



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the ninth periodic report of Germany\*

#### General

1. In order to enable monitoring of the implementation of the Convention, please provide information and statistics, disaggregated by sex, age, disability, nationality, ethnicity, religion and location (urban or rural), on the current situation of women in the State party. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's concluding observations on the combined seventh and eighth periodic reports of the State party (CEDAW/C/DEU/CO/7-8, paras. 10, 18, 24, 30 and 40),<sup>1</sup> please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered herein.

#### Implementation of the Convention

2. In the light of the Committee's previous concluding observations (para. 10), please provide information on the capacity-building measures taken by the State party for judges, prosecutors and lawyers on the Convention and the Optional Protocol. Please also provide information on whether the Convention and the Optional Protocol have been directly applied or invoked in national courts. Please describe the measures taken to strengthen the mandate of the German Institute for Human Rights in order to accord it the authority to ensure the transparent, coherent and consistent implementation of the Convention throughout the State party.

#### Application of the Convention under the federal system

3. In the light of the Committee's previous concluding observations (para. 12), please provide information on the measures taken by the State party to strengthen the

\* Adopted by the pre-sessional working group on 6 March 2020.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



effective coordination of the structures at all levels in order to ensure the uniformity of results in the implementation of the Convention throughout the State party.

#### **Legislative and policy framework**

4. In the light of the Committee's previous concluding observations (para. 14), please provide information on steps taken: (a) to amend the General Act on Equal Treatment in line with the proposals outlined in the evaluation conducted by the Federal Anti-Discrimination Agency and ensure that its range of application is expanded; (b) to introduce the right of group action on the part of women's organizations and trade unions to bring cases of gender-based discrimination before the courts and extend the deadline for submitting gender-based discrimination complaints to at least six months; and (c) to add dismissals to the Act and abolish article 9 of the Act.

#### **Extraterritorial obligations**

5. In the light of the Committee's previous concluding observations (para. 16), please provide information on the measures taken: (a) to strengthen the State party's legislation governing the conduct of corporations registered or domiciled in the State party in relation to their activities abroad; (b) to introduce effective mechanisms to investigate complaints filed against those corporations; (c) to adopt measures for redress to facilitate access to justice on behalf of women who are victims of human rights violations; (d) to ensure that judicial and administrative mechanisms in place take a gender perspective into account; and (e) to ensure that, in trade and investment agreements that it negotiates, the State party recognizes the primacy of its international human rights obligations over investors' interests.

#### **Women and peace and security**

6. In the light of the Committee's previous concluding observations (para. 28), please provide information on steps taken to harmonize legislation regulating arms export control, in line with article 7 (4) of the Arms Trade Treaty and Council Common Position 2008/944/CFSP of the European Union, and measures taken to ensure that, before export licences are granted, comprehensive and transparent assessments are conducted on the impact that the misuse of small arms and light weapons has on women, including those living in conflict zones.

#### **National machinery for the advancement of women**

7. In the light of the Committee's previous concluding observations (para. 18), please provide updated information on the measures taken to develop a comprehensive national gender strategy, policy and action plan addressing the structural factors causing persistent inequalities, including intersecting forms of discrimination against disadvantaged and marginalized women and girls. Please describe the steps taken to adopt an integrated gender-budgeting process, including the implementation of the Sustainable Development Goals, that includes effective monitoring and accountability mechanisms across all sectors and levels of government. Please provide information on measures taken to 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. Please also provide information on measures taken to ensure the adequate allocation of human, technical and financial resources to the Federal Ministry for Economic Cooperation and Development so as to allow for the full and effective implementation of its policy on gender equality in German development and its gender action plan, especially at the federal state level.

### **Temporary special measures**

8. Please provide information on temporary special measures adopted or implemented that are aimed at achieving the substantive equality of women and men, particularly in education, employment and women's participation in political and public life, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures (para. 20).

### **Stereotypes**

9. In the light of the Committee's previous concluding observations (para. 22), please provide information on the measures taken: (a) to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society; (b) to encourage capacity-building programmes for the media and gender-sensitive media coverage; (c) to introduce measures to promote the equal representation of women and men in the media; and (d) to strengthen the role of the German Advertising Standards Council to ensure adequate sanctions and enforcement powers in addressing discriminatory gender stereotypes. Please also provide information on the measures taken to harmonize relevant legislation and to prevent sexism, in line with article 5 (a) of the Convention and recommendation CM/Rec(2019)1 on preventing and combating sexism, adopted by the Committee of Ministers of the Council of Europe.

### **Harmful practices**

10. In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, in addition to the Committee's previous concluding observations (para. 24), please provide information on the measures taken: (a) to ensure safeguards to protect girls under the age of 18 years who have been allowed to marry; (b) to systematically collect disaggregated data on the incidence of harmful practices in the State party and continue to strengthen preventive and protective measures to eliminate female genital mutilation; (c) to develop awareness-raising campaigns and ensure that information is readily available to victims of female genital mutilation; (d) to ensure that health and social services professionals are sufficiently trained to identify potential victims; (e) and to make certain that perpetrators are brought to justice.

### **Gender-based violence against women**

11. In view of the prevalence of domestic violence against women in the State party and the absence of a comprehensive strategy of prevention and early intervention, along with the prevailing attitudes among the judicial authorities that cases of domestic violence are a private matter (para. 25 (a)), please provide updated information on measures taken: (a) to develop a comprehensive prevention strategy to address domestic violence, including through awareness-raising campaigns; (b) to ensure that cases of violence against women are effectively investigated and perpetrators duly prosecuted; (c) to establish an independent mechanism to monitor cases of violence and abuse in institutions for persons with disabilities; (d) to amend the law to ensure that immigration law considerations do not prevent the authorities from taking prompt action to provide protection in cases of gender-based violence; (e) to investigate incidents of hate crimes or attacks against refugee and asylum-seeking women and girls, and ensure that perpetrators are duly prosecuted; (f) to strengthen capacity-building programmes at the federal and state levels for judges, prosecutors, police officers and other law enforcement officials on the gender-sensitive application of criminal law provisions on sexual violence against women;

(g) to ensure effective protection against digital gender-based violence and prevent gender-based discrimination through algorithms; and (h) to ensure the availability of adequately funded and accessible shelters.

### **Trafficking and exploitation of prostitution**

12. In the light of the Committee's previous concluding observations (para. 30), please provide updated information on measures taken: (a) to develop gender-sensitive awareness-raising programmes for the police and social workers at the municipal level; (b) to ensure the prosecution of cases of trafficking in persons; (c) to develop national guidelines for the effective identification of victims of trafficking; (d) to strengthen measures to systematically identify and provide support to women who are victims and those at risk of trafficking, in particular migrant women and unaccompanied girls, ensuring adequate access to health care, counselling services and redress; (e) to grant temporary residence permits to enable all victims of trafficking to avail themselves of protective and rehabilitation measures; (f) to provide an assessment of the revised criminal law in relation to trafficking in persons; and (g) to strengthen the support services and exit programmes for women and girls in prostitution.

### **Participation in political and public life**

13. In the light of the Committee's previous concluding observations (para. 32), please provide information on the measures taken to increase the number of women in elected decision-making bodies at the federal and state levels and in appointed positions at the municipal level. Please also provide information on awareness-raising campaigns and leadership programmes developed to enhance the 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.

### **Education**

14. In the light of the Committee's previous concluding observations (para. 34), please provide information on the measures taken: (a) to encourage the further diversification of the educational choices of women and men and girls and boys; (b) to address discriminatory stereotypes and structural barriers that may deter girls from progressing beyond secondary education and enrolling in traditionally male-dominated fields of study, such as science, technology, engineering, and mathematics; (c) to promote and monitor the career development of women in the education system to ensure equal access to senior management positions at all levels of the education system; (d) to ensure that all asylum-seeking, refugee and migrant women and girls have access to language courses, integration programmes and the possibility of continuing their education at all levels; and (e) to support academic programmes and research on women and gender studies at the university level.

### **Employment**

15. In the light of the Committee's previous concluding observations (para. 36), please provide information on measures taken: (a) to eliminate the gender wage gap and ensure equal opportunities for women and men in the labour market; (b) to eliminate horizontal and vertical occupational segregation in the public and private sectors and provide skills training and incentives to orient women to non-traditional professions; (c) to strengthen the statutory pension as a means of ensuring a decent standard of living for retired women; (d) to ensure that victims of sexual harassment in the workplace have access to effective mechanisms and remedies; (e) to continue the implementation of the European Social Fund programme entitled "Strong careers: mothers with a migration background start out"; (f) to introduce targeted measures to

create additional employment opportunities for women with disabilities; (g) to review the tax system and social benefit provisions in order to ensure the full participation of women in employment; (h) to introduce adequate staffing ratios for day-care centres, ensuring high-quality and reliable after-school care for children, and increase all-day-care options; and (i) to ratify the Workers with Family Responsibilities Convention, 1981 (No. 156), of the International Labour Organization. Please also provide information regarding the legal steps that claimants can take to obtain compensation from German companies in cases of violations of women's rights in the supply chain.

### **Health**

16. In the light of the Committee's previous concluding observations (para. 38), please provide information on measures taken to ensure that modern contraceptives are accessible, affordable and available throughout the territory of the State party to all women and girls, in particular those living in poverty and/or in remote areas, and to repeal or amend section 87 of the Residence Act with a view to ensuring that undocumented migrants are given the same rights of access to the documentation necessary for non-emergency health services without the risk of being reported to the authorities and subsequently deported. Please explain how the mandatory counselling and a mandatory three-day waiting period are compatible with women's autonomy to take responsible decisions regarding their sexual and reproductive health rights. Please describe the measures taken to ensure that abortion is reimbursed through health insurance. Please also provide information on the measures taken to ensure the accessibility and availability of abortion services in practice and to monitor and evaluate the regional coverage, capacity and geographical distribution of abortion care services. Given the recent amendment to article 219a of the Criminal Code allowing hospitals and doctors to indicate on their websites that they perform abortions, please explain what types of information on abortion are banned by the prohibition of advertisements for abortion and how that restriction on women's right of access to sexual and reproductive health services and information is justified. Please provide information on measures taken to prevent and reduce nicotine and tobacco addiction among girls and women. Please clarify whether obstetric violence is specifically criminalized in the State party and provide statistical data on the phenomenon.

### **Economic empowerment of women**

17. Please provide information on the specific measures taken to adopt a national poverty reduction strategy with a focus on the most disadvantaged and marginalized groups of women, integrating a human rights and gender-based approach and ensuring that the development and implementation of the strategy are fully inclusive (para. 40).

### **Rural women**

18. Please provide information on the measures taken: (a) to address the considerable gender pay gap between rural men and women; (b) to promote the economic empowerment of rural women, in particular women farmers, and ensure their access to and control over land and their access to credit facilities; (c) to ensure that adequate childcare infrastructure is in place; (d) to provide training opportunities as a means of increasing diversification and alternative forms of employment to encourage young women to remain in rural areas; and (e) to increase the supply of care services for older persons (para. 42).

**Disadvantaged groups of women**

19. Please provide information on all the measures that the State party has taken and intends to take to eliminate discrimination against migrant and minority women, in society at large and within their communities. Please describe the steps taken to develop, in collaboration with the media, awareness-raising campaigns aimed at preventing intersecting forms of discrimination against migrant and minority women (para. 44).

20. Please indicate the steps taken to revise the Transgender Act to harmonize it with international standards of non-discrimination and to alleviate and simplify the conditions under which gender reassignment treatment can be obtained. Please provide information on the measures taken to eliminate discrimination against transgender women, including by means of awareness-raising campaigns and appropriate capacity-building for police officers and the judiciary (para. 46).

**Refugee and asylum-seeking women**

21. Please indicate the measures taken to ensure that the Federal Office for Migration and Refugees is adequately resourced and that the specific needs of vulnerable groups of asylum seekers and refugees, including women and girls, arriving in the State party are addressed as a priority concern throughout the asylum process (para. 48).

**Marriage and family relations**

22. In the light of the Committee's previous concluding observations (para. 50), please describe the measures taken: (a) to establish a monitoring mechanism to ensure that shared custody is practised and that child maintenance orders reflect the reality in relation to the time and cost allocation between parents; (b) to ensure that households headed by single women are not penalized owing to protracted time out of work as a result of women's care responsibilities; and (c) to introduce incentives to encourage women who live in families to enter the labour market. In the light of the information received from the State party in follow-up to the Committee's previous concluding observations ([CEDAW/C/DEU/CO/7-8/Add.1](#), paras. 34-51), please provide updated information on further steps taken to continue to provide financial support to women who divorced in the former German Democratic Republic and face hardship after the pension transfer process.

**Additional information**

23. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the combined seventh and eighth periodic reports of the State party, in 2017. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.