



# CEDAW Alternative Report

With reference to the combined Seventh and  
Eighth Periodic Report from the Federal Republic of  
Germany on the Convention on the Elimination of  
All Forms of Discrimination against Women  
(CEDAW)

Drafted and compiled by the  
**CEDAW Alliance of civil society  
organizations in Germany**

## SUMMARY

November 2016



# **CEDAW Alternative Report**

With reference to the combined Seventh and  
Eighth Periodic Report from the Federal Republic of  
Germany on the Convention on the Elimination of  
All Forms of Discrimination against Women  
(CEDAW)

Drafted and compiled by the  
**CEDAW Alliance of civil society  
organizations in Germany**

## **SUMMARY**

November 2016

## **Imprint**

### **Members of the CEDAW Alliance:**

agisra e.V. (Information and Counseling Center for Female Migrants and Refugees); Aktionsbündnis muslimischer Frauen in Deutschland e.V. (Action Alliance of Muslim Women in Germany); Arbeitsgemeinschaft Sozialdemokratischer Frauen – ASF (Working Group on Social Democratic Women); AWO Bundesverband e.V. (Federal Association on Workers' Welfare); BAG – Bundesarbeitsgemeinschaft kommunaler Frauenbüros und Gleichstellungsbeauftragter (National Association of Municipal Women's Offices and Equal Opportunities Officers); Brot für die Welt (Bread for the World - Protestant Development Service); KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel e.V. (German NGO Network against Trafficking in Human Beings); bff – Bundesverband Frauenberatungsstellen und Frauennotrufe/Frauen gegen Gewalt e.V. (Federal Association of Women's Counselling Centres and Women's Emergency Hotline/Women against Violence); Bundesverband TRANS\* e.V. i. Gr. (Federal TRANS\* Association); DaMigra e.V. – Dachverband der Migrantinnenorganisationen (umbrella organization of migrant organizations); Demokratischer Frauenbund e.V. (dfb - Democratic Women's League); Deutscher Frauenrat e.V. (DF - National Council of German Women's Organizations); Deutscher Frauenring e.V. (German Women's Circle); Deutscher Gewerkschaftsbund (DGB – German Trade Union Confederation); Deutscher Juristinnenbund e.V. (djB - German Women Lawyers Association); Evangelisches Werk für Diakonie und Entwicklung e.V. (Social Welfare Organization of Germany's Protestant Churches); Feministisches Institut Hamburg (Hamburg Feminist Institute); FIAN Deutschland e.V. (FIAN Germany); Frauenbrücke Ost-West e.V. (Women's Bridge East-West Association); Frauenhauskoordinierung e.V. (Association of Women's Shelters); Frauenpolitischer Runder Tisch Magdeburg (Roundtable on Women's Policy in Magdeburg); Fußball und Begegnung e.V./DISCOVER FOOTBALL; Gender Mainstreaming Experts International (GMEI); Initiative für einen geschlechtergerechten Haushalt in Berlin (GBI – Initiative for a gender-equitable budget in Berlin); Intersexuelle Menschen e.V. – Bundesverband (Federal Association of Intersex People); JUMEN – Juristische Menschenrechtsarbeit in Deutschland e.V. (JUMEN – Legal Human Rights Work in Germany); Lesben- und Schwulenverband in Deutschland (LSVD) – Bundesverband (The Lesbian and Gay Federation in Germany); Marie-Schlei-Verein e.V.; Mother Hood e.V.; Paritätischer Wohlfahrtsverband – Gesamtverband e.V. (The Paritätische is an association of social movements); pro familia Landesverband Berlin e.V. (pro familia Berlin); Soroptimist International Berlin-Mitte/Landesfrauenrat Berlin e.V. (Soroptimist International Berlin Mitte/Women's Council of the Land Berlin); Sozialverband Deutschland e.V. (SoVD – Social Association of Germany); Union deutscher Zonta Clubs (Union of German Zonta Clubs); UN Women – Nationales Komitee Deutschland (UN Women – National Committee in Germany); ver.di – Bereich Genderpolitik (United Services Union – section: gender policy); Verein der in der DDR geschiedenen Frauen e.V. (association of women divorced under the GDR regime); Weibernetz e.V. – Bundesnetzwerk von FrauenLesben und Mädchen mit Beeinträchtigung (Weibernetz, German Network of WomenLesbians and Girls with Disabilities); Zentrale Informationsstelle Autonomer Frauenhäuser (ZIF – Central Information Centre of Autonomous Women's Refuges).

### **Composition of the editorial group from specialist representative groups of the Alliance:**

#### **General gender, women and equality policy:**

Susanne Kahl-Passoth (DF – National Council of German Women's Organizations)

#### **Fundamental and human rights policy:**

Dr. Katja Rodi (djB – German Women Lawyers Association)

#### **Labour market and social policy:**

Dr. Simone Real (SoVD - Social Association of Germany)

#### **Anti-violence policy:**

Stefanie Föhring und Eva Risse (ZIF – central information centre of autonomous women's refuges)

#### **Migration and refugee policy:**

Saboura Naqshband (DaMigra – umbrella organization of migrant organizations)

#### **LGBTIQ representative:**

Henny Engels (LSVD – The Lesbian and Gay Federation in Germany)

#### **Coordination of the process as well as compilation and co-editing of the report:**

Dr. Birte Rodenberg, commissioned by Deutscher Frauenrat (National Council of German Women's Organizations)

**English translation:** Romy Bartsch (entire report except for chap. 1 & 7: Marlene Schoofs)

**German proofreading:** Karin Nungeßer

**Layout:** Poli Quintana – [www.interlinea.de](http://www.interlinea.de)

Berlin, November 2016

The report is available from: Deutscher Frauenrat e.V., Axel-Springer-Strasse 54A, 10117 Berlin  
Online: [www.cedaw-allianz.de](http://www.cedaw-allianz.de). Other CEDAW Alliance documents can also be downloaded here.

# Content

1. Introduction .....	IX
2. Education and role stereotypes.....	X
3. Working life.....	XI
4. Participation and gender budgeting.....	XIV
5. Violence against women.....	XVIII
6. Health.....	XXIII
7. International issues.....	XXVI

### Severability clause

“The explanations and demands in this report are made by the NGOs supporting this report according to their respective fields of action and purposes. The participating NGOs have the same intention of a joint report from a civil society perspective. However, not all the participating NGOs agree fully with every judgement and recommendation made in it.”

(Pt. 11, statute of the CEDAW Alliance)

### List of abbreviations

ADS	Federal Anti-Discrimination Agency
AGG	General Act on Equal Treatment
AsylG	Asylum Act
AufenthG	Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory – Residence Act
BAföG	Federal Training Assistance Act
BAMF	Federal Office for Migration and Refugees
BMFSFJ	Federal Ministry of Family Affairs, Senior Citizens, Women and Youth
BMZ	Federal Ministry of Economic Cooperation and Development
BGlöG	Federal Act on Gender Equality
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
FamFG	Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction
FGC/FGM	female genital cutting/mutilation
GG	Grundgesetz (Basic Law)
GGO	Joint Rules of Procedure of the Federal Ministries
ICESCR	International Covenant on Economic, Social and Cultural Rights
LGBTIQ	Lesbians, Gays, Bi, Trans, Inter, Queer
MDGs	Millennium Development Goals
NGO	Non-governmental organization
ProstSchG	Protection Act for Sex Workers

SDGs	Sustainable Development Goals
SGB	Social Code
StGB	Criminal Code
TSG	Transsexual Act
UN	United Nations

### **Explanation on the writing in the German report**

The CEDAW Alliance used the so-called asterisk (\*) for gender-related terms and the identification of groups of persons. This is to show intersectional aspects of multiple discrimination regarding origin, sex, gender identity, sexual orientation, physical or mental impairment and social disadvantage.

This form is used if the people referred to are not exclusively cis female, i.e. their biological female sex and the social gender identity coincide, but rather can also refer to inter or trans people, as well as cis-men. The \*form in the German symbolically refers to diverse gender positionings.

# Preface

At the initiative of the National Council of German Women's Organizations, a group of civil society organizations formed the CEDAW Alliance in November 2015. The 38 Alliance members unite their commitment to women and gender equality policy with their commitment to human rights. The common objective is the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Germany. In a process that took more than a year, they formulated all their political demands to present to the CEDAW Committee their alternative view of the situation in Germany and to lend weight to these demands to be made of the Federal Government.

The text of the report emerged during lively discussions in the working groups, the results of which can be seen in the chapters Introduction, Education and Role Stereotypes, Professional Life, Participation and gender budgeting, Violence against women, Health and International issues. This report follows the same structure.

An editorial group made up of elected representatives of the Alliance was, in consultation with the working groups and their spokespersons, responsible for amalgamating these texts into a joint report. Both the working groups and the editorial group put great emphasis on taking into account cross-sectional issues which are key for a social and gender-equitable society: Age, poverty, bodyism, women with disabilities, LGBTIQ, migration and flight, differences between East and West Germany, racism and social origin were of particular importance for the entire work and discussion process.

The cooperation was based on a statute jointly agreed on where members of the Alliance all had the same voting rights. The use of a severability clause ensures that the participating organizations can support the content within the boundaries of their respective mandates and in cases where they don't share the view of the report they can highlight this specifically.

The process of writing the alternative report was supported by a solidarity contribution from all Alliance members. The National Council of German Women's Organizations would like to thank Diakonie Deutschland (social welfare organisation of Germany's Protestant churches), the Deutsche Gewerkschaftsbund (German Trade Union Confederation) and the Paritätische Gesamtverband (an association of social movements) for their early financial support which enabled the coordination of the process in the first place. Thanks are also due to Dr. Birte Rodenberg for the reliable coordination of the content.

The National Council of German Women's Organizations would like to thank all those involved in the drafting of the report for their result-oriented and reliable cooperation as well as for the great commitment shown by both full-time staff and volunteers.

Dr. Anja Nordmann

Office of the National Council of German Women's Organizations

Coordination office of the alternative report process of the CEDAW Alliance

Berlin, November 2016



# Summary

## Chapter 1: Introduction

**Recommendations 11-20, 22, 25, 26 und 66 of 10 February 2009 by the CEDAW Committee:**

The CEDAW Alliance concludes that the Federal Government has not pursued a consistent and targeted policy of gender equality during the reporting period. The legal bases, including the creation of the Federal Anti-Discrimination Agency (ADS), are limited in their scope and do not provide comprehensive protection against discrimination. The adoption of temporary special measures aimed at accelerating the implementation of equality between women and men according to art. 4 is regarded as a matter of discretion.

The Federal Government has not taken any measures to raise awareness of the CEDAW agreement. The creation of the periodic report submitted was treated as a purely administrative task. There was no consultation either with the deputies of the German Bundestag (parliament) or with NGOs in its preparation.

Essential demands of the Concluding Observations of the Committee have only been insufficiently covered in the Federal Government's report. Significant discrimination areas and intersectional topics, such as the increased feminization of poverty, the still existing difference between the eastern and the western parts of Germany, and the spread of racism are either not addressed or only mentioned in a cursory manner.

The CEDAW Alliance calls for

- Bundestag debate on the periodic reports before finalization, NGO consultation in generating the reports, and a CEDAW National Action Plan (with de facto Laender inclusion) to guide implementation between periodic reports.
- specific evaluation of racism and discrimination against women in order to show the associated obstacles to integration and inclusion, and efficient measures against inequality.
- the ADS to have additional authority to launch investigations and impose sanctions, and especially the right to take legal action, and to be equipped with more financial and human resources.
- a federal programme to establish and sustain independent anti-discrimination offices in and throughout all the Laender.

## Chapter 2: Education and role stereotypes

### Recommendations 27 and 28: Stereotype – CEDAW art. 5, 10 (c)

In Germany, role stereotypes remain unchanged. Prevailing ideas are shaped by sexual dualism and interwoven with other categories of social difference. Media also significantly contributes to the **continuity of traditional gender stereotypes**. The state rarely does anything about combating these ideas in a proactive and sustainable manner. Instead it continues to pursue a policy of disincentives.

The CEDAW Alliance calls for

- policies and legislation to be examined constantly for the disincentives resulting therefrom. And it needs to be checked if they are actually contributing to a consolidation of gender stereotypes.
- State policy needs to continuously examine the media published and promoted by it for consolidated gender stereotypes and counteract them.

The protection against **gender-discriminatory advertisement** is not sufficient in Germany.

The CEDAW Alliance calls for

- an express legal ban on gender-discriminatory advertisement
- a mandatory pre-examination of advertisement activities by the German Advertising Standards Council or another inspection authority.
- the provision of the inspection authority with sufficient sanction and enforcement powers.

Sexism, homo- and transphobia and racism are very common **in sport** making equal participation in social life via sport difficult if not impossible for those affected.

The CEDAW Alliance calls for

- the promotion of diversity competence in sport pedagogy training and further training.

### Recommendations 33 and 34: Education – CEDAW art. 10

The **educational system** reproduces social inequalities and is still very much characterized by gender stereotypes. Gender non-conforming and/or LGBTIQ adolescents often experience discrimination. The situation of female refugees in the area of education is inadequate.

The CEDAW Alliance calls for

- , on a nation-wide basis, compulsory and financially secured educational concepts for a gender and prejudice aware pedagogy in order to reduce stereotypes and promote concepts of gender diversity (including training and further training for actors, relevant materials, curricula which promote acceptance and anti-discrimination).
- the guarantee of a non-discriminatory pedagogy of diversity in teacher training and other pedagogical training courses.
- through specialized classes, the mandatory integration of women's and gender studies into vocational training courses in the areas of social studies and education as well as social-pedagogical and teacher training courses at third level. LGBTIQ (of colour) should be addressed as a matter of course and in an unexcited manner during teacher training courses at third level;
- increased incentives to counteract gendering of professional fields.
- the provision of a sufficient and nationwide offer of gender-sensitive integration and language courses for all refugees. These should also be promoting acceptance and gender equality.

## Chapter 3: Working life

### Recommendations 29 and 30: Reconciliation of family and working life

The promotion of the **equal distribution** of work and family tasks within partnerships is important to the Federal Government. However, the measures mentioned by the Federal Government in its report are insufficient.

The CEDAW Alliance calls for

- the provision of options for a life-phase-oriented working hours concept which are safeguarded legally and by collective bargaining agreements, e.g. an act on flexible working hours with regulated participatory and co-decision procedures, ensuring both the implementation of collective bargaining and in-house working hours concepts, and the establishment of the individual rights of employees to flexible working hours.
- elimination of the tax category combination III/IV and income taxation splitting, and introducing instead individual taxation and checking the non-contributory co-insurance of spouses in statutory health insurance schemes for disincentives.

- repeal of the deduction of the parental leave benefit from basic social security benefits for job seekers.
- financially safeguarding all care activities and adequate consideration of these activities when it comes to retirement provisions.
- staffing ratios for day-care centres in Germany to be adapted to child-oriented and educationally meaningful educator-child ratios. Good and reliable care for children after school enrolment should be ensured, mainly by having more compulsory all-day schools whose all-day care offers have to have a conceptual connection with the curriculum.

### Recommendations 35 and 36: Discrimination in professional life

The Federal Government declares that it regards the **interpretation of the General Act on Equal Treatment (AGG)** as conforming to European legislation. However, counter to this claim, the AGG still does not cover all areas of professional life. It lacks a realistically measured limit to the period for bringing an action, easily accessible anti-discrimination counselling on a nationwide basis, as well as provision for the sensitization of legal practitioners.

The CEDAW Alliance calls for

- the deletion without substitution of the permissible difference in treatment due to religion or belief (AGG art. 9) (see annotation No. 19 by Social Welfare Organization of Germany's Protestant Churches on page 37 in this report).
- the resolute combating of discrimination against trans people, including those who have undergone reassignment procedures according to the Transsexual Act (TSG).
- the elimination of the existing protection gaps in the AGG and the urgent introduction of group action.

### Recommendations 37 and 38: Equal participation of women in the labour market

The Federal Government states as a central goal of their policy "the de facto equality of men and women in professional life." However, **the equality policy action** of the Federal Government lacks a stringent concept.

The CEDAW Alliance calls for

- equality policy action to be strictly oriented towards everyone securing their own livelihood and to the guiding principle of the earner-carer model.

- the adoption of an effective equal treatment act for private industry, as well as the consistent implementation of the existing equal treatment acts for public service and the continued legal development thereof.
- strengthening the statutory pension to such an extent that it ensures livelihood and living standards of the individual, and that the current pension level remains the minimum.
- ensuring through changes in the law that part of the statutory, company or partially state-funded pension is not deducted from basic social security benefits for job seekers so that statutory pension and additional provision are worthwhile.

### Recommendations 39 and 40: Equal pay

At the moment, gross hourly earnings of women and men show a **gap of 21 %**.

The CEDAW Alliance calls for

- the creation of a law for more fairness of wages between women and men which makes it mandatory for all employers to check their pay practices and make them more gender-equitable by applying suitable qualitative test examinations to overcome pay discrimination at company level. It needs to go beyond the planned scope of application (for companies with more than 500 employees) so that as many women as possible can benefit from it.

### Recommendations 55 and 56: Economic consequences of divorces and separations

The Federal Government assumes that a "gender-neutral" spouse maintenance law satisfies today's gender roles of men and women in modern society in a divorce case. This point of departure cannot be agreed to as long as courses of life and employment patterns of men and women are characterized by stereotypical familial division of labour and **discrimination of women in the labour market**. Unfortunately, the Federal Government did not follow recommendation 56 from the CEDAW Committee from 2009 which called upon the government to investigate the economic consequences of a divorce on both spouses.

The CEDAW Alliance calls for

- the undertaking and publishing of an investigation as mentioned in that CEDAW recommendation, taking a look at the economic consequences of divorces, in particular for single parents, both intersectionally and in detail.

- counteracting the disadvantages for those affected with temporary special measures so that equality for divorced women and especially single mothers can be achieved. This particularly applies in the case of female migrants.

## Chapter 4: Participation and gender budgeting

### Recommendation 23 and 24: Gender mainstreaming and gender budgeting

The Federal Government hardly meets its obligations stemming from the principle of gender mainstreaming, nor has it presented an **implementation plan** or concrete implementation steps.

The CEDAW Alliance calls for

- a guarantee that impact assessments of legislation and actions be conducted across all departments, that targets and indicators be established by them and that data collection and evaluation include gender-differentiated target groups.
- the establishment of an independent Gender Institute, with experts and citizens participating in their work.
- the implementation of gender mainstreaming at the Office of the Federal Chancellor.

An implementation of gender budgeting is possible in a cameralistic budget system.

The CEDAW Alliance calls for

- the immediate introduction of gender budgeting for revenues and expenses at national level, and its establishment in the Budgetary Principles Act and in financial regulations.
- the stipulation of binding targets, measurable indicators and time limits in all areas of revenues and expenses of the budget. The implementation thereof needs to be verified throughout the budgetary cycle.
- the examination of the impact of levies and taxes as well as expenses on equality. In the case of discrimination and defective impact they should be adjusted accordingly.

## Recommendation 31 and 32: Participation

Germany still shows serious shortcomings when it comes to participation and gender parity. The **Federal Act on Gender Equality** (BGleiG) remains ineffective. Temporary specific promotion measures (art. 4.1) are not being implemented.

The CEDAW Alliance calls for

- all measures affecting participation to be accompanied by transparent, effective governance, in particular systematic gender-sensitive impact assessments of legislation and resources, as well as impact analysis.

Participation of women in the **public service sector** is poor.

The CEDAW Alliance calls for

- binding provisions for both the creation of gender equality plans, as well as implementation processes and controlling which take into account multiple discrimination. Said gender equality plans should also be published.
- the establishment of a central supervisory and control agency for gender equality plans under the responsibility of the Federal Government and the Laender.
- the strengthening of the control functions of equal opportunities officers, as well as their participation in all personnel measures.
- all personnel instruments and career regulations to be examined for discriminatory effects on women (CEDAW art. 3).

Participation of women in the **health care system**:

Even though the share of female medical graduates has been higher than that of male graduates since 1998, this has still not lead to an increased number of women at executive and board level.

The CEDAW Alliance calls for

- data to be gathered on employment in the health care system, including qualification levels and positions. This should be done in an essentially gender-differentiated way, while also taking into account racial discrimination, and should be analysed for development trends.
- a status report to be drawn up every two years in the context of the Federal Health Reporting of the Robert Koch Institute as regards the share of women in executive positions in health research and health care and at board level in the health care system, as well as an account of what their specific roles are (see chap. 6, health).

- every effort to be made towards the consistent implementation of the gender equality acts applicable to the public law area at both federal and Laender level.

There is no equal participation of girls and women **in sport**.

The CEDAW Alliance calls for

- the use of sport funding as a steering tool to increase participation of girls and women, as well as integrate women of colour and groups which have not explicitly and sufficiently been taken into account, such as women with disabilities, LGBTIQ, women with a migration and refuge history, and poor women.
- support programmes in sport at both grassroots and elite levels to be evaluated for their impact on gender equality, and gender-differentiated data to be gathered for all sport funding fields.
- a binding quota for executive positions in athletic unions and clubs to be agreed on with organized sport.
- the promotion of sport to be oriented towards increasing both the gender and diversity competence of trainers and referees, as well as the overall share of women in these roles.
- the promotion of gender-fair sports coverage via specific incentive systems.

The *leaky pipeline*, i.e. the decreasing share of women **in science** at higher career levels is more pronounced in Germany than in other European countries.

The CEDAW Alliance calls for

- targets for gender equality and their sustainable financial support to be included as an integral part of all Federal Government-Laender-programmes.
- ensuring that non-university research organizations promoted by the Federal Government apply the standard content of the BGleIG.
- the under-representation of women to be reduced by equality-oriented awarding of professorships in all subjects, especially in humanities and social sciences.
- the targeted reduction of the gender pay gap, especially when it comes to performance bonuses.

The equal participation of women in all **political offices** can only be achieved through legally binding targets.



The CEDAW Alliance calls for

- the introduction of a parity electoral law for the Federal Government, Laender and municipalities (taking France as an example).
- the participation of all girls and women to be promoted by temporary special measures.

**Female migrants** need equal participation in societal, economic, social, cultural and political life in Germany.

The CEDAW Alliance calls for

- the different life situations of female migrants and women of colour to be considered in an overarching systematic manner, and effective measures to be taken for their successful participation.
- the sensitization of the responsible authorities to the legal recognition of women and gender-specific reasons for flight and putting this into practice.
- the needs of women, as well as of LGBTIQ and women with disabilities to be taken into account in the reception camps for refugees. To that end, concepts and standards are to be developed and evaluated.

Trans, intersexual women and gender-queer people are faced with special barriers to participation.

The CEDAW Alliance calls for

- intersex to be recognized and introduced as a sex category in vital records.
- inter persons to be registered statistically with an account of how many were forced into a gender and what their economic and health situation looks like.
- the guaranteed covering of costs for special needs during the transition for recipients of Arbeitslosengeld II (unemployment benefit paid by the job centre after the first 12-18 months of unemployment).

In large areas of their lives women with disabilities are denied equal participation in society. In addition, they lack the support for the realization of their parenthood.

The CEDAW Alliance calls for

- the cabinet draft of the Federal Participation Act from June 28, 2016 to be converted into a comprehensive human rights act for people with disabilities.
- the legal entitlement of mothers and fathers with disabilities to support in the care of their children (assistance for parents and accompanied parenthood) to be included as part of services for participation in the community.
- the consideration of both gender mainstreaming and disability mainstreaming in all measures of the Federal Government.

## Chapter 5: Violence against women

### Recommendations 41, 42, 45 and 46: Violence against women – CEDAW art. 1, 2, 3, 6

#### Violence in close social relationships; domestic violence

One of the key problems for women in Germany is violence exercised by their partner. Recently, the number of homicides by the (ex) partner has significantly increased and often the culprits receive a lenient sentence. **Legal protection measures** are rarely effective in practice; prevention hardly ever occurs and often perpetrators still have family access through visitation arrangements. Counselling and support for those affected is often not sufficiently financed, women's refuges don't have spaces and the access for women with disabilities as well as for female migrants and female refugees is very limited.

Unsupervised interactions in situations where there is a history of domestic violence means further danger for women and children. Even if the interactions are supervised further danger can sometimes occur. Therefore, the German practice does not conform to the Convention.

The CEDAW Alliance calls for

- the development of an overall concept for the prevention of and protection against violence in close social relationships.
- the assurance of priority to matters of protection against violence over other decisions, and a better dovetailing of concepts for the protection of women and children along the lines of the two UN conventions.
- the adequate consideration of domestic violence in custody and access proceedings, and that appropriate measures for the protection of women and children be taken.

## Homicides in close social relationships; so-called honour killings

Currently, there is no recognizable concept with the aim of preventing killings due to separations and so-called extended suicides. Effective protection measures for the subsequent victims are also absent, even though they have often contacted state authorities regarding sexual or domestic violence prior to their death. This hints at a general **negligence of the root causes**, manifestations and repercussions of gender-specific violence in decisions made by public authorities.

The CEDAW Alliance calls for

- measures to prevent homicides against women as well as target-group specific education in order to prevent in particular misconceptions of violence against women as being a “family drama” or the like on the part of the general public and authorities.
- effective protection measures for potential victims of homicides in close relationships as well as safe shelter and witness protection programmes.
- the examination of whether the killing of the (ex) partner due to the separation or the intent of separation should be judged as particularly reprehensible in a criminal law context.

## Sexualized violence

The new legislation on sex offences puts **lack of consent** in the foreground; it’s successful implementation in practice remains to be seen. Further training for police and the judiciary as well as protection, counselling, support and access to acute medical care for those affected are still insufficient.

The CEDAW Alliance calls for

- taking all necessary measures to stop, if applicable, the continued legal practices which are in breach of Convention provisions. In particular, there should be mandatory training courses for the judiciary and police, as well as improvements to the protection, support and counselling offered to those affected.
- the introduction for all victims of sexualized violence, irrespective of their age, of a legal entitlement to free psychosocial care during legal proceedings and the guarantee of nationwide access to acute medical care including the possibility of preserving evidence independent of whether or not proceedings have been issued at that point in time.
- taking all other necessary measures to reduce sexualized violence, including the introduction of general education campaigns.

## Forced marriage

Measures against forced marriage largely remain on a symbolic level; the right of return from abroad is linked to **conditions which can hardly be met**.

The CEDAW Alliance calls for

- the extension of the criminal offence of forced marriage to all subjectively binding marriages, i.e. also to religious or traditional marriages.
- the formulation of the right of return to Germany for people forced into marriage in art. 37 of the Residence Act (AufenthG) in a way that a return is indeed possible, i.e. in particular, eliminating the irrelevant economically-oriented integration prognosis.
- the creation of sufficient support measures for those affected by forced marriages (mainly safe shelters, but also witness protection programmes).
- the introduction of a statutory rule according to which people affected by forced marriage can expressly obtain refugee status and with it humanitarian protection.

**Particularly vulnerable groups:** female migrants, female refugees, women with disabilities, economically and socially disadvantaged women

The CEDAW Alliance calls for

- the amendment of art. 33 of the Asylum Act (AsylG) so that in cases of violence, the infringement of the residential obligation no longer automatically leads to the end of the asylum application.
- the guarantee that women and girls also get access to legal counsel in expedited proceedings such as according to art. 18a AsylG ("airport procedure"), and that they can claim their experience of violence as reason for residence or barrier to deportation.
- the deletion without substitution of the continuation of marriage as a prerequisite for residence entitlement in their own right from art. 31 of the Residence Act (AufenthG).
- a broad, effective strategy equipped with adequate financial means for the protection of women and girls with disabilities against violence, which also covers female migrants and refugees.
- the creation of independent monitoring bodies and complaints mechanisms in institutions for people with disabilities.

## Violence in the area of sexual and reproductive rights: FGC/FGM; sterilization

In Germany, sterilization of people who are unable to give consent to this fundamental intervention still happens. This is particularly true for women with disabilities and intersex children.

The CEDAW Alliance calls for

- a legal ban without exception on sterilization in cases where the affected person is unable to give their complete and informed consent. This should be explicitly applicable for (intersex) children and people with disabilities.
- compensation for affected intersex persons for gonadectomies and genital mutilations and sex assignments conducted without consent.
- compensation for those affected by unwanted sterilizations according to the TSG (version 1981–2011).
- the creation of support systems and appropriate spaces for mothers/parents with disabilities who wish to have or who already have children.

## Recommendations 43 and 44: Shelter and help for women in distress – CEDAW art. 1, 2, 3, 6

An effective strategy to combat violence against women requires fast, free and unbureaucratic access to protection and needs-based support (empowerment) for all women and children affected by violence. However, there are numerous barriers: a lack of space, refuges not being financed as institutions but rather only receiving funding for individual cases, a lack of accessibility, insufficient premises and staffing levels. The Federal Government can and should overcome these barriers and by doing so ensure **fast, unbureaucratic and free nationwide access** to protection and needs-based support for all women affected by violence and their children.

The CEDAW Alliance calls for

- the consistent implementation of the quota recommended by the task force of the Council of Europe of one place at a women's refuge per 7,500 inhabitants (total population) and the provision of funds for the approximately 4,000 additional places required at women's refuges across the country.
- securing financing for women's refuges as well as women's and specialized counselling centres consistently accessible to all regardless of their ability or disability.
- the consideration in all measures of the needs of female refugees and migrants due to disability or impairment.

- the cost-covering financing of appropriate services working with women, girls and boys affected by violence as well as interlingual communication in all women's support centres.
- the creation of a federal law, thus the same for every Land (state), regarding the needs-based financing of women's refuges and specialized counselling centres independent of individual cases.

## Recommendations 47 and 48: Human trafficking – CEDAW art. 6

### Human trafficking for the purpose of labour and other forms of exploitation

Nationwide and needs-based support structures for those affected by all forms of human trafficking and an **overall strategy** against it are still missing.

The CEDAW Alliance calls for

- adequate financing of existing specialized counselling centres and other support structures in the case of all forms of human trafficking in order to provide the necessary support for trafficked persons.
- the guarantee of immunity from prosecution for trafficked persons.
- with the involvement of civil society, the development of an overall strategy or action plan on measures against all forms of human trafficking, as well as the provision of support for trafficked persons.
- the establishment of an independent reporting body.

## Recommendations 49 and 50: Exploitation of sex work – CEDAW art. 6

The new Protection Act for Sex Workers (ProstSchG) does not ensure the strengthening of the **rights and self-determination of sex workers**. Offers for counselling and for those who want to quit sex work have to be extended and financed. Women are not only affected by sexual exploitation through human trafficking, but also by labour exploitation. An overall strategy against all forms of human trafficking, offering effective protection of victims and access to justice for trafficked persons, is missing.

The CEDAW Alliance calls for

- the increased provision of anonymous, voluntary counselling, in particular, the examination of already existing regional alternatives to the planned registration requirement.

- ensuring the increased availability on a nationwide basis of multilingual counselling and support for sex workers and those who want to reorient themselves; in particular, the assurance of nationwide access to and financing for reorientation offers and living groups for mainly young and minor sex workers.

## Chapter 6: Health

### Recommendations 53 and 54: Gender sensitivity and gender equality in the health care sector – CEDAW art. 12

In the German health care sector, the needs of women are especially neglected. Male-hierarchical dominated structures and a paternalist stance often oppose the **respect of women's issues** and patient autonomy. As regards sex, gender and diversity, consistent meaningful public health reporting is missing. Pharmaceutical research and development as well as treatment guidelines take the standard human being as being “young, white and male” – with severe health impacts on women. For intersexually born people, severe damage due to drug treatment and surgeries in early childhood are accepted tacitly. The connection of sex and other characteristics which affect the life situation of women (intersectionality) leads to the **particular vulnerability of certain groups** resulting in clear discrimination in health care for: women in socially and economically precarious life situations, girls and older women, women with disabilities and women of non-European origin.

The CEDAW Alliance calls for

- the recognition and implementation of findings from gender health research and practice for a gender-sensitive and gender-fair further development of health policy and legislation, as well as vocational and further training for health care personnel.
- all actors in the health care system to ensure, within their possibilities for action, that when it comes to health care for intersex and trans people the services of statutory health insurers are oriented towards the biological circumstances of the bodies, the highest available standard of care and the needs of people and not based on the sex entered in their vital records.
- the safeguarding of accessible health care with free choice of physician at national level.

**Health in the workplace:** Work-related physical and psychological stress of women is often not noticed or underestimated. This is particularly true for the psychological stress in “women's jobs”. Non-discriminatory health protection for pregnant and breast-feeding women is insufficient. Effective gender-sensitive concepts and measures for hazard anal-

ysis as well as for occupational health promotion exist neither in industrial safety practice nor in typical industrial health and safety policy.

The CEDAW Alliance calls for

- the topic “health in the workplace” from the perspective of gender equality to be placed on the agendas of health policy, labour and industrial health and safety policy as well as gender equality policy.
- the draft of programmes, measures and legislation for safety and health in the workplace according to the guiding principles of gender mainstreaming and gender budgeting.
- the increase of gender-specific significance in statistics and reports on industrial safety.
- the promotion of gender-specific research on work-related impacts on health taking into account the broad discriminatory perspective presented in the first section of this chapter.

**Reproductive health and gynaecological care:** Neighbourhood access to obstetrics is becoming increasingly rare in Germany due to economization in the health care sector. In particular, gynaecological and obstetric care is insufficient for women refugees. Couples of the same sex and single women are being discriminated against as regards the access to reproductive medicine. The access to safe and legal pregnancy terminations is not possible for everyone free of charge. Only a few Laender and municipalities offer (partial) cover for the costs for contraceptives.

The CEDAW Alliance calls for

- the undertaking of measures ensuring local, comprehensive accessible care for all pregnant women to obstetric and midwife services, and making sure that all women affected by violence and/or pregnant refugees as well as women who have recently been given birth and those breastfeeding have at their disposal medical and other help specific to their needs.
- the submission of a draft for a reproductive medicine act through which women irrespective of their sexual identity, their partnership status and their financial means can have access to reproductive procedures.
- all women living in Germany to be provided with guaranteed access to free contraceptives, as well as ensuring access to safe and legal pregnancy terminations.
- the presentation of a draft which firstly, limits punishability according to art. 218, 219 of the StGB (Criminal Code) to pregnancy terminations without consent as well



as acknowledging the autonomous decision-making rights of women, and secondly, provides for a mandatory consultation only in cases of so-called late terminations.

**Care work by and health of women:** Paid and unpaid care work for children, the elderly and the sick, as well as for people with disabilities is mainly performed by women. Physical and psychological health risks in the care system have hardly been investigated, but the existing findings point to very high risks. The health of those providing care is impacted in many ways: They suffer from lack of appreciation, low wages, exhaustion, mental illness such as depression, and back pain. For **people in need of care**, the health objective of the Ottawa Charter for Health Promotion from 1986 is also valid in its physical, mental and social dimensions. Measured against it, people in need of care are blatantly underserved. Amongst the very old, the rate of underserved women is two to three times higher compared to men.

The CEDAW Alliance calls for

- the extension of a high-quality care infrastructure and services to support the independence and self-determination of those in need of care, promote their participation in social life, significantly ease the burden on those family members providing that care, as well as clearly improve labour conditions in professional care and the compatibility of care and professional work.
- access to these offers to be ensured, in particular for vulnerable groups of people in need of care and their family carers.

**Informed consent – patient autonomy – right to not know:** The informed consent and patient autonomy anchored in the Patients' Rights Act are often implemented either insufficiently or not at all in clinical practice. In particular, it's pregnant women who, under the constant assumption of their child's life being at risk, are at risk themselves of losing their rights to physical self-determination, privacy, rejection of treatment and informed decision-making, as well as the right to not know.

The CEDAW Alliance calls for

- the inclusion of training on informed decision-making in the medical licensure act for physicians, and steps to be taken towards this being included in the vocational and further training of all healthcare professions.
- the evidence-based information of the Cochrane Library to be made publicly accessible.

## Chapter 7: International issues

Germany has committed to applying the **Beijing Declaration and Platform for Action**. However, it does not have any systematic and checkable **implementation process** of doing so that uses targets, indices and timelines, and that involves civil society.

The CEDAW Alliance also concludes that the Federal Government has not made sufficient efforts to raise awareness among the public at large or at institutions of the Declaration and Platform for Action from the Beijing World Conference on Women. It has not mobilized sufficient institutions and civil society organizations for participation, nor has it made sufficient resources available for systematic implementation.

The Federal Government has not produced any proactive policy to **achieve the Millennium Development Goals** (MDGs) with respect to gender equality and women's empowerment. On the contrary: German development funds invested into large-scale agriculture have contributed to the displacement of people from their land. This especially violates the rights of women and leads to increased poverty of rural women.

A positive note is the Federal Government's commitment to Sustainable Development Goal (SDG) number 5, along with Germany's updated **sustainability strategy** in connection with Agenda 2030 for Sustainable Development. However, there is a lack of transparency and interministerial coherence in the process of achieving these development policy aims and meeting these human rights obligations.

The non-ratification of important international and regional human rights instruments, such as the **Optional Protocol to the ICESCR and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**, by the Federal Republic of Germany weakens the existing state of human rights and therefore also the Convention on Women's Rights (CEDAW).

The CEDAW Alliance calls for

- a National Action Plan to implement the Beijing Platform for Action with binding targets, indices and deadlines, as well as the provision of necessary resources. Regular dialogue and participation by civil society, especially women's organizations, must be an integral part of all stages of development. Länder and municipalities must be involved in the implementation process.
- ensuring greater transparency by monitoring and efficiently evaluating gender-sensitive implementation of the SDGs in connection with Agenda 2030 for Sustainable Development.
- greater involvement by the public at large, and especially women's organizations and gender experts, in achieving the goals of Agenda 2030 for Sustainable Development.

- application of gender mainstreaming and gender budgeting based on quantitative and qualitative indices for all SDGs, and ensuring participation by women's organizations in this process.
- Germany's long overdue ratification of the Optional Protocol to the ICESCR and the UN Migrant Workers Convention without further delay.
- all state reporting procedures on human rights, including CEDAW, to include the status of implementing human rights for migrants.

**Translation, layout and print have been financed by a solidarity fee of the CEDAW Alliance members**



**The coordination of the content has been financed by**



**The CEDAW Alternative Report has also been supported by the following organizations**

ANWÄLTINNEN OHNE GRENZEN e. V. (Lawyer Women Without Frontiers)  
FEMNET e. V.  
Frauensicherheitsrat (Women's Security Council)  
medica mondiale e. V.  
WECF (Women in Europe for a Common Future) e. V.



NATIONALES KOMITEE  
DEUTSCHLAND



FEMINISTISCHES  
INSTITUT  
HAMBURG  
ANALYSEN, POSITIONEN & BERATUNG

FRAUENBRÜCKE



Bundesverband e.V.



Initiative für einen  
Geschlechtergerechten  
Haushalt in Berlin- GBI

Weibernetz e.V.

