

STATEMENT FROM THE CEDAW ALLIANCE GERMANY

Interim Report from the Federal Government on the Concluding Observations to Germany's Ninth Periodic State Report

Women in elected decision-making bodies (paragraph 40, Concluding Observations of the CEDAW committee)

In the Federal Republic of Germany, women are in the minority in all parliaments, and their proportion is falling.¹

In the 21st German Bundestag, the proportion of women is only 32.4%. This places Germany 57th in the global ranking for women's representation in national parliaments.²

In the state parliaments, the proportion of women is similarly low at just under 33.2%. In municipal councils it is 30.5%.³ The proportion of women in mayoral offices is 13.5%, meaning that only about one in seven municipalities is led by a woman.⁴ Women with a migration or refugee background are particularly disadvantaged: although they make up 13.5% of the population, they represent only 3.5% of elected officials.⁵ Electoral law, party nomination procedures, and the lack of compatibility between family, care responsibilities, professional work, and political volunteer service all contribute to the low proportion of women.

There has already been a broad societal and legal debate about a parity law. An electoral commission met over many months. Among other things, it presented a proposal for a new electoral regulation on parity-dependent allocation of mandates (Laskowski/Ferner, Commission Paper 61; Commission Doc. of 01/30/2023).⁶ This proposal is based on the new "second vote for the allocation of mandates" in §6 (1) and (4) of the Federal Election Act (BWahlG), which the German Bundestag adopted on 03/17/2023 as part of the electoral reform (§55 BWahlG). This can and should be supplemented by a parity regulation, such as a "parity-dependent mandate allocation rule". As far as this is associated with an impairment of party freedom (Art. 21 of the Basic Law), as the Federal Government indicates in its interim report, it can be justified by Art. 3 Para. 2 and 3 of the Basic Law.

¹ Weinrich, Sheyda (2025). Representation and participation of women in politics. https://www.bundesstiftung-gleichstellung.de/wp-content/uploads/2025/05/Repraesentanz-und-Teilhabe-von-Frauen-in-der-Politik-Langfassung_05052025.pdf (last accessed on 08/05/2025).

² Inter-Parliamentary Union (2025). Monthly ranking of women in national parliaments. https://data.ipu.org/women-ranking/?date_month=7&date_year=2025 (last accessed on 08/04/2025).

³ Federal Statistical Office of Germany (2025). Press release no. N010 of March 5, 2025: Women are still underrepresented in parliaments in Germany. https://www.destatis.de/DE/Presse/Pressemitteilungen/2025/03/PD25_N010_13.html (last accessed on 08/05/2025).

⁴ Stocker, Simon (2024). Assessment of women's representation in mayoral offices across the cities and municipalities of the federal states. Institute of Social Sciences of the University of Stuttgart. <https://www.dstgb.de/themen/lokale-demokratie/aktuelles/neue-schaetzungen-zur-anzahl-der-buergermeisterinnen-in-deutschland/stug-0624-fin-stocker.pdf?cid=10n7> (last accessed on 08/05/2025).

⁵ Baro, Lea; Gintova, Elena; Nowicka, Magdalena (2024). Experiences and strategies of women with a migration background in political entry and advancement. Accompanying study of the POLITFIX network in Lower Saxony. In: German Centre for Integration and Migration Research (ed.). DeZIM Policy Papers 1, https://www.dezim-institut.de/fileadmin/user_upload/Demo_FIS/publikation_pdf/FA-6174.pdf (last accessed on 08/05/2025).

⁶ <https://www.bundestag.de/resource/blob/933878/K-Drs-061-Stellungnahme-Prof-Dr-Laskowski-und-Ferner-Hauptstimmen-und-paritaetsabhaengige-Mandatszuteilung.pdf> (last accessed on 08/05/2025).

In the amendment of the Federal Election Act, the proposals from the commission regarding a parity law were ignored. Instead, the current coalition agreement foresees a new commission that will once again examine how equal representation of women in parliament can be ensured.

The CEDAW Alliance Germany demands:

1. Electoral laws must be immediately revised to establish a parity-based electoral system at all political levels.
 - a) Legislators at federal and state levels must implement regulations in their respective election laws that result in parity in Bundestag, state parliament, and municipal elections.
 - b) At federal level, we support the above-mentioned proposal from the Electoral Law Commission (Commission Doc. 61 of 01/30/2023).
2. Parity-based representation of men and women in all decision-making bodies, including in the (social) economy, must be legally anchored.

For the economy, the applicability of the Second Leadership Positions Act – FöPoG II – must be extended to all publicly listed companies or companies with more than 500 employees and also anchored in executive boards.
3. Articles 7 and 8 of the UN Convention on the Elimination of All Forms of Discrimination against Women, as well as CEDAW Committee General Recommendations Nos. 5 and 40, must be implemented:
 - a) New regulations must be enforced to ensure equal participation of women in all their diversity and gender competence in all relevant policy areas, particularly in sectors affected by fundamental transformation processes, such as AI applications, digitalization, peace policy, economic policy, climate policy, technical development, and all other relevant fields. In addition to appropriate laws, this includes training, changes in education and professional pathways, and working conditions in all (decision-making) bodies, taking into account that almost all people, particularly women, continue to bear caregiving responsibilities.
 - b) Women's organizations must be actively involved at all levels and in all areas in planning, implementing, and evaluating political measures, for example through the institutionalization of regular consultations.
 - c) Women's rights organizations must be sufficiently funded to enable substantial participation in all areas of decision-making, recognizing their importance in strengthening democracy.
4. The Federal Government and state governments are called upon to inform the judiciary about the UN Convention on the Elimination of All Forms of Discrimination against Women and the required parity, and to ensure that authorities and courts consider the Convention as part of German law in individual case decisions. This must also be reflected in legal education and training. For this purpose, federal and state governments have instruments at their disposal that are compatible with the principle of the separation of powers.

Access to health care for women without or with unresolved residence status (Paragraph 46a Concluding Observations of the CEDAW committee)

Public authorities are required under §87 (1), (2), sentence 1, no. 1 of the Residence Act (AufenthG) to report persons without a valid residence permit to the immigration authorities.⁷

For medical services to which women without regular residence status are also entitled⁸, a treatment certificate must be issued by the social welfare office. The social authority is obliged to transmit names, residence status, and location to the immigration authority. This leads many affected women to avoid contact with authorities for fear of detention in deportation custody or deportation. Therefore, they refrain from seeking urgently needed medical treatment – even during pregnancy, in case of chronic diseases or after sexual violence.

This legal situation constitutes a violation of Art. 12 CEDAW, as access to medical care for women without a valid residence permit is effectively restricted.

The reporting obligation under §87 AufenthG may also prevent women without a valid residence permit from approaching authorities in cases of exploitation and (sexual) violence, thereby significantly hindering or denying access to protection, justice, and effective complaint mechanisms.

In its interim report, the Federal Government indicates that §87 AufenthG will be reviewed, among other things, to ensure healthcare for migrant women without residence status. This initiative is not mentioned in the coalition agreement between CDU, CSU, and SPD, which instead focuses on optimizing data exchange between security agencies and civil authorities.⁹

The CEDAW Alliance Germany demands:

1. In line with CEDAW Committee General Recommendation No. 24, access to fundamental and human rights – such as health, education, protection from violence, and compensation – must be guaranteed for all women regardless of residence status, including medical care, pregnancy care, mental health services, and post-traumatic support following experiences of violence.
2. §87(1) and (2), sentence 1, no. 1 of the Residence Act must be immediately repealed. As a minimum, it must be comprehensively reformed to ensure access to healthcare and legal protection for women without regular residence status and to comply with human rights standards. The realities of migrant, refugee, and LGBTQI* persons must be explicitly considered – including through systematic involvement of migrant and feminist organizations in the reform process.

⁷ § 87 Transfers to immigration authorities. <https://www.migrationsrecht.net/kommentar-aufenthaltsgesetz-aufenthg-gesetz-aufenthalt-erwerbstaetigkeit-aufenthaltserlaubnis-niederlassungserlaubnis-aufenthg/paragraph-87-uebermittlungen-an-auslaenderbehoerden.html> (last accessed on 08/05/2025).

⁸ In accordance with §§ 4.6 Asylum Seekers' Benefits Act. <https://www.gesetze-im-internet.de/asylbg/index.html#BJNR107410993BJNE000508130> (last accessed on 08/05/2025).

⁹ CDU, CSU, SPD (2025): Responsibility for Germany. Coalition agreement between the CDU, CSU and SPD 21. Legislative term (p. 82f.). https://www.koalitionsvertrag2025.de/sites/www.koalitionsvertrag2025.de/files/koav_2025.pdf (last accessed on 08/05/2025).