



UNITED NATIONS HUMAN RIGHTS TREATY BODIES

HAUT-COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Committee on the Elimination of Discrimination against Women

REFERENCE: BN/follow-up/Germany/92

25 February 2026

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the ninth periodic report of Germany, at the Committee's eighty-fifth session, held in May 2023. At the end of that session, the Committee's concluding observations ([CEDAW/C/DEU/CO/9](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 61 on follow-up to the concluding observations, the Committee requested Costa Rica 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) of the concluding observations.

The Committee welcomes the follow-up report ([CEDAW/C/DEU/FCO/9](#)) received on time on 29 May 2025. Due to the postponement of the Committee's 92nd session as a result of the liquidity crisis, the report was examined with some delay under the CEDAW follow-up procedure. At its ninety-second session, held in February 2026, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 38** of the concluding observations 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 violence of all types. It also recommends that the State party conduct a thorough study on prostitution, including on the impact of allowing girls as young as age 18 to make the choice of engaging in sex work, and adequately fund and harmonize across all Länder the support services and exit programmes, including alternative income-generating opportunities, for women and girls who wish to leave prostitution"**:

The Committee notes the State party's indication that it has conducted an evaluation of the Prostitutes Protection Act since 2022, with the evaluation report submitted to the Bundestag by 1 July 2025, as legally required. The Committee also notes that the decision on whether and how to reform the law will be based on evidence from this evaluation, which included a survey of more than 2,300 persons engaged in sex work and focused particularly on persons between ages 18 and 21. The Committee further notes that the State party funded five pilot projects between 2021 and 2024 to help persons exit sex work, with practical guidance published in 2024 and a final report to be published in 2025. The Committee welcomes information that the National Action Plan to Prevent and Combat Trafficking in Human Beings, adopted on 11 December 2024, stipulates that nationwide exit counselling will be further developed.

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Nevertheless, the Committee notes serious methodological limitations in the evaluation, including that the anonymized online survey may not have reached the most marginalized women sex workers, such as those subject to control, debt bondage, violence, language barriers or without documented legal status, and that the evaluation itself acknowledges the absence of reliable data on the population engaged in sex work makes it impossible to assess its representative nature. The Committee notes with concern that mandatory registration system faces implementation and compliance challenges, including due to mistrust from migrant women related to data retention practices and fear of law enforcement, inadequate counselling, and barriers for undocumented persons. The Committee regrets that the National Action Plan does not include measures to create a right of residence for victims of trafficking independent of their willingness to testify in criminal proceedings, lacks sustainable funding for civil society support services, and insufficiently addresses systematic data collection and evaluation of victim identification measures. The Committee notes with concern that sex workers continue to face intersectional discrimination in access to housing, bank accounts, health insurance, parental leave financing, and other basic services. The Committee further notes information that economic conditions, including sustained inflation and recession, as well as the shift to online domains, have increasingly disadvantaged sex workers.

The Committee considers that the State party has taken some steps toward implementing the recommendation through the evaluation and pilot projects. However, the Committee notes that no legislative amendments have been made to the Prostitutes Protection Act and that significant gaps remain in protection, support services, and addressing discrimination. It therefore considers that the recommendation has been **partially implemented**.

The Committee considers that the information provided by the State party relates to the recommendation but lacks detail on concrete measures to amend the law and address identified protection gaps. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 38** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

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 violence of all types. It also recommends that the State party [...] adequately fund and harmonize across all Länder the support services and exit programmes, including alternative income-generating opportunities, for women and girls who wish to leave prostitution.

Regarding the recommendation made in **paragraph 40** of the concluding observations 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, [...] and] provide judicial training on the non-discriminatory nature of temporary special measures, such as statutory quotas, and amend any needed legislation so that courts no longer consider parity laws unconstitutional":



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The Committee notes the State party's indication that women comprise 32.4 percent of the Bundestag, 33.2 percent of Länder parliaments, and just over 30 percent of local parliaments. The Committee also notes various Länder initiatives including campaigns in Rhineland-Palatinate and Saxony, the Municipal Action Programme, the Helene Weber College/Prize, and the "Frauen.Vielfalt.Politik" project. The Committee welcomes the legal cost protection provision in Saxony-Anhalt for office holders facing assault and notes that women's representation in federal supervisory bodies increased from 40.9 percent (2016) to 49 percent (2022).

The Committee notes with concern, however, that women's representation in the Bundestag declined from 35.7 percent to 32.4 percent following the February 2025 election. The Committee regrets that no measures have been taken to address court rulings striking down parity laws or to provide judicial training on the non-discriminatory nature of quotas. The Committee expresses concern that the State party focuses primarily on work-family balance issues while failing to address institutional barriers including weak quotas, male-dominated party leadership, and discriminatory stereotypes. The Committee notes with serious concern that while women with migration or refugee background make up 13.5 percent of the population, they represent only 3.5 percent of elected officials; and that 40 percent of women politicians report experiencing sexual harassment, rising to 60 percent among those under 45, and that prevention measures remain limited. The Committee further regrets that Länder initiatives are not part of a coherent federal programme with measurable outcomes.

The Committee considers that while the State party has taken some steps through Länder initiatives and improvements in appointed positions, it has failed to address the core elements of the recommendation regarding parity laws and judicial training. It therefore considers that the recommendation has been **partially implemented**.

The Committee considers that the information provided by the State party is extensive but fails to address key aspects of the recommendation, particularly regarding judicial training and legislative amendments to protect parity laws. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 40** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

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 recommends that the State party provide judicial training on the non-discriminatory nature of temporary special measures, such as statutory quotas, and amend any needed legislation so that courts no longer consider parity laws unconstitutional.

In relation to the recommendation made in **paragraph 44 (a)** of the concluding observations to **"ensure that Muslim women in the public sector, including the judiciary, are not penalized for wearing headscarves, including by further amending the Law on Federal Civil Servants and raising public awareness so that the wearing of a headscarf by women civil servants does not result in the undermining of trust in the public service"**:



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The Committee notes the State party's assertion that there is no general ban on wearing headscarves and therefore no need to amend the Federal Civil Servants Act. The Committee also notes the State party's indication that prohibition can only be imposed within narrow limits depending on individual cases, where religious characteristics of appearance are objectively capable of impairing trust in neutral conduct of official duties. The Committee further notes the State party's reference to its diversity strategy "Gemeinsam für mehr Vielfalt in der Bundesverwaltung" (Working together for more diversity in the federal administration), which includes religion and belief as key characteristics.

The Committee expresses serious concern, however, about extensive neutrality laws at Länder level that effectively prohibit headscarf-wearing women from serving in the judiciary, as judges, prosecutors, legal trainees, and lay judges. The Committee notes with concern that approximately half of federal states have enacted neutrality laws that ban visible religious symbols, particularly headscarves, for judicial and prosecutorial functions. The Committee regrets that these laws, while phrased neutrally, disproportionately affect Muslim women and constitute indirect intersectional discrimination based on gender and religion. The Committee notes that the Federal Constitutional Court acknowledged that headscarf prohibitions "in reality are likely to predominantly affect Muslim women who wear a headscarf for religious reasons."¹ The Committee notes with concern reports indicating that advocacy for headscarf accommodation in public service has faced significant resistance, including that such positions have negatively impacted candidacies for senior judicial appointments.² The Committee further regrets that the State party's diversity strategy focuses on the federal administration and does not address religious symbols and clothing or provide concrete measures to build public trust in headscarf-wearing civil servants.

The Committee considers that the State party has not taken steps to implement the recommendation. It therefore considers that the recommendation has **not been implemented**.

The Committee considers that the information provided by the State party fails to acknowledge the discriminatory effect of Länder neutrality laws and does not address the core recommendation regarding legal amendments and public awareness measures. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 44 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Ensure that Muslim women in the public sector, including the judiciary, are not penalized for wearing headscarves, including by further amending the Law on Federal Civil Servants and raising public awareness so that the wearing of a headscarf by women civil servants does not result in the undermining of trust in the public service.

Regarding the recommendation made in **paragraph 46 (a)** of the concluding observations to **"reconsider 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-**

¹ Federal Constitutional Court (Bundesverfassungsgericht), Order of 14 January 2020, 2 BvR 1333/17, para. 113.

² "Verfassungsrichterwahl mit Hindernissen." Deutschlandfunk, 11 July 2025; "Diffamierend und realitätsfern": Brosius-Gersdorf äußert sich." LTO, 15 July 2025.



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emergency health services, without facing a risk of being reported to the authorities and subsequently deported”:

The Committee notes the State party's indication that it places special focus on health concerns of migrant women with no or unverified residence status and that it continues to examine how to resolve this complex matter, including the provision set out in section 87 of the Residence Act.

The Committee regrets that section 87 continues to require social welfare offices to report undocumented persons seeking healthcare to immigration authorities, creating a direct deterrent effect whereby undocumented migrant women avoid essential non-emergency healthcare, including reproductive and prenatal care, for fear of detention and deportation. The Committee notes with concern that these restrictions disproportionately harm women, ethnic minorities, and children, including deterring birth registration and excluding children from health services. The Committee observes that many European countries do not impose reporting obligations on healthcare providers regarding undocumented migrants, and that Germany already exempted its education sector from immigration status reporting requirements with reference to the right to education.

The Committee considers that the State party has not taken steps to implement the recommendation. It therefore considers that the recommendation has **not been implemented**.

The Committee considers that the information provided by the State party is vague and fails to demonstrate concrete action despite years of stated intention to review the provision. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 46 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Reconsider 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.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jelena Pia-Comella', with a stylized flourish at the end.

Jelena Pia-Comella

Rapporteur on follow-up

Committee on the Elimination of Discrimination against Women