human Rights 2016-2020 seeks to implement the United Nations Guiding Principles on Business and Human Rights across the State party. The Committee further notes that the National Contact Point for Responsible Business Conduct serves as an out of court complaints and mediation mechanism. It welcomes the adoption of the Law on Corporate Due Diligence Obligations in Supply Chains in 2021, which requires companies of a certain size to safeguard internationally recognised human rights in supply chains. The Committee notes with concern, however:

(a) That the private sector still falls short of the target of demonstrably and appropriately fulfilling its human rights due diligence obligations, including in the area of women's rights and gender equality, and that these obligations apply only to the supply chain but not to the value chain;

(b) That, as an out of court mechanism, the National Contact Point for Responsible Business Conduct does not provide full access to justice for women who are victims of human rights violations;

(c) The lack of impact assessments explicitly taking into account women's human rights prior to the negotiation of international trade and investment agreements;

(d) That, despite universal jurisdiction under the Code of Crimes against International Law (CCAIL), not all leading trials have addressed sexual crimes in conflict under article 7 of the Rome Statute.

20. The Committee recommends that the State party:

(a) **Amend the Law on Corporate Due Diligence Obligations in Supply Chains, to make it mandatory that corporations of a certain size fulfil their human rights due diligence obligations, particularly with regard to women's rights, not only with regard to supply chains but also with regard to value chains, and institutionalise a uniform standard across the supply and value chain;**

(b) **Ensure that the National Contact Point for Responsible Business Conduct has a mandate to refer cases of women's human rights violations to court and appropriate administrative body;**

(c) **Ensure gender impact assessments before the negotiation of international trade and investment agreements;**

(d) **Develop a gender and intersectional approach to the prosecution of conflict-related sexual violence under the CCAIL.**

National machinery for the advancement of women, and gender mainstreaming

21. The Committee notes that the State party's cross-sectoral, interdepartmental Gender Equality Strategy 2021-2025 makes explicit reference to regional and international gender equality frameworks, including the Convention and the 2030 Agenda on Sustainable Development, and that it covers issues specific to women and men with disabilities and migrant women. It also notes with appreciation that the State party's Sustainable Development Strategy integrates several indicators related to Sustainable Development Goal number 5 on gender equality. The Committee notes with concern, however:

(a) That gender-responsive budgeting is limited to advanced training, re-entry and start-ups and has not been explicitly integrated into all areas of the federal budget;

(b) The lack of authority and mandate of the Federal Anti-Discrimination Agency to file or support court cases, launch investigations or impose sanctions in response to discrimination claims;

(c) The need for a clear, mainstreamed monitoring and evaluation system for the Gender Equality Strategy involving all relevant stakeholders.

22. **The Committee reiterates its previous recommendations (see [CEDAW/C/DEU/CO/7-8](#), para. 18) that the State party:**

(a) **Explicitly integrate mandatory gender-responsive budgeting into all areas of the federal budget and include effective monitoring and accountability mechanisms across all sectors and levels of government;**

(b) **Strengthen the mandate of the Federal Anti-Discrimination Agency and provide it with the authority necessary to file court cases, launch investigations and impose sanctions; ensure that it is provided with adequate human, technical and financial resources to implement its mandate effectively; and establish and sustain independent anti-discrimination offices in all federal states;**

(c) **Enhance the monitoring and evaluation system to monitor the implementation of indicators of the Gender Equality Strategy.**

National Human Rights Institution

23. The Committee notes with concern the lack of measures to strengthen the mandate of the German Institute for Human Rights in order to ensure the transparent, coherent and consistent implementation of the Convention.

24. **The Committee encourages the State party to strengthen the mandate of the German Institute for Human Rights, granting it the authority to support and monitor the transparent, coherent and consistent implementation of the Convention throughout its territory.**

Temporary special measures

25 The Committee takes note of the various special measures put in place to mitigate the consequences of the Covid-19 pandemic on families. It notes with satisfaction that gender quotas in executive boards have resulted in an increase in the number of women on the supervisory boards of those companies required to enforce the quota. It also takes note of the State party's indication that it has a programme to encourage the increase in the number of female professors in all fields in universities across the country and a programme to promote STEM careers for women. The Committee regrets, however, the absence of mandatory electoral quotas for women and that the number of women in the military and academia, particularly those in high-level positions, remains low.

26. With reference to general recommendation No. 25 (2004) on temporary special measures and reiterating its previous recommendations (see CEDAW/C/DEU/CO/7-8, para. 18), the Committee recommends that the State party continue its efforts to adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention, aimed at achieving substantive equality of women and men, and set time-bound goals and quotas in all areas covered by the Convention where women are underrepresented or disadvantaged, in particular disadvantaged groups of women facing intersecting forms of discrimination, including in political and public life, the armed forces and academia.

Stereotypes

27. The Committee welcomes the measures, including online activities, taken by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to address discriminatory stereotypes. It also notes with interest that since 2019, the Federal Government Commissioner for Culture and Media has supported an independent cross-disciplinary confidentiality office against sexual harassment and violence. The Committee nevertheless notes with concern that no action has been taken to strengthen the role of the German Advertising Standards Council so that it can impose adequate sanctions in response to sex-discriminatory advertisements. It also notes with concern the absence of concrete measures to prevent the integration of gender stereotypes and algorithmic gender discrimination in coding of artificial intelligence systems.

28. The Committee reiterates its previous recommendations (see CEDAW/C/DEU/CO/7-8, para. 22) that the State party:

(a) Strengthen the mandate of the German Advertising Standards Council to address gender stereotypes and impose adequate sanctions in cases of sex-discriminatory advertisements;

(b) Adopt effective safeguards to ensure that Artificial Intelligence systems and algorithms do not perpetuate or condone gender stereotypes, discrimination or gender-based violence against women.

Harmful practices

29. The Committee takes note of the "Active against FGM in Refugee Facilities" project funded by the State party between 2017 and 2019 to provide refugees with information on the health-related and criminal law dimensions of female genital mutilation. It also takes note with interest of the working group to eliminate female genital mutilation in the State party, comprised of various stakeholders including federal ministries and civil society, which designs preventive and protective measures regarding female genital mutilation, as well as of the FGM "letter of safe conduct" introduced in 2021, providing information about female genital mutilation. The Committee further notes with appreciation that the 2020 Midwifery Study and Examination Regulations provide that account must be taken of the specific concerns of women who have undergone female genital mutilation. However, the Committee notes with concern the significant number of women and girls living in the State party having undergone or at risk of female genital mutilation. It further notes with concern reports that training of health professionals and social workers on identification of FGM survivors and providing appropriate support services is not mandatory and is inadequately resourced.

30. **In the light of joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:**

(a) **Continue to systematically collect disaggregated data on the incidence of FGM and other harmful practices in the State party and strengthen preventive and protective measures to eliminate female genital mutilation;**

(b) **Provide information on support measures available to survivors of female genital mutilation; adequately fund mandatory training for health professionals and social workers to identify potential FGM victims and refer them to adequate support services; and ensure that perpetrators are brought to justice.**

Gender-based violence against women

31. The Committee welcomes the entry into force for the State party in 2018 of the Council of Europe Convention on preventing and combating violence against women and domestic violence and the non-prolongation of the reservations of the State party to said Convention. It also notes the launch in 2019 of a programme on preventing gender-based violence against women and their children and, in 2020, of the “Not safe at home” campaign seeking to address the increase in gender-based violence against women during the Covid-19 lockdown. The Committee further appreciates the training activities for judges, public prosecutors and members of the legal profession on gender-based violence. The Committee nevertheless notes with concern:

(a) The high femicide rates in the State party, which have further increased during the reporting period;

(b) The lack of sufficient number of shelters for survivors of domestic violence, in particular women;

(c) Reports that survivors of gender-based violence against women sometimes do not receive support that is adapted to their specific needs, in particular women and girls with disabilities, trans women, and women and girls that do not speak German;

(d) The absence of an independent mechanism to monitor cases of gender-based violence against women with disabilities living or working in specialised institutions despite indications that these women are particularly at risk;

(e) That the State party has not amended its immigration law to prevent hampering the access to victim support services and protection in cases of gender-based violence against migrant women and girls;

(f) The lack of sufficient capacity building programmes at federal and state levels for the police and other law enforcement officials on gender-sensitive investigation and interrogation procedures in cases of sexual violence against women;

(g) The potential adverse impact of the increasing exposure of youth to death metal music with misogynistic lyrics promoting violence against women on efforts to combat gender-based violence and aggressive behaviour against women.

32. **The Committee recalls its general recommendations No. 19 (1992) on violence against women and No.35 (2017) on gender-based violence against women, updating general recommendation No. 19 and recommends that the State party:**

(a) **Continue and further strengthen its efforts to combat all forms of gender-based violence against women, including femicide, and take steps to develop a comprehensive prevention strategy to address domestic violence, including through awareness-raising campaigns;**

(b) **Increase the number of shelters providing adequate support services for women and girls victims of domestic violence;**

(c) **Encourage women to report incidents of gender-based violence, including domestic violence, and provide support that is both accessible and adapted to their**

specific needs, in particular for women and girls with disabilities, trans women, and women and girls that do not speak German;

(d) **Monitor and address cases of gender-based violence and abuse in institutions for persons with disabilities;**

(e) **Amend the immigration legislation to ensure that it does not hamper access to victim support services and protection in cases of gender-based violence against migrant women and girls, in particular those in an irregular situation;**

(f) **Strengthen capacity-building programmes at both the federal and the state levels for the police and other laws enforcement officers on gender-sensitive investigation and interrogation procedures in cases of sexual violence against women and girls;**

(g) **Regulate the dissemination of artistic content that promotes gender-based violence against women, develop educational programs in schools, as well as conduct awareness raising campaigns, with a special focus on youth, on the negative impact of misogynistic audio-visual content available on the internet, including songs and music videos.**

Women, peace and security

33. The Committee commends the State party on its commitment to the implementation of Security Council resolution [1325 \(2000\)](#) and welcomes the adoption in February 2021 of the Third National Action Plan on the Agenda “Women, Peace and Security”. The Committee nevertheless regrets that no information was provided on measures taken to harmonise legislation regulating arms export control and to ensure assessments on impact of misuse of small arms and light weapons on women, including those in conflict zones.

34. **The Committee recommends that the State party harmonize its legislation regulating arms export control with article 7 (4) of the Arms Trade Treaty and the Council Common Position 2008/944/CFSP of the European Union. It also recommends that prior to granting export licences, the State party conduct comprehensive and transparent assessments of the impact that the misuse of small arms and light weapons has on women, including those living in conflict zones.**

Trafficking and exploitation of prostitution

35. The Committee notes the designation in November 2022 of the German Institute for Human Rights as an independent reporting unit on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. It also notes that the Federal Criminal Police and the Länder provide systematic training for the police on trafficking in human beings. However, the Committee notes with concern:

(a) The limited measures taken by the State party to address the low prosecution and conviction rates in cases of trafficking in women and girls;

(b) The absence of national guidelines and a national mechanism for the identification of victims of trafficking;

(c) Considering that prostitution is legalized and that there is an obligation for sex workers to register, the large discrepancy between the Länder in identifying victims of trafficking and reporting and investigating trafficking situations and the fact that this is attributed to the availability of police checks;

(d) The lack of measures to systematically identify and refer women and girl victims of trafficking to adequate support services, and their limited access to temporary residence permits;

(e) Limited funding and disparities among the Länder in relation to support services and exit programmes for women and girls in prostitution.

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

(a) **Take measures to encourage reporting of cases trafficking in women and girls, including by raising awareness of the general public and clients as well as women and girls victim of trafficking on available avenues for reporting, and to ensure that all cases of trafficking in persons, especially women and girls, are investigated, prosecuted and adequately punished;**

(b) **Establish an independent monitoring mechanism aimed at supporting and monitoring a comprehensive and effective anti-trafficking policy and develop national guidelines for the early identification and referral to appropriate services of victims and those at risk of trafficking, in particular migrant women and unaccompanied girls;**

(c) **Strengthen training for judges, prosecutors and the police to increase investigation, prosecution and convictions rates in cases of trafficking in persons, especially women and girls;**

(d) **Increase police checks in areas where there is registered prostitution and provide sufficient protection of the women to safely report trafficking situations;**

(e) **Grant permanent residence permits to all victims of trafficking to ensure that they have access to protection, support services and rehabilitation programmes, irrespective of their willingness or ability to cooperate with the prosecution authorities.**

37. The Committee takes note of the adoption in 2017 of the Law on the Regulation of the Prostitution Trade and the Protection of Persons engaged in Prostitution – Prostitution Protection Law. The Committee notes that a review of the Law is underway to assess whether it is providing the protection intended. The Committee is concerned, however, that this Law does not provide adequate protection for women in prostitution. The Committee is also concerned at the unavailability of estimates regarding non-registered sex workers and that support services and exit programmes for women and girls in prostitution have been maintained but not necessarily strengthened and are not consistent across the Länder.

38. **The Committee recommends that the State party amend the Prostitution Protection Law, in accordance with general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, to ensure adequate protection for women in prostitution, including from exploitation and from violence of all types. It further recommends that the State party conduct a thorough study on prostitution, including the impact of allowing girls as young as 18 to make the choice to engage in sex work, and adequately fund and harmonise across all Länder the support services and exit programmes, including alternative income-generating opportunities, for women and girls who wish to leave prostitution.**

Participation in political and public life

39. The Committee welcomes the measures taken by the State party to advance the participation of women in political and public life, including the adoption of state-level parity laws and non-legislative measures such as empowerment workshops, parity conferences and the launch of a mentoring programme. However, it remains concerned that women are still underrepresented in political and public life. It also notes with concern that the constitutional courts of Thuringia and Brandenburg have found the parity laws adopted by these Länder to be unconstitutional.

40. **The Committee reiterates its previous recommendations (see [CEDAW/C/DEU/CO/7-8](#), para. 32) that the State party strengthen its efforts to increase the number of women in elected decision-making bodies at the federal and state levels and in appointed positions at these and the municipal levels, including through awareness-raising activities to promote understanding that the full, equal, free and democratic participation of women in political and public life is a requirement for the full implementation of women's human rights. It further recommends that the State party provide judicial training on the non-discriminatory nature or temporary special measures, such as statutory quotas, and amend any needed legislation so that courts no longer consider parity laws unconstitutional.**

Education

41. The Committee notes the measures taken by the State party to combat gender stereotypes in the education sector implemented at Länder level in 2017, the inclusion of a module on gender stereotypes in national teacher training programmes and the recent adoption of guidelines for the prevention of sexual violence in schools. It also notes with appreciation that the National Pact for Women in MINT Careers of the Federal Ministry of Education and Research has more than 360 partners from trade and industry, science and the media. The Committee further notes with interest that more than 700 tenured female professors have benefited from funding under the programme for female professors and that since 2019 vocational training under the Social Code (SGB) has been open to foreign nationals who have access to the German labour market. The Committee notes with concern, however:

(a) That women remain underrepresented in STEM subjects, non-traditional non-academic fields of education and in academia due in part to the persistence of gender stereotypes;

(b) That asylum seekers' access to vocational training is limited by the fact that temporary resident permits are issued for a 6-month period while training contracts usually run for two or three years;

(c) That no data is available on girls and women in sports.

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

(a) **Continue efforts to dismantle discriminatory stereotypes and structural barriers that deter girls from choosing non-traditional fields of study, such as STEM, and non-traditional fields of education;**

(b) **Continue to promote and monitor women's career development in the higher education system to ensure equal access to research positions and decision-making positions in academia;**

(c) **Ensure that asylum-seekers have adequate access to vocational training regardless of the length of their temporary resident permits;**

(d) **Conduct a study on girls and women in sports, including in schools, professional and non-professional, as athletes and as coaches, and make sure that girls and women are encouraged to participate in sport activities, and are not discriminated against in resources.**

Employment

43. The Committee commends the State party on the measures taken at federal and Länder level to address the gender pay gap and ensure equal opportunities for women and men in the labour market, including plans to introduce a two-week paid leave of absence for the second parent after the birth of a child. It notes the success of the "Strong in the Workplace" programme in creating job prospects for mothers with a migration background and that the Federal Employment Agency (BA) provides gender-responsive career orientation. The Committee also notes that the Law to Improve Pension Coverage and Stabilise the State Pension System (2018) and the Law to Introduce the Basic Pension for Long-Term Payees into the Statutory Pension Scheme (2021) seek to reduce gender pension gap. It further notes with appreciation the efforts of the State party to increase all-day-care options, including through the entry into force of the Law on the Establishment of the Special Fund "Expansion of All-Day Education and Childcare for Primary-School Children". However, the Committee notes with concern that:

(a) The chilling effect of the 2021 amendment to the Law on Federal Civil Servants §34 (2), which prohibits the wearing of the headscarf for public employees if it is considered to hamper public trust, for the employment prospects of Muslim women who wear a headscarf;

(b) The persistently large gender pay gap, which remains at 18%, in the State party;

(c) The persistence of horizontal and vertical occupational segregation in the State party and women's concentration in the lower-paid service sectors and in temporary and part-time work owing to their traditional role as caregivers for children and older family members and their underrepresentation at decision-making levels in private companies;

(d) Two weeks of paid leave for the partner is not sufficient to promote equal sharing of the care of children;

(e) Despite the entitlement of children under the 2008 Childcare Funding Act to childcare, reports indicate that the number of hours per week are often not enough to cover needs and that financial resources have been channelled more towards building childcare facilities than towards hiring and training qualified staff.;

(f) There is a shortage of facilities for dependent elderly, and family members who are care providers of the elderly are not compensated for their labour;

(g) The gender pension gap reached almost 30% in 2021.

44. **Reiterating its previous recommendations (see CEDAW/C/DEU/CO/7-8, para. 36) the Committee recommends that the State party:**

(a) **Ensure that Muslim women in the public sector, including the judiciary, are not penalised for wearing headscarves, including by further amending the Law on Federal Civil Servants, and by raising public awareness so that it is not seen as undermining trust in the public service when a women civil servant wears a headscarf;**

(b) **Further strengthen its efforts to decrease the gender pay gap, regularly review wages in sectors where women are concentrated and adopt measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys and enforce the Pay Transparency Law;**

(c) **Provide skills training and incentives to orient women and men to non-traditional career paths, strengthen remuneration of women providing care to family members and ensure that caregiving and childrearing periods are counted increasingly towards women's pension benefits, adopt and monitor compliance with statutory quota for women's representation in managerial positions in the private sector and encourage companies to create part-time opportunities in high-level positions;**

(d) **Continue improving staffing ratios for day-care centres and ensure high-quality and reliable childcare and after-school care for children, if necessary for the entire duration of the working day;**

(e) **Develop a national plan to address the care deficit at old age with a gender lens in relation to both care recipients and formal and informal care providers;**

(f) **Strengthen the statutory pension as a means of ensuring a decent standard of living for retired women, and amend legislation to prevent a statutory, company or partially State-funded pension from being deducted from basic social security benefits for job seekers;**

(g) **Reconsider its position on ratifying the Workers with Family Responsibilities Convention, 1982 (No.156) of the International Labour Organization.**

Health

45. The Committee notes with appreciation that publicizing the fact that medical doctors and clinics offer abortion services is no longer criminalized and that the age under which women, men, girls and boys are entitled to free prescription of contraceptives has been increased from 20 to 22 years. It also notes that a commission on reproductive self-determination and reproductive medicine has been appointed to examine whether abortions in Germany can be regulated outside criminal law. The Committee notes with concern, however:

(a) That the State party has no intention to repeal or amend section 87 of the Resident Law to ensure that undocumented migrants have access to the documentation

necessary for non-emergency health services without risk of being reported to the immigration authorities and deported;

(b) That women without sufficient means who are above the age of 22 lack adequate access to free, or at least affordable, contraceptives;

(c) The reported decrease and regional disparities in the number of healthcare providers performing abortions and the shortage in medicines needed for non-surgical abortion;

(d) That women seeking an abortion are still required to undergo mandatory counselling and are subject to a mandatory three-day waiting period (which the World Health Organization has declared to be medically unnecessary) to avoid punishment under section 218a (1) of the Criminal Code, and that abortion is not paid for by health insurance unless the woman's income is below a certain threshold;

(e) The absence of legislation specifically criminalising obstetric violence and the lack of available data on this phenomenon.

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

(a) **Re-consider its position and repeal or amend section 87 of the Residence Law, and ensure that undocumented migrant women have access to the documentation necessary for non-emergency health services, without facing a risk of being reported to the authorities and subsequently deported;**

(b) **Ensure that affordable modern contraceptives are accessible to all women and girls of reproductive age in the State party, if necessary free of charge, in particular women and girls without sufficient means;**

(c) **Ensure that sufficient numbers of adequately trained medical professionals are available to perform abortions and reduce regional disparities in this regard, and that medicines needed for non-surgical abortion are available;**

(d) **Ensure that women have access to safe abortion in compliance with the World Health Organization guidelines on abortion care, which recommends the full decriminalization of abortion, and without subjecting them to mandatory counselling and a three-day waiting period, , and that safe and legal abortion services are reimbursed by the health insurance, and carry out a study to assess the reasons for women to travel abroad for abortion with a view to addressing their needs;**

(e) **Amend the Criminal Code to explicitly criminalise obstetric violence.**

Economic empowerment of women

47. The Committee notes that the Federal Government's Sixth Report on Poverty and Wealth includes a gender perspective and acknowledges the significant value of women's work in the essential occupations during the COVID crisis. It nevertheless notes with concern that the State party has not adopted a national poverty reduction strategy to address the feminization of poverty.

48. The Committee reiterates its previous recommendation (CEDAW/C/DEU/CO/7-8, para.40) that the State party adopt a national poverty-reduction strategy with a focus on the most disadvantaged groups of women, integrating a human rights- and gender-based approach and ensuring that women are equally represented as men in the development and implementation of the strategy. It further recommends that the State party ensure that recognition of the value of women's work in the essential occupations is reflected in the appropriate financial compensation.

Rural women

49. The Committee notes that the gender pay gap is higher in urban areas than in rural regions. The Committee notes with concern that, according to the State party's Agricultural Structure Survey of 2018, there is a low level of participation of women in the agricultural sector. It further notes with concern women's limited access to land ownership and use, the

fact that sons are often prioritized for farm inheritance and the lack of care services in rural areas in the Eastern Länder.

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

(a) **Promote the economic empowerment of rural women, in particular women farmers, and ensure that they have equal access to land ownership and use as well as to financial credit;**

(b) **Ensure that an adequate childcare infrastructure is in place, provide training opportunities as a means of increasing diversification and alternative forms of employment for women to encourage young women to stay in rural areas and increase the provision of care services for older persons.**

Gender and climate change

51. The Committee commends the State party for its efforts to address climate change, including the enactment of climate legislation, the ratification of the United Nations Framework Convention on Climate Change and contribution to climate financing, including the pledge of funds to the loss and damage fund. The Committee is concerned, however, about the increased use of coal-fired electricity, despite the government pledge to phase out coal by 2030.

52. **The Committee encourages the State party to take appropriate measures to:**

(a) **Accelerate its reduction of greenhouse emissions and utilization of fossil fuels;**

(b) **Strengthen the link between gender equality and foreign and domestic climate change legislation and policies to meet the specific needs of women and girls disproportionately affected by climate change;**

(c) **Increase climate change literacy;**

(d) **Increase women and girls' participation in climate change and disaster risk reduction decision making.**

Disadvantaged groups of women

Migrant and minority women

53. The Committee notes the high numbers of refugees in the State party, due in large part to the arrival of people fleeing Ukraine since the Russian Federation's invasion on 24 February 2022. It notes with appreciation the development by the Federal Employment Agency of a social media outreach system to provide targeted support and information to refugee, asylum-seeking and migrant women and the increased access for migrants to language and integration courses. The Committee nevertheless notes with concern reports that migrant women and girls have limited access to basic services and the labour market in the State party. The Committee further notes with concern reports of increased anti-migrant and anti-Roma racism motivated by right-wing extremists, including the police, and of continued discrimination against these populations in all spheres, including education and access to social services.

54. **The Committee recommends that the State party take effective measures to ensure that Roma and migrant women and girls, regardless of their country of origin, have full access to basic services and the labour market in the State party. The committee also recommends that the State party take measures to combat racism against migrants and Roma populations, including through training programmes for police and collaboration with the media on awareness-raising campaigns to prevent intersecting forms of discrimination.**

Marriage and family relations

55. The Committee welcomes the creation under the Coalition Agreement of a €500 million fund for hardship cases, including of women having divorced under the law of the former German Democratic Republic. It notes with concern, however:

(a) The lack of an effective monitoring mechanism to ensure that shared custody is practiced and that child maintenance orders reflect the real time and cost allocation between parents, and of legal safeguards to ensure that domestic violence is taken into consideration in judicial decisions on custody and visitation rights;

(b) That 90 percent of taxpayers in the most unfavourable tax bracket are married women, who are taxed at a higher rate than their spouse who often earns more;

(c) The high poverty and unemployment rates among single mothers despite an increased tax relief for single parents;

(d) That the majority of women who divorced in the former German Democratic Republic are reportedly not entitled to financial support under the Coalition Agreement fund for special hardship cases.

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

(a) **Establish a monitoring mechanism to ensure that decided or agreed shared custody is actually practised and that child maintenance orders reflect the real distribution of time and cost between parents;**

(b) **Amend tax legislation to reduce the percentage of married women placed in the most unfavourable tax bracket so that they have incentives to enter or remain in the labour market by paying lower taxes thus earning higher incomes;**

(c) **Strengthen assistance to single mothers by ensuring that child maintenance orders reflect their children's specific circumstances and needs;**

(d) **Change the criteria of the fund for special hardship cases so it provides financial support to all divorced women from the former German Democratic Republic who experienced discrimination due to the extension of West German pension legislation to the former East Germany, and proactively make sure that all women eligible for the funds, are aware of their right.**

Beijing Declaration and Platform for Action

57. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

58. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

59. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (federal and state), in particular to the Bundestag, the Bundesrat, the parliaments of the federal states and federal and state ministries and courts, to enable their full implementation.**

Ratification of other treaties

60. **The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the**

Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to the concluding observations

61. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 38, 40, 44(a) and 46(a) above.

Preparation of the next report

62. The Committee will establish and communicate the due date of the tenth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

63. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).
