



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Seventh periodic report submitted by Germany under articles 16 and 17 of the Covenant, due in 2023\*, \*\*

[Date received: 21 December 2023]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



## Part One

### A. Preliminary Remarks

1. The Federal Republic of Germany hereby submits to the Committee on Economic, Social and Cultural Rights its seventh periodic report under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights.

#### **Information relating to paragraph 67 of the concluding observations (E/C.12/DEU/CO/6)**

2. The report takes into account the revised reporting guidelines adopted in 2008. General information on the legal and constitutional system and on the protection of human rights in Germany is presented separately in a core report, in line with recent practice.

3. The reporting period of the seventh report from 2016 to 2022 (partly 2023) incorporates changes and actions that have taken place since the last report and makes explicit reference to the Committee's concerns and recommendations. These are listed in italics and parentheses at the top.

#### **Information relating to paragraph 65 of the concluding observations**

4. The Concluding Observations on the sixth periodic report were translated into German and published on the Federal Ministry of Labour and Social Affairs' (BMAS) website. The Concluding Observations were also sent to the members of the German Bundestag's Committee on Labour and Social Affairs and made available to all relevant federal ministries, the Länder and, in the case of certain individual topics, to the central municipal associations. In 2019, there was also an exchange of views with representatives of German civil society organisations and the German Institute for Human Rights on the implementation of the recommendations. The social partners, important representatives of civil society and the German Institute for Human Rights were involved at an early stage in the preparation and production of the report. In September 2022, an initial meeting took place. There was then a second consultation in September 2023.

5. The periodic report does not prejudice current or future budget negotiations on the federal budget in listing measures with financial consequences. These can only be implemented in cases of federal-level responsibility and when they are fully counter-financed within the relevant individual plans or in the policy area.

### B. General questions related to the domestic application of the Covenant

#### **Information relating to paragraph 4 of the concluding observations**

##### *Ratification of the Optional Protocol*

6. The legislative process for the Optional Protocol to the Covenant on Economic, Social and Cultural Rights was completed at the beginning of 2023 and the Optional Protocol was ratified. The instrument was deposited in New York on 20 April 2023; the Optional Protocol entered into force for the Federal Republic of Germany on 20 July 2023.

#### **Information relating to paragraphs 5 and 6 of the concluding observations**

7. The ratification of the Optional Protocol gives individuals or groups of people living in Germany the possibility to submit a communication to the Committee after taking into account the admissibility requirements. The Federal Republic of Germany is thereby expanding the monitoring mechanisms of the implementation of the rights resulting from the Covenant.

## C. Other Recommendations of the Committee

### Information relating to paragraph 62 of the concluding observations

#### *Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*

8. Civil, social, economic and cultural human rights are already laid down in the Civil and Social Covenant. These rights also apply to migrant workers and their families who reside in the sovereign territory of the contracting states, including the Federal Republic of Germany. The same applies to the relevant conventions of the International Labour Organization that have been ratified by the Federal Republic of Germany. The scope of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families goes beyond this, particularly with regard to migrants without legal residence status, and some of its legal provisions are unclear. Consequently, there are no plans to ratify the convention at present.

### Information relating to paragraphs 63 and 64 of the concluding observations

#### *Implementation of the United Nations 2030 Agenda/Sustainable Development Goals*

9. The Federal Government wishes to emphasise that the human rights obligations arising from the Covenant, which have the status of federal law in Germany, are of the utmost importance. In addition to the resulting obligations, the Federal Government has identified individual areas of the 2030 Agenda for Sustainable Development that it believes are especially important. Since February 2023, the Federal Republic of Germany has been a Pathfinder country in the Alliance 8.7 for ending forced labour and child labour. The Act on Corporate Due Diligence in Supply Chains, which came into force on 1 January 2023, takes the entire Covenant as a yardstick for the due diligence of companies, thus promoting the implementation of the 2030 Agenda for Sustainable Development.

10. The Federal Republic of Germany regularly reviews the implementation of the 2030 Agenda for Sustainable Development as part of the High-Level Political Forum at the United Nations. It submitted two voluntary reports in 2016 and 2021 documenting implementation. The Federal Government also uses the High-Level Political Forum, for example in the context of side events, as a platform to prioritise cross-cutting issues such as gender equality, the reduction of inequalities and youth participation, which are central to the implementation of economic, social and cultural rights. Germany supports the right of marginalized groups to participate in decision-making processes and realize the Covenant's rights by providing funding for youth and indigenous representatives. At the national level, the German Sustainable Development Strategy forms the central framework for German sustainability policy and the implementation of the 2030 Agenda. The German Sustainable Development Strategy is continuously being improved by the Federal Government, which critically examines its indicators and goals. Every four years, the German Sustainable Development Strategy is updated with public participation. The next step in the development of the German Sustainable Development Strategy is planned for the end of 2024 (cabinet decision). Every two years, the Federal Statistical Office, an independent body, reports on the development of the national sustainability indicators in the framework of the indicator report. Based on this, the ministries produce a collaborative report on the status of goal attainment and planned actions to support the off-track indicators. This report is then published. This aims to enhance the binding nature of the targets and to make it clearer who is responsible for achieving them. The Parliamentary Advisory Council for Sustainable Development in the German Bundestag monitors the sustainability reviews of the responsible ministries for laws and statutory ordinances with regard to their compatibility with the goals and principles of the German Sustainable Development Strategy and with the global goals of the 2030 Agenda.

11. Many of the provisions of the Covenant are backed up at national level by legally established positions to which those with rights are entitled. They also help implement the 2030 Agenda. This applies in particular to the tax-financed systems of minimum security in line with the Second and Twelfth Book of the Social Code, which secure the constitutionally guaranteed economic subsistence level.

12. The German Sustainable Development Strategy includes the principles of sustainable development as basic requirements for sustainable policies. One principle is to maintain and improve social cohesion in an open society. In order to strengthen social cohesion and leave no one behind, everyone should be able to participate comprehensively in social, cultural and political life without discrimination.

#### **Information relating to paragraph 21 of the concluding observations**

##### *ODA*

13. The Federal Government has committed itself to the goal of making 0.7 percent of gross national income available for official development assistance. This goal was achieved already in 2016 with 22.368 billion euros or 0.70 percent. It has been maintained continuously since 2020 with 25.191 billion euros in 2020 and 28.135 billion euros in 2021 in public funds for development assistance for Germany as a whole. The German official development assistance quota for 2020 was 0.73 percent of gross national income and increased to 0.76 percent for 2021. The Federal Government aims to maintain its current performance in the coming years.

## **Part Two Developments related to the rights guaranteed in the Covenant**

### **A. General Provisions of the Covenant**

#### **Article 2**

#### **Non-discrimination in the exercise of rights (paragraph 2)**

14. The General Act on Equal Treatment from 2006 regulates rights and legal consequences in case of discrimination both in working life and in many areas of civil law. The objective of the Act is to prevent or eliminate discrimination on grounds of race or on grounds of ethnic origin, gender, religion or belief, disability, age or sexual identity.

15. On 28 April 2022, the draft legislation to amend the General Act on Equal Treatment was passed in the German Bundestag. The amendment stipulates that the head of the Federal Anti-Discrimination Agency be elected by the German Bundestag for a period of five years at the suggestion of the Federal Government as Independent Federal Commissioner for Anti-Discrimination and be appointed to office by the Federal President. Ferda Ataman was elected the first Independent Federal Anti-Discrimination Commissioner in July 2022.

#### **Information relating to paragraphs 9 and 10 of the concluding observations**

##### *Enforcement of rights*

#### **1. Access to effective remedy and compensation: Standing to sue**

16. In order to enforce their rights, rights holders from countries of production can sue in German civil courts in accordance with the relevant procedural law if they feel that their rights have been infringed by a German company. What is new in Section 11 of the Act on Corporate Due Diligence in Supply Chains is that, under certain conditions, affected parties can authorise domestic trade unions and non-governmental organisations to bring civil actions in connection with the alleged violation of a very important legal position protected by the Act on Corporate Due Diligence in Supply Chains (so-called standing to sue). Germany has thus complied with the request of the ESC Committee to address the practical obstacles to accessing justice for non-citizens whose rights have allegedly been violated by German companies abroad.

17. According to the general provisions of civil procedural law, each party to a lawsuit or a third party must submit certified documents, other documents, files and objects that relate to the subject matter of a lawsuit or to which a party refers, if ordered by the court. According to the principles developed in case law on the secondary burden of proof, it is also incumbent on a party that does not actually bear the burden of proof to provide more detailed information on the circumstances alleged by the party providing evidence if these are solely in their area of responsibility and their sphere of knowledge and the party providing evidence cannot reasonably obtain more detailed information concerning these circumstances. In view of this, a separate disclosure procedure is not necessary for effective prosecution.

2. Introduction of collective redress mechanisms: Model declaratory action

18. The introduction of the civil procedural model declaratory action which took effect on 1 November 2018 has created the possibility for qualified consumer protection associations to initiate model actions before civil courts for consumer claims against companies which they consider to be justified. Such actions are permissible if a total of at least 50 consumers are affected by the same case and register in a complaints register maintained by the Federal Office of Justice. Registration does not require a lawyer. The statute of limitations for the registered claims is then suspended for the duration of the model action. If the action is successful, registered consumers can refer to the findings of the model action against the company concerned and can subsequently assert their claims more quickly on this basis. Alternatively, the model declaratory action can end with a settlement if at least 70 percent of the registered consumers accept it.

19. The model declaratory action thus contributes to making it easier and more effective for consumers to have their claims enforced in court and to removing barriers to access to justice. With the national implementation of Directive (EU) 2020/1828 (Representative Actions Directive), the instrument of the model declaratory action is supplemented by a remedial action aimed directly at performance, thus further improving the possibilities for legal protection.

3. Corporate criminal liability

20. The Committee is concerned about the lack of criminal liability for corporations under German law. In fact, corporations can be fined under German law if they can be held responsible for criminal offences by managers or other employees under Sections 30 and 130 of the Act on Regulatory Offences. This applies to all legal persons or associations of persons and under certain circumstances also to corporations, depending on the circumstances of the individual case. Section 130 of the Act on Regulatory Offences contains a separate regulatory offence for violating the duty of supervision in the company and is a valid connecting factor for Section 30 of the Act on Regulatory Offences. In the latter case, the offence is the failure to take the necessary supervisory measures to prevent breaches of obligations in the company or undertaking which affect the owner as such and the breach of which is punishable by a penalty or fine. Sections 130 and 30 of the Act on Regulatory Offences also make it possible for the parent company to be held responsible for violations that occur at subsidiaries.

*(Unbureaucratic) acceptance of refugees from Ukraine*

21. After Poland, Germany has taken in the most people seeking protection from Ukraine, with over a million people (last update 25 August 2023: 1,087,245 source: AZR). The majority of those people seeking protection are women and children. Among those seeking protection were around 100 survivors of the Holocaust who were unbureaucratically evacuated to Germany by the Jewish Claims Conference with the support of the German Red Cross rescue service. The majority of the refugees are accommodated in private households. The safety of the women and children who have fled to Germany from Ukraine is a top priority for the Federal Government.

22. On 4 March 2022, the Council of the European Union adopted the decision in accordance with Article 5 (1) of the Directive concerning temporary protection. Since then, the requirements for issuing residence permits for temporary protection according to Section 24 of the Residence Act have been met.

23. As a result of the change of the applicable legal framework from the Asylum Seekers Benefits Act to the Second Book of the Social Code or the Twelfth Book of the Social Code, Ukrainian refugees in need of support can apply for basic income support for jobseekers benefits under the Second Book of the Social Code (since 1 January 2023 Citizen's Benefit; adaptation of the Second Book of the Social Code) or the Twelfth Book of the Social Code. Like German citizens, they thus have access to the German labour market and to all other benefits such as child benefit and medical care.

24. From the outset, Germany has given refugees from Ukraine full access to integration courses. As of 13 March 2023, over 250,000 Ukrainian refugees have started an integration course. The federal programme for integration courses with children offers the option of having non-school-age children supervised while attending an integration course.

25. 208,097 Ukrainian children and young people (as of: 07. August 2023) are already integrated into the German school system.

26. The Federal Government has compiled a list of all available assistance (also in Ukrainian, Russian and English) on the central assistance portal "Germany4Ukraine".

#### *Ratification of ILO's Indigenous and Tribal Peoples Convention No. 169*

27. Germany ratified the International Labour Organization's Indigenous and Tribal Peoples Convention (1989) in 2021. The agreement entered into force for the Federal Republic of Germany on 23 June 2022. There are no indigenous peoples in Germany within the meaning of the Convention. The ratification was carried out with the aim of strengthening Germany's foreign policy and development policy position with regard to the protection of the rights of indigenous peoples, promoting Germany's general human rights and climate policy goals, implementing the UN 2030 Agenda for Sustainable Development and the sustainability strategy of the Federal Government, as well as sending a positive signal to other states to ratify the Convention as well. The aim was to strengthen the protection of indigenous peoples, whose existence is under increasing threat, internationally.

#### *Admission of refugees and refugee projects*

28. Since 1 January 2023, the Federal Government has been funding asylum procedure counselling that is independent of the authorities. The aim is to make asylum procedures more efficient, including by ensuring that those seeking protection are well informed. The counselling includes aspects such as gainful employment, health and accommodation, thus supporting those seeking protection in exercising the rights guaranteed to them under the Covenant. In this context, special legal advice for queer and other vulnerable people seeking protection is also funded. The amendment to Section 12a of the Asylum Act, which came into force on 1 January 2023, created the basis for long-term funding.

29. In 2016, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) together with UNICEF and other organisations, for example charitable associations, started the federal initiative "protection of refugees in refugee accommodation" for good and safe accommodation conditions in reception facilities and community accommodation. As part of this federal initiative, a document on "Minimum Standards for the Protection of Refugees in Refugee Accommodation" (4th edition, April 2021), with annexes on refugees with disabilities, refugees with trauma disorders and LGBTI\* refugees, was developed and disseminated as guidelines for the creation, implementation and monitoring of accommodation-specific protection policies. As part of the federal initiative, the Federal Government also supports the Länder, municipalities and local housing providers by funding various measures to implement measures on combating violence and protecting children.

30. Since 2015, the Federal Government Commissioner for Migration, Refugees and Integration has also been supporting voluntary work through the funding guidelines "Support for refugee projects", with a particular focus on the empowerment of particularly vulnerable groups, such as children and young people, girls and women.

*Rights of transgender persons and violence against them*

31. The Federal Government has resolved to abolish the Transsexual Persons Act during this legislative period and to replace it with a self-determination law with regard to gender registration. On 23 August 2023, the Federal Government submitted a draft law to this end, which was drafted jointly by the BMFSFJ and the Federal Ministry of Justice.<sup>1</sup> According to this draft bill, adults can have their gender registration and their first names changed by submitting a declaration to the registry office. For minors up to the age of 14, their legal guardians will have to submit the declaration of change; for minors over the age of 14, the minors themselves will have to submit the declaration of change with the consent of their legal guardians. This consent can be replaced by that of the family court.

32. The rights of transgender persons and violence against them are also the subject of the interministerial “Queer Living” action plan for the acceptance and protection of sexual and gender diversity adopted by the Federal Cabinet in November 2022.<sup>2</sup> The action plan includes measures in six fields of action: 1. legal recognition, 2. participation, 3. safety, 4. health, 5. strengthening of advisory and community structures as well as 6. international aspects. The concrete design, prioritisation and implementation of the measures will take place in an interministerial working process involving the associations and the Länder. The working process is coordinated by the Federal Government Commissioner for the Acceptance of Sexual and Gender Diversity, the BMFSFJ and the Federal Service Center “Queer Life”, which was set up in the Federal Office of Family Affairs and Civil Society Functions.

33. In the 3rd area, safety, preventing and combating hate crimes against transgender persons is an important issue. One measure of the action plan that is already being implemented is the explicit inclusion of “gender-specific” and “against sexual orientation” motives as circumstances to be particularly taken into account when determining sentences under Section 46 (2) sentence 2 of the Criminal Code. Including this helps clarify and reinforce the legal position that is already in effect, according to which hate of women and LGBTI people as a motive for a crime falls under the formulation of “other inhumane” motives and must therefore be taken into account as aggravating elements in the sentencing process. Corresponding legislation was passed by the German Bundestag in June 2023.

34. In 2022, the working group “combating homophobic and transphobic violence”, an independent committee of academic experts, those with practical experience and the LGBTIQ community, was set up at the Federal Ministry of the Interior and Community (BMI). This working group consults on concrete recommendations for action. The aim is to review the statistical documentation of cases of hate crime against the LGBTIQ community, to develop recommendations for illuminating the dark field and for improving existing programmes for training and further education at the federal and Länder police forces, and to foster cooperation between police forces and independent counselling centres.

35. Via the federal programme “Live Democracy!” since 2015, the BMFSFJ has also been funding various measures at municipal, regional and national level, which deal with the topic of homophobia and transphobia on the basis of preventive pedagogical approaches. Since the beginning of the second funding period in 2020, a separate competence network has been funded for the first time in the subject area. This is made up of experienced institutions doing prevention and empowerment work. It has the task of bundling knowledge on the subject area nationwide, providing specialist advice and ensuring successful transfer of prevention approaches in federal, land-level and municipal structures. Nine model projects are also being funded in this subject area, which develop and test preventive-pedagogical approaches against homophobia and transphobia in various areas of social life, as well as approaches to empowerment. In all Länder, land-level democracy centers are also funded, which support counselling services for those affected by right-wing, racist, anti-Semitic and also homophobic and transphobic violence. More than 350 local partnerships for democracy are

<sup>1</sup> <https://www.bmfsfj.de/resource/blob/224548/ee3826a31ca706aed23053b633ff5c60/entwurf-selbstbestimmungsgesetz-data.pdf>.

<sup>2</sup> <https://www.bmfsfj.de/resource/blob/205126/857cb513dde6ed0dca6759ab1283f95b/aktionsplan-queer-leben-data.pdf>.

also being funded at the local level, which are also active in the area of preventing homophobia and transphobia.

#### *Legal regulation of triage*

36. The second act amending the Protection against Infection Act, which came into force on 14 December 2022, introduced a new Section 5c into the Act, which regulates the procedure for medical decisions on allocation of resources in the cases of infections due to a communicable disease given insufficient life-preserving intensive care treatment capacity. Section 5c of the Protection against Infection Act takes into account the requirements of a decision of 16 December 2021 (1 BvR 1541/20) of the Federal Constitutional Court (FCC). It serves to ensure equal access for all patients requiring intensive care treatment to medical care and thus also discrimination against people with disabilities in the allocation of insufficient life-preserving intensive care treatment capacity. The decisive criterion for decision on allocation is the current and short-term survival probability of the affected patients. When assessing the current and short-term probability of survival, co-morbidities may only be taken into account if, due to their severity or combination, they significantly reduce the short-term probability of survival related to the current disease. Criteria that do not affect the current and short-term probability of survival, such as disability, age, remaining medium or long-term life expectancy, degree of frailty and quality of life, may not be taken into account when assessing the current and short-term probability of survival. Life-preserving intensive care treatment capacity that has already been allocated are excluded from the allocation decision.

37. Documentation requirements and a principle of having multiple assessors are included as procedural guidelines. The allocation decision is usually made by mutual agreement between two physicians that are specialists. If a patient with a disability or a co-morbidity is affected by the allocation decision, the assessment of one of the required persons to be consulted must be taken into account whose specialist expertise can take the special needs of the patient into account. Hospitals with intensive care treatment capacity must also set out a procedure for appointing the physicians responsible for participating in the allocation decisions and the organisational implementation of the decision-making processes.

38. As an added measure, the German Medical Association is enhancing disability-specific content in the training of doctors.

### **Article 3 Gender equality**

#### **Information relating to paragraphs 30 and 31 of the concluding observations**

##### *Equal participation in management positions*

39. On 12 August 2021, the act to supplement and amend the regulations for the equal participation of women in management positions in the private sector and in the public sector came into force, supplementing the Act on the Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector of 24 April 2015 with numerous regulations, introducing a minimum requirement for women on the board of directors with more than three members of listed companies and companies with parity-based worker representation on their boards. The regulations for target sizes and sanctions have also been adjusted. For example, if listed companies and companies with worker representation on their boards set themselves the intention of not appointing any women to the board, they must justify this. Companies that do not report a target size at all or do not provide a reason for the target size of zero face fines.

40. In 2023, the proportion of women on the supervisory boards of listed companies and companies with parity-based worker representation rose to 37.36 percent (2015: 21.3 percent).<sup>3</sup>

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<sup>3</sup> FidAR e.V., WOB 185 2022); <https://wob-index.de/wob185.html#wob185I>.



41. The fixed quota of at least 30 percent women and men on the supervisory boards was extended with the act amending the Act on the Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector to companies in which the Federation holds a majority stake. For these companies, a minimum of one woman in the management body has been introduced if the body has more than two members. In the direct majority holdings of the Federation, the proportion of women in supervisory bodies has more than doubled continuously in the ten years from 2011 from 20.1 percent to 44.3 percent in 2021. The proportion of women on executive boards increased from 7.1 percent to 29.2 percent in the same period.<sup>4</sup>

42. For the federal public service (supreme federal authorities and their subordinate institutions), the goal of gender equality in management positions by the end of 2025 was set down in the Federal Act on Gender Equality. The BMFSFJ's "Plan Leadership Positions 2025" contains six measures to achieve this goal.

43. According to the Gender Equality Index as of 30 June 2022, the proportion of women in leadership positions in the supreme federal authorities was 41 percent in 2022. In the subordinate institutions, the proportion of women in leadership positions was around 43 percent.<sup>5</sup>

### **Information relating to paragraphs 32 and 33 of the concluding observations**

#### *Part-time work and right to work more*

44. The blanket description of part-time work as "precarious work" is misleading; part-time work is not inherently precarious. The Part-time and Fixed-term Employment Act of 21 December 2000 serves to promote part-time work in all areas of dependent employment, expressly also for employees in leadership positions.

45. Part-time employment is an important labour market policy instrument. For employees, part-time work offers the opportunity to improve their work-life balance. Under certain conditions, Germany's legislation on part-time work provides for preferential treatment for part-time employees when filling vacancies if they wish to increase their contractual working hours. In addition to the existing entitlement to part-time work without fixed term limits, a general statutory entitlement to temporary part-time work has been introduced. After the end of the temporary part-time work, employees return to their original working hours.

### **Information relating to paragraph 39 of the concluding observations**

#### *On the development of the gender pay gap*

46. In Germany, the statistical gender pay gap based on the average gross hourly wage, was still around 18 percent in 2022 (East: 7 percent/West: 19 percent, Federal Statistical Office 2023). This unadjusted pay gap is due to structural factors and differences in career paths between women and men. The traditionally lower pay for so-called "typical women's jobs" also leads to a difference between the average wages of women and men. But even with the same formal qualifications and otherwise the same characteristics, the statistically measurable difference in pay was still 7 percent (adjusted pay gap).

47. The Federal Government is pursuing a holistic policy approach to reduce the pay gap. The approach takes into account the various causes and has pursued the following measures:

- The promotion of women in leadership positions;

<sup>4</sup> Beteiligungsbericht des Bundes 2022, S. 25; [https://www.bundesfinanzministerium.de/Content/DE/Downloads/Broschueren\\_Bestellservice/beteiligungsbericht-des-bundes-2022.html](https://www.bundesfinanzministerium.de/Content/DE/Downloads/Broschueren_Bestellservice/beteiligungsbericht-des-bundes-2022.html).

<sup>5</sup> <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/frauenanteil-an-fuehrungspositionen-der-bundesverwaltung-gestiegen-222274>; [https://www.destatis.de/DE/Themen/Staat/Oeffentlicher-Dienst/Publikationen/Downloads-Oeffentlicher-Dienst/gleichstellungsindex-5799901227004-1\\_2021449.pdf](https://www.destatis.de/DE/Themen/Staat/Oeffentlicher-Dienst/Publikationen/Downloads-Oeffentlicher-Dienst/gleichstellungsindex-5799901227004-1_2021449.pdf).

- The ongoing expansion and qualitative improvement in child day care;
- Increase in the statutory minimum hourly wage to 12 euros.

48. The Act to promote Transparency in Wage Structures among Women and Men, which came into force in 2017, aims to enforce the principle of equal pay for women and men for equal work or work of equal value. A right to information for employees and reporting obligations for certain employers were introduced. In addition to this, implementation of operational test procedures was proposed.

49. The initial evaluation of the effectiveness of this Act was presented in the summer of 2019. The result was that there was still a lack of awareness of this Act and its instruments. Since the summer of 2020, companies have therefore been given concrete support in implementing the equal pay requirement in practice, e.g. with the programme for companies “Promoting equal pay. Advising, supporting, bolstering companies” and the low-threshold self-test “SME equality check” for small and medium-sized companies.

50. In August 2023, the Federal Government presented the second evaluation of the effectiveness of the Act. This evaluation will be the basis for the planned improvement of the law, in which the requirements of the EU’s Pay Transparency Directive will be observed. These are to be transposed into national law by 7 June 2026.

### **Information relating to paragraphs 32 and 33 of the concluding observations**

#### *Expansion of child day care*

51. One of the Federal Government’s central concerns is the de facto equality of women and men in working life. According to the recommendation of the ESC Committee, this includes the expansion of childcare options.

52. At the federal level, more than 5.4 billion euros has been put towards to the expansion of child day care for children before they start school through five investment programmes. The first three investment programmes alone created more than 560,000 childcare places for children under three across the country. The funds from the fourth and fifth investment programmes (2017–2020 and 2020–2021) are to be used to create 190,000 more places for pre-school children. Since 2015, at the federal level there has been 845 million euros per year put towards the operating costs on a permanent basis, even 945 million euros in the years 2017 to 2018.

53. Since 2019, the Federation has been supporting the Länder in measures to improve the quality of child day care in order to improve quality nationwide and to contribute to equality in terms of living conditions for those growing up in Germany. In order to compensate the Länder for the burden of implementing the Act on Good Early Childhood Education and Care, the Länder’s fixed amount of value-added tax was increased by a total of around 5.5 billion euros in the years 2019 to 2022 through an amendment to the legislation on financial equalisation. In order to compensate for the burdens resulting from the follow-up regulation, the Children’s Daycare Quality Act, the Länder’s share of sales tax revenue will be increased by a total of around 3.9 billion euros in 2023 and 2024 via the vertical distribution of sales tax. This reflects their additional financial burden for measures to improve quality and participation in childcare, in order to provide more support in the future for particularly important areas of quality development. The coalition agreement provides for the measures to be incorporated into a quality improvement act with nationwide standards by the end of the legislative period together with the Länder. The focus should be on improving the child-care ratio, language training as well as a needs-based all-day care. In addition, the Federation supports the improvement of the quality of childcare in Germany through several federal programmes and has made more than 1.6 billion euros available for this since 2016.

## B. Individual rights guaranteed in the Covenant

### Article 6

#### Right to work

##### Information relating to paragraphs 22 and 23 of the concluding observations

###### *Ecclesiastical Labour Law*

54. According to Article 140 of Germany's Basic Law in conjunction with Article 137 (3) of the Constitution of the Weimar Republic, churches and other religious communities have the right to self-determination in the order and administration of their affairs. For this reason, the labour law applicable in the church sector in Germany differs in some areas from the state labour law, and there are church-specific peculiarities. The inclusion of church employment relationships in state employment law does not negate their inclusion in the church's "own affairs". Labour law must therefore be interpreted, on the one hand, in the light of the constitutional value decision in favour of church self-determination (Article 4 (1) and (2) in conjunction with Article 140 of Germany's Basic Law and Article 137 (3) of the Constitution of the Weimar Republic) and, on the other hand, taking into account the interests and fundamental rights of the employees within the framework of an impartial overall consideration.

55. Section 9 of the General Act on Equal Treatment allows religious communities and associations to treat employees differently in certain cases on the basis of Article 4 (2) of Directive 2000/78/EC because of their religion or belief. The exact scope of this regulation in the light of the above-mentioned German constitutional requirement on the one hand, and the provisions of the European anti-discrimination directive on the other, has yet to be decided through supreme court decision.

56. The coalition agreement of the governing parties for the 20th legislative period provides for reviewing together with the churches to what extent church labour law can be aligned with state labour law (activities related to religious matters should remain excluded). The procedure for the implementation of this task is planned for 2023.

57. Due to internal church reform processes, there has already been movement in the area of requirements for employees in church institutions. For example, in November 2022, the Catholic Church amended the Basic Order of Church Service of the Catholic Church, which is the main source of church labour law. In important aspects (e.g. hiring practices and legislation on dismissal), church labour law is moving closer to state labour law with regard to the personal suitability requirements for employees.

###### *Skilled Immigration Act with a focus on access to the German labour market*

58. On 23 June 2023, the German Bundestag passed legislation concerning immigration by skilled workers. The Bundesrat passed the accompanying ordinance on 7 July 2023. The Act and the ordinance take into account international principles for ethical recruitment from third countries.

59. In the future, labour immigration from third countries will be based on three pillars:

60. The skilled labour pillar remains the central element of immigration. As before, it includes the EU's Blue Card and the national residence permit for skilled workers with recognised qualifications. In future, they will be able to take up any skilled job in non-regulated professions. For the EU's Blue Card, the existing salary thresholds will be lowered and more attractive conditions will be created for those starting their careers. In addition, educational migration is being given a boost by making vocational training and studying in Germany even more attractive. Training, study and employment will become more attractive as it will be much easier to move between different residence permits.

61. The experience pillar enables other qualified third-country nationals with an employment contract in non-regulated professions to immigrate without prior formal recognition of their professional qualifications in Germany. Anyone who still needs

recognition of the foreign qualification can also work in Germany as part of a recognition partnership with their employer, improve their German language skills on site and at the same time carry out the professional recognition process.

62. The pillar of potential is aimed at people who do not yet have an employment contract in Germany. The core of the pillar of potential is the introduction of an opportunity card for job search. The opportunity card is issued on the basis of a transparent, unbureaucratic points system, in which the potential for sustainable labour market integration is based on qualifications (possibly in a bottle-neck occupation), language skills, professional experience, previous residence, age and the potential of an accompanying partner is determined. Specialists with a degree recognised in Germany receive the opportunity card without having to achieve a certain number of points. In the case of skilled employment, the opportunity card can be extended for two years. This secures follow-up employment and makes it possible to move to a more stable employment title.

63. In addition, in the case of an acute shortage of workers in areas without special qualification requirements, a new way into short-term employment subject to quotas is opened up. Collective bargaining coverage and compulsory social insurance will ensure fair pay and good working conditions. In addition, the Western Balkans regulation, which allows nationals of these countries access to the German labour market regardless of qualifications, will be made permanent and the annual quota will be increased from 25,000 to 50,000.

64. There will also be a new residence permit for foreign company founders with a start-up grant from a German business organisation or a public body. Finally, it is possible under certain conditions to move from the asylum procedure to a limited specialist/professional experience title. However, there are clear limits to this possibility. Only people who entered the country by the deadline of 29 March 2023 are eligible. The Federal Government is aware of its responsibility towards foreign workers and ensures that national and international laws protecting the rights of people taking up work in Germany are respected.

#### *Introduction of Citizen's Benefit*

65. Basic income support for jobseekers (Second Book of the Social Code) has been reformed with the Citizen's Benefit Act. The first regulations came into force on 1 January 2023; further regulations followed on 1 July 2023.

66. The Citizen's Benefit secures the constitutionally guaranteed subsistence level. It replaces the previous basic income support for jobseekers and the social allowance. Anyone who was previously entitled to the previous basic income support for jobseekers and the social allowance is entitled to Citizen's Benefit from 1 January 2023 if they are in persistent need of help.

67. Citizen's Benefit thus represents the minimum income for employable people who cannot provide for their own livelihood from their own income or assets or with the help of other or higher-priority services (previously: basic income support for jobseekers) and for people who are not able to work and live in the same household as those entitled to Citizen's Benefit, for example children (previously: social allowance). At the same time, those who are able to work and are entitled to Citizen's Benefit will continue to receive comprehensive support from the job centres when taking up employment, for example through measures for vocational training and further training.

68. The Citizen's Benefit Act contains a large number of changes, so that only the most important changes are mentioned here:

69. The standard needs rate of the minimum income systems was increased as of 1 January 2023 as a result of the Citizen's Benefit Act, because now, in addition to price and wage developments, current inflation is also given more weight. This has led to the strongest increase in the standard needs rate to date.

70. A one-year grace period was introduced on 1 January 2023: Assets only have to be used in the first year of receiving Citizen's Benefit if the assets are "considerable", i.e. exceed 40,000 euros for the first person and 15,000 euros for each additional person in the common household. The actual cost of accommodation will be recognised during this grace period.

After the grace period has expired, expenses will be recognised if they are reasonable. After this grace period, an exemption of 15,000 euros applies to the assets for each person in the common household.

71. The Citizen's Benefit Act aims to improve sustainable integration into the labour market. This will be made possible through even better support from the job centres and through incentives and opportunities for skills acquisition. The so-called priority of job placement was abolished with the Citizen's Benefit Act. The aim is to achieve more initial and further training that offers sustainable prospects for ending or reducing the need for help (cf. recommendation No. 33).

72. The rules of the FCC from 2019 for the reductions in benefits (so-called "sanctions") have been legally implemented with the Citizen's Benefit Act (see No. 27).

### **Information relating to paragraphs 34 and 35 of the concluding observations**

#### *Employment situation of people with disabilities and employee rights for employees in sheltered workshops for people with disabilities*

73. The Federal Government is constantly developing measures to help integrate people with disabilities in working life. This applies both to people with disabilities who work on the general labour market and to employees in sheltered workshops for people with disabilities. Women and men benefit equally from improved participation opportunities.

#### 1. Mandatory employment quota and compensatory levy

74. In Germany, employers with at least 20 positions are obliged to employ a certain number of people with severe disabilities. Employers who do not meet this mandatory employment quota must pay a graduated compensatory levy. With the Act to Promote an Inclusive Labour Market of 6 June 2023, a fourth level was introduced for the compensatory levy for employers who, despite the mandatory employment quota, do not employ a single person with severe disabilities. From January 2024, they will have to pay a significantly higher compensatory levy. This further increases the incentive to employ people with severe disabilities.

75. The Act to Strengthen the Participation and Self-Determination of Persons created "single contact points" for employers, which have been established nationwide since the beginning of 2022. They advise companies independently and across all institutions on questions of training, hiring and employment of people with severe disabilities and also support them in applying for subsidies. This helps small and medium-sized enterprises in particular to meet their mandatory employment quota.

#### 2. Sheltered workshops for people with disabilities

76. As part of the Federal Participation Act and other legislation, the Federal Government has created several alternatives to sheltered workshops for people with disabilities on the general labour market since 2018 with the budget for work and the budget for training.

77. From August 2020 to June 2023, the interdisciplinary and participation-oriented "study on a transparent, sustainable and future-oriented remuneration system for people with disabilities in sheltered workshops and their perspectives on the general labour market" was carried out. Not only the remuneration in the workshops and employee-like legal relationships were considered, but also alternatives in the general labour market, where people with disabilities are guaranteed a higher salary because the minimum wage applies. The results of the study will form the basis for possible legislative action.

## Article 7

### Right to just and favourable conditions of work

#### Legal instruments of the International Labour Organization (ILO)

78. On 14 June 2023, Germany ratified the ILO's Violence and Harassment Convention No. 190. Germany also endorsed in 2022 the amendment of the 1998 ILO Declaration on Fundamental Principles and Rights at Work. A safe and healthy working environment is now included as the fifth principle in the canon of the 1998 declaration. The ILO Conventions No. 155 and No. 187 on occupational health and safety are thus classified as core labour standards.

#### Information relating to paragraphs 7 and 8 of the concluding observations

##### *Business and Human Rights, National Action Plan, Adoption of the Act on Corporate Due Diligence in Supply Chains*

79. Germany is committed to responsible business practices respecting human rights throughout global supply chains. The Act on Corporate Due Diligence in Supply Chains was passed in 2021 as a direct result of a review of the implementation of the first National Action Plan to implement the United Nations Guiding Principles on Business and Human Rights. The Act has applied to companies based in Germany and at least 3,000 employees since 2023; from 2024, the threshold will drop to 1,000 employees. However, the Act is also significant for enterprises that do not fall within its direct scope of application. They may be indirectly affected, for example as a supplier of an enterprise that has a legal responsibility. However, the obligations under the Act on Corporate Due Diligence in Supply Chains cannot simply be passed on to suppliers due to their nature.

80. The Act on Corporate Due Diligence in Supply Chains adopts the key due diligence concepts of the United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises and identifies significant human rights risks in relation to human rights conventions listed in the Annex of the Act on Corporate Due Diligence in Supply Chains. These key human rights due diligence concepts include the prohibition of child labour, protection against slavery and forced labour, the prohibition of unequal treatment in employment, protection against illegal land confiscation, related occupational health and safety risks, the prohibition of the withholding of a reasonable wage, the right to form trade unions or workers' representation, and protection against torture. In addition, certain environmental due diligence obligations must be met, such as the prohibition of causing harmful soil changes or water pollution.

81. To comply with due diligence obligations, enterprises must implement appropriate and effective risk management systems. The Act sets out what preventive and remedial measures are necessary, provides for the establishment of a complaint mechanism and requires regular reporting. Due diligence obligations in accordance with Section 3 ff. for supply chains are as follows: In addition to one's own business area, business relationships and production methods of direct suppliers and, in some cases, also indirect suppliers must be taken into account. For example, a company must extend its risk analysis to the entire supply chain if it has to expect a significantly changed or significantly expanded risk situation (Section 5 (4)). If an enterprise has actual indications that suggest a violation of a human rights-related or an environment-related obligation at indirect suppliers, it must also take action vis-a-vis the indirect supplier on a case-by-case basis (substantiated knowledge, Section 9 (3) of the Act on Corporate Due Diligence in Supply Chains).

82. Enterprises must thus either establish an internal complaint mechanism or participate in a corresponding external complaint mechanism that allows both direct victims and those with information about potential or actual violations to point out risks and violations.

83. To avoid companies withdrawing from countries or regions with weak standards, they are encouraged to work locally with their suppliers or within the industry to mitigate risk. A termination of the business relationship is only necessary if the following factors are present:

- Severe breach or violation;

- Attempts to mitigate the risk within the specified time period have failed;
- There are no other less drastic means available;
- An increase in the capacity for influence has no prospect of success.

84. Enterprises must submit annual reports on their implementation of their due diligence obligations to the responsible authority (Federal Office for Economic Affairs and Export Control) and they must publish them. The Federal Office for Economic Affairs and Export Control checks the reports for completeness. It also monitors compliance with corporate due diligence on the basis of risk. If companies fail to meet their obligations, they face fines. Exclusion from public tenders is possible under certain conditions.

85. The Act to Combat Unlawful Employment and Benefit Fraud, which came into force on 18 July 2019, gives the customs administration additional auditing and investigative powers with regard to exploitative working conditions, in particular to help combat human trafficking in connection with employment, forced labour and labour exploitation. Germany is also committed to human rights due diligence on the part of companies within the framework of the United Nations, the European Union and the G7. With regard to the Corporate Sustainability Due Diligence Directive, which is currently being negotiated at EU level, Germany advocates effective regulations based on the United Nations Guiding Principles that do not overwhelm small and medium-sized enterprises.

86. The Federal Government is conducting industry dialogues in a multi-stakeholder format in order to support companies in sectors with particular human rights challenges in appropriately implementing the requirements for human rights due diligence.

#### **Information relating to paragraphs 36 and 37 of the concluding observations**

##### *Increase in the minimum wage*

87. The general statutory minimum wage introduced by the Minimum Wage Act on 1 January 2015 was gradually increased from 8.50 euros at the time of introduction to 10.45 euros on 1 July 2022, based on recommendations from the Minimum Wage Commission. On 1 October 2022, this minimum wage was increased once to 12 euros by amending the Minimum Wage Act.

88. The aim of the Act was to realise the potential for improvement identified in the 2020 evaluation by raising the minimum wage and ensuring adequate minimum protection for workers. Germany is thus also complying with Recommendation No. 37. This includes the recommendation of setting the minimum wage at a level that allows all employees and their families to enjoy an adequate standard of living. Compared to the rest of Europe, Germany's minimum wage before the increase was below average when measured against the national median wage. Rising living costs, especially housing costs, also threatened to undermine the adequacy of the minimum wage to provide a decent living on the basis of full-time employment.

89. The increase in the minimum wage will benefit around 5.8 million employees. According to estimates, around 15 percent of them will benefit from the increase in the minimum wage to 12 euros. In particular, people in mini-jobs, women and the low-skilled will benefit from the increase. Compared to the level of the minimum wage in July 2022, employees who were previously employed at the minimum wage will receive an increase of almost 15 percent in their gross hourly wage.

#### **Information relating to paragraphs 32 and 33 of the concluding observations**

##### *Decent jobs and conversion of atypical employment (precarious employment) into regular employment*

90. With the Citizen's Benefit Act that came into force on 1 January 2023 (see also "17. Introduction of Citizen's Benefit"), the basic income for jobseekers was fundamentally reformed. The new regulations in the area of labour market integration put a much stronger focus on sustainable employment. The aim is to reduce the revolving door effect in the job centres, i.e., the rapid loss of employment and the resumption of basic income support for

jobseekers. The priority of job placement was abolished. There is now a greater focus on continuing education and training with a long-term perspective. These are backed up by financial incentives for people who are able to work and who are on Citizen's Benefit. In addition, holistic support (coaching) has been introduced as a separate instrument to provide more intensive support to benefit recipients who are furthest from the labour market. The social labour market was also put on a permanent footing (subsidized work which is to improve participation in working life and social life for persons very far from the labour market) through the Citizen's Benefit Act.

91. The coalition agreement sets the goal of "preventing mini-jobs from being misused as a substitute for regular employment or becoming a part-time trap, especially for women". Since 1 October 2022, employees have therefore been given even more support, especially in the lower transitional band (for wages above the marginal income threshold of 520 euros per month; the upper limit of the transitional band has been set at 2,000 euros per month since 1 January 2023). The marginal effects of the transition from marginal employment to employment subject to social security contributions have been reduced in order to increase the incentives for marginal employees to extend their working time beyond a mini-job.

92. The general statutory minimum wage is a crucial building block for guaranteeing "decent jobs". Oversight with regard to compliance with the statutory minimum wage by the Federal Customs Administration unit responsible for enforcing the law on illegal employment and benefit fraud is essential. When fulfilling its tasks, the Federal Customs Administration unit responsible for enforcing the law on illegal employment and benefit fraud follows up on all possible review requests according to Section 2 of the Act to Combat Undeclared Work and Unlawful Employment. With a risk-oriented approach, the unit therefore focuses precisely on these particularly vulnerable areas. Its focus includes effective monitoring of compliance with minimum working conditions and combating organized forms of undeclared work. The unit is well positioned in terms of expertise and staff to effectively combat undeclared work and illegal employment, including monitoring and sanctioning violations of the statutory minimum wage. It is well equipped for the future.

#### **Information relating to paragraphs 48 and 49 of the concluding observations**

##### *Working conditions and pay of nursing and care staff in geriatric care*

93. Germany shares the rapporteurs' assessment of the need to ensure a sufficient number of qualified geriatric caregivers and to guarantee fair and favourable working conditions for this professional group. In particular, better pay for nursing and care staff in geriatric care is an important building block in getting more people to work in the field again. The Health Care Advancement Act and the more specific provisions of the Care Bonus Act stipulate that, from 1 September 2022, in order to be approved as a care facility for people in need of care in accordance with the Eleventh Book of the Social Code, a care facility must either be subject to collective bargaining agreements or pay in accordance with ecclesiastical labour law or, if this is not the case, pay its care and nursing staff at least the amount of the collective bargaining agreements for the care sector applicable in the region or the standard regional wage level. This means that nursing and care staff are often paid significantly better than before. This, together with many other measures to improve training and working conditions, should help to ensure a sufficient supply of qualified nursing and care staff. The effects of the legal regulations are to be evaluated by the end of 2025.

#### **Information relating to paragraphs 40 and 41 of the concluding observations**

##### *Strengthening occupational health and safety*

94. The aim of occupational health and safety is to ensure health and safety at work through measures to prevent work accidents, occupational diseases and work-related health hazards. This includes creating a decent working environment, as well as issues such as working hours and the protection of especially vulnerable groups.

95. The Occupational Safety and Health Act is the most important basis for occupational health and safety. The Occupational Safety Act, the Workplace Ordinance, the Industrial



Safety Ordinance, the Seventh Book of the Social Code (statutory accident insurance) and the Hazardous Substances Ordinance should be mentioned as well.

96. The occupational health and safety regulations apply to all employers and employees in the private sector, the public sector, the liberal professions as well as agriculture and forestry. Employees include all employees and persons similar to employees, those employed for their vocational training, civil servants, judges and soldiers as well as employees in sheltered workshops for people with disabilities. Employees who work from home and employees who work in private households are not included in the scope of application. For employees on seagoing vessels and in companies that are subject to the Federal Mining Act the regulations only apply to a limited extent.

97. The health and safety of workers at work is the primary responsibility of employers. According to Section 3 of the Occupational Safety and Health Act, they are obliged to take the necessary measures and to take into account all circumstances that affect the health and safety of employees at work. Employers must check the effectiveness of the measures and adapt them to changing circumstances. In accordance with Section 5 of the Occupational Safety and Health Act, they must carry out an assessment of the hazards associated with the work done and determine which occupational safety measures are required. To support them, employers must appoint safety experts and occupational health practitioners to advise them on occupational health and safety issues.

98. Monitoring compliance with state regulations is the responsibility of the Länder. To this end, each Land has set up its own occupational health and safety inspectorate. Inspectors have the right to inspect the establishments at any time without prior notice. They can issue orders that are necessary to protect employees and third parties. The Länder coordinate their administrative actions in occupational safety among themselves in the Länder Committee on Occupational Safety and Safety Systems.

99. In addition to the state occupational health and safety system, there is a self-administered occupational health and safety system in Germany, which is provided by the accident insurance institutions (dualism). Its prevention mandate is anchored in the Seventh Book of the Social Code. In order to fulfil these tasks, the accident insurance institutions adopt accident prevention regulations which must be approved by the BMAS. The accident insurance institutions have to monitor the implementation of measures to prevent work accidents, occupational diseases, work-related health hazards and effective first aid measures in the companies with their own supervisors and advise the companies accordingly.

100. All companies, businesses and administrations are required to be members of the statutory accident insurance system, so that all employees in Germany enjoy insurance protection for accidents at work and occupational diseases. The statutory accident insurance system and thus also its insurance benefits are funded by employer contributions.

101. The Federation, the Länder and the accident insurance institutions work together in the Joint German Occupational Safety and Health Strategy scheme. Its aim is to coordinate occupational health and safety in Germany, to modernize it and to create incentives for companies to improve the health and safety of employees and also to integrate it with other policy areas. This applies in particular to health promotion measures by companies and health insurance companies. In the third working period that began in 2022, the organisations are working together to achieve the following occupational health and safety goals, for which they have each set up work programmes:

- Company visits;
- Musculoskeletal loads;
- Psyche;
- Safe handling of carcinogenic hazardous substances.

## **Article 8**

### **Right to trade union activity**

#### **Information relating to paragraph 45 of the concluding observations**

##### *Ban on strikes by and the right to strike of civil servants*

102. The ban on strikes is one of the traditional principles of the professional civil service within the meaning of Germany's Basic Law (Article 33 (5) of the Basic Law) and applies not only to civil servants but also to judges and professional soldiers and temporary soldiers.

103. The ban on strikes does not apply to all members of the public sector. The vast majority of them are public employees who have the right to strike. Only a good third of the members of the public service are civil servants.

104. In Germany, civil servants stand in a relationship of service and loyalty defined by public law (Article 33 (4) of the Basic Law). Within this framework, civil servants have a legal status that cannot be revoked given the principle of life tenure.

105. The mutual relationship between employer and civil servants entails a general duty of loyalty on the part of civil servants. In 2018, the FCC upheld the ban on strikes for all civil servants, and in its ruling also dealt extensively with the European Convention on Human Rights and the case law of the European Court of Human Rights on the ban on strikes. The FCC fully confirmed the Federal Government's view of the compatibility of the strike ban with the European Convention on Human Rights.

106. In the meantime, the complainants before the FCC have filed an individual complaint procedure before the European Court of Human Rights (Humpert et al./Germany), in which an oral hearing took place before the grand chamber on 1 March 2023. The Federal Government once again presented its view that Germany's ban on strikes for teachers with civil servant status is compatible with the freedom of association of the European Convention on Human Rights. The European Court of Human Rights' decision on this is still pending.

## **Article 9**

### **Right to social security**

#### **Information relating to paragraphs 50 and 51 of the concluding observations**

##### *Child poverty*

107. In the 20th legislative period, the Federal Government will bundle various support services for families in a basic child allowance system. The aim is to provide better opportunities for children and young people. To this end, the basic child allowance system will bundle existing services such as child benefit, child supplement, Citizen's Benefit or social assistance in accordance with the Second and Twelfth Books of the Social Code and parts of the education and participation package. It will be based on a redefined socio-cultural subsistence level for children and will reach families with less bureaucracy. Families who do not take advantage of current benefits will be better reached with the basic child allowance system. The basic child allowance represents the central building block for improving the financial situation of families. The fact that the basic child allowance decreases slowly as income increases makes additional paid work worthwhile. In this way, work incentives are maintained. At the same time, the basic child allowance is embedded in a broad range of different measures to combat child poverty.

108. With the National Action Plan "New Opportunities for Children in Germany", the Federal Government is implementing the Council recommendation for the introduction of a European guarantee for children, which was unanimously adopted by the member states on 14 June 2021. The aim is to ensure that disadvantaged children and young people have access to early childhood care, education and training, school-based learning and activities, health care, healthy nutrition and decent housing by 2030. According to the Council recommendation, particular attention is paid to children who are specifically disadvantaged, such as children in single-parent households and children with a migration background. The

National Action Plan “New Opportunities for Children in Germany” was adopted by the Federal Cabinet on 5 July 2023.

### **Information relating to paragraphs 46 and 47 of the concluding observations**

*Increase / recalculation of basic income support for jobseekers / Citizen’s Benefit; New regulation of sanctions or reductions in benefits including suspension in sanctions in the Second Book of the Social Code*

109. The requirements of the FCC in its decision of 23 July 2014 on the determination of standard needs rates have already been implemented with the Act on the Determination of Standard Needs, which came into force on 1 January 2017, and were adopted in the Act on the Determination of Standard Needs, which came into force on 1 January 2021.

110. In view of current price increases, the annual update of the standard needs rate was also updated with the introduction of the Citizen’s Benefit on 1 January 2023. In a first step, the standard needs rate will be updated as before on the basis of a mixed index using the price developments relevant to the standard needs rate and the average development of net wages and net salaries. In a new, second step, the resulting amount will also be updated using the latest data on the relevant price developments. This second supplementary update makes it easier for eligible households to respond to rising prices before the next update. This will also ensure that the FCC’s ruling of 23 July 2014 on the need to react promptly in the event of a sharp rise in prices is complied with. As a result, the standard needs rate from 1 January 2023 has increased significantly.

111. Reductions in benefits under the Second Book of the Social Code were reorganised at the beginning of 2023 under the Citizen’s Benefit. This is the implementation of a judgement of the FCC of 5 November 2019 (1 BvL 7/16).

112. The general rule is: If those entitled to Citizen’s Benefit do not comply with their obligations to cooperate without good reason, they are in breach of their obligations and the benefit may be reduced. In the case of breaches of duty (e.g., refusal to work or to participate in training or dropping out of an integration measure), there is a staggered reduction in the Citizen’s Benefit. Initially, this is 10 percent for one month. Second breach of duty means 20 percent for two months. The last stage is 30 percent of the standard needs rate for three months. If someone entitled to Citizen’s Benefit does not show up for an appointment at the job centre without an important reason (so-called failure to appear), the standard needs rate is reduced by 10 percent for one month. The Citizen’s Benefit may be reduced by a maximum of 30 percent of the standard needs rate. The new regulations contain further elements to ensure the proportionality of the reduction in performance in individual cases (e.g., hardship test).

#### *Pension insurance reforms*

113. Since 2016, several pension reforms have contributed to further improving the pension system. The following are particularly worth mentioning:

1. Act concluding the extension of pension legislation to the East German Länder of 2017

114. The pension transition, which began in 1992 in the course of German unification, is completed with the Act concluding the extension of pension legislation to the East German Länder. Since 2018, there has been a gradual adjustment of the values to those applicable for the old West German Länder, which will be fully completed by 2025.

2. Pension Benefits Improvement and Stabilization Act (2018)

115. The contents of the law include the introduction of a two-fold stop line starting 1 January 2019: By 2025, the pre-tax replacement rate (pension level) is not allowed to fall below 48 percent on the one hand and on the other, the contribution rate must not rise above 20 percent. This increases the reliability of the statutory pension insurance and provides planning security for all generations.

116. The extension of the “mothers’ pension”: The child-raising efforts of mothers and fathers whose children were born before 1992 will be better recognised in the pension from 1 January 2019 than before: the creditable child-raising period was extended by six months to 30 months (two and a half years).

117. A noticeable increase in benefits for pensioners with reduced earning capacity (newly eligible from 2019) by extending the added period, i.e., calculation of a notional contribution payment, up to 65 years and 8 months, and a subsequent gradual increase up to 67 years.

3. Flexible pensions and additional income regulations

118. The Flexible Retirement Act, which came into force in 2017, makes it possible for people to organise their working lives very individually in old age, in particular through a more flexible combination of partial pensions, freely selectable from ten percent, and additional income for early retirement. If you work past the normal retirement age, you have the option of increasing your old-age pension through your own pension contributions, in addition to the pension supplement of six percent for each additional year. From January 2023, additional income in cases of early retirement is possible without restrictions.

4. Reform on prevention benefits and services (also regulated in the Flexi-Pensions Act)

119. Access to the labour market was made easier for insured persons who were partially unable to work. If another job can be found instead of the previous one, benefits can now be provided.

120. In future, the pension insurance scheme will also offer work-related health check-ups to its members over the age of 45. This is being tested in model projects by the pension insurance.

5. Act to Strengthen Occupational Pensions

121. The Act to Strengthen Occupational Pensions introduced in 2018 aims to achieve a further spread of occupational pension schemes and a higher level of provision. In particular, a social partner model was introduced. For the first time, the social partners have the opportunity to introduce a defined-contribution approach to occupational pension provision, in order to improve the return on investment.

6. Introduction of a basic pension supplement

122. The Basic Pension Act, which came into force in 2021, introduced an individual basic pension supplement for the old-age pensions for people who have made compulsory contributions to the statutory pension insurance for at least 33 years from below-average earnings, including periods of child-rearing and not-for-profit care. The calculation of the supplement is based on the earnings points that have been earned as a result of the contributions over the entire insurance period and correspond to a value of at least 0.3 earnings points and a maximum of 0.8 earnings points.

7. Further improvements for reduced earning capacity pensions

123. The 2022 Reform Act improved benefits for pensioners with reduced earning capacity (newly eligible between 2001 and 2018). From July 2024, they will receive a supplement to their pension.

## **Article 10**

### **Rights of families, mothers, children and young people to protection and assistance**

#### **Promoting better reconciliation of work and family life, increasing fathers’ participation, parental allowance**

124. The parental allowance, the parental allowance plus and the partnership bonus are already good instruments to support a partnership-based division of tasks.

125. Parents are entitled to parental allowance in the first 14 months after the birth of their child. The parental allowance replaces 65 percent of the eligible person's income before the birth. Mothers and fathers have a total of twelve-monthly payments at their disposal, which they can divide among themselves. If both parents receive parental allowance and their earned income is lost as a result, parental allowance is paid for two additional months (partner months). These partner months provide an additional incentive for both parents to participate in the care and upbringing of the child. The fact that it is designed as a wage replacement benefit with a replacement rate also makes it financially attractive for fathers.

126. Parental allowance plus is primarily aimed at parents who want to return to work earlier. It is calculated in the same way as parental allowance, but is at most half as high as the parental allowance that the respective parent without a part-time income would be entitled to after the birth. With parental allowance plus, parents can extend their parental allowance up to 28 months.

127. The partnership bonus is an offer for parents who would like to share their family and professional responsibilities among themselves as partners. As part of the more flexible partnership bonus with the 2021 reform, parents were able to receive two, three or four additional months of parental allowance plus if they work between 24 and 32 hours a week (previously 25 to 30 hours a week) during this time. This gives parents more leeway in terms of the placement and amount of their working hours, e.g., a 3 or 4-day week is possible. At the same time, it has been made easier for parents to opt for the partnership bonus. Parents can thus receive parental allowance plus for a total of up to 32 months.

128. With the reform of the Federal Act on Parental Allowance and Parental Leave in 2021, the previously applicable working hours for the duration of parental allowance and during parental leave were increased to 32 hours. This means that parents who want to work more hours can also avail themselves of the parental allowance. After a targeted adjustment for the purpose of socially fair distribution, this family policy benefit will be able to continue at a high level in the future.

#### **Building-related child benefit, home ownership for families**

129. In 2018, the Federal Government made up to 9.9 billion euros available for the building-related child benefit. The building-related child benefit is intended to support households with at least one underage child in the household in the acquisition of owner-occupied residential property. Households with a maximum taxable annual income of up to 90,000 euros with one child were eligible for funding. The support consisted of a subsidy for home ownership of 12,000 euro per underage child. Both the purchase of existing properties and the construction of new buildings were funded. By December 2022, more than 420,000 households had applied for the building-related child benefit.

130. Since 1 June 2023, the Federal Government has been offering families a new "home ownership for families" subsidy. It is mainly intended to support households with underage children in the purchase of owner-occupied residential property through low-interest loans with federal funds. At the same time, due to the stricter energy requirements for the new buildings, a contribution is made to achieving the climate action goals of the Federal Government. Funding is provided for the purchase or construction of a newly built dwelling for owner-occupation that goes beyond the legal requirements in terms of energy efficiency. Households with at least one underage child and a maximum taxable annual income of 60,000 euros in the case of one child are eligible. The amount of the loan depends on the number of underage children in the household and the energy efficiency level of the new building. Eligible households must not be homeowners or have received building-related child benefit. The funding is intended to make a significant public contribution to the development of housing and at the same time enable more people to buy their own homes (Recommendation No. 55).

#### **Abolishing child labour worldwide by 2025**

131. The Federal Government is committed to eliminating exploitative child labour and the worst forms of child labour. In recent years, the Federal Government has bolstered its commitment to the goal set out in SDG 8.7 of eliminating all forms of child labour by 2025.

Since 2017, the Federal Government has been part of the ILO initiative Alliance 8.7, a global partnership that brings together various actors at all levels to develop innovative approaches to combating child labour and forced labour. Since February 2023, Germany has been active as a Pathfinder Country within the framework of Alliance 8.7 in order to achieve SDG 8.7 faster and more effectively.

132. As part of the ILO programme to combat child labour (ILO-IPEC), the Federal Ministry for Economic Cooperation and Development (BMZ) is co-financing projects worldwide to eliminate child labour, consisting of measures to reduce poverty, promote education and social security, and shore up and enforce human rights. In the period from 2020 - 2022, the programme was supported with a total of 800,000 euros. In addition, as part of the Accelerator Lab 8.7, the BMZ is funding a project worth 5 million euros over the period 2021 to 2023 in the Democratic Republic of the Congo. It also works at the global level through the ILO's Platform against child labour to address the causes of child labour and prevent it from occurring in supply chains in the future. At bilateral level, the BMZ supported around 60 measures at various levels and in various sectors with the aim of effectively eliminating exploitative child labour.

133. In order to expand the knowledge base about child labour and to develop recommendations for action for development cooperation, the BMZ commissioned the study "End the exploitation and abuse of children worldwide" and has promoted further publications in cooperation with the FAO and UNICEF.

134. In addition, the Federal Government is committed to protecting children in global supply chains. The Act on Corporate Due Diligence in Supply Chains, which came into force on 1 January 2023, contains legal framework conditions for the fulfilment of due diligence obligations of companies regarding human rights and environment. It addresses the exploitation of children along global supply chains in particular.

#### **Information relating to paragraphs 28 and 29 of the concluding observations**

##### *Family reunification of persons in need of subsidiary protection*

135. Family reunification for persons in need of subsidiary protection was suspended for two years by the law of 11 March 2016 introducing accelerated asylum procedures as a result of the unprecedented migration events from 2015. As a result of the Act on the Reorganisation of Family Reunification with Beneficiaries of Subsidiary Protection, which entered into force on 1 August 2018, reunification with beneficiaries of subsidiary protection has been made possible on the basis of a quota of up to 1,000 persons per month. It is designed as a discretionary provision on humanitarian grounds to strike a balance between the capacity of the Federal Republic of Germany to receive immigrants and the interests of beneficiaries of subsidiary protection in establishing family life in Germany. It takes into account the requirements of international, EU and constitutional law. The Federal Office of Administration selects the 1,000 persons entitled to family reunification each month on the basis of the information provided by the diplomatic missions and the immigration authorities, using the objective and concrete criteria laid down in the law. These criteria include, in particular, the duration of the separation period, the impact on an unmarried underage child, serious threats to the life, limb or freedom of the foreigner in the country of residence or the presence of serious illness, need for care or disability. When making the selection decision, the best interests of the children and aspects of integration must be given special consideration. The residence permit for family members of beneficiaries of subsidiary protection is subject to the same rules as for family members of recognised refugees with regard to the exemption from the requirement to secure a livelihood and accommodation.

136. Lawmakers have taken into account the principles of a fair balance of interests developed in the case law of the European Court of Human Rights. It should also be noted that the requirements of Family Reunification Directive 2003/86/EC do not apply to family reunification with persons entitled to subsidiary protection (cf. Article 3 (2) c). In the coalition agreement, it was decided that family reunification for persons entitled to subsidiary protection should be put on an equal footing with Geneva Refugee Convention refugees.

## Article 11

### Right to an adequate standard of living

#### Support in the face of rising energy costs

137. Since the beginning of 2022, the Federal Government has put together three relief packages with a total volume of more than 95 billion euros to cushion the impact of rising energy prices. The packages include the following measures in particular:

- Direct relief measures for private households: These measure include a singular energy price allowance for employed persons and those drawing pensions and benefits amounting to 300 euros and for students and (vocational) technical-institution students amounting to 200 euros, heating cost subsidies for recipients of housing benefit and Federal Training Assistance Act benefits, one-off payments for adult recipients of minimum income benefits amounting to 200 euros and for recipients of unemployment benefits amounting to 100 euros;
- Tax relief: This includes the increase in child benefit, the compensation for bracket creep in income tax, the temporary reduction in the sales tax rate on gas and district heating to 7 percent until the end of March 2024 and the reduction in energy tax on fuel from 1 June 2022 to 31 August 2022;
- Cushioning the energy price increase: Measures here include the elimination of the Renewable Energy Sources Act surcharge on 1 July 2022, the cushioning of the increased grid charges and the postponement of the CO<sub>2</sub> price increase by one year;
- Reforms of social security systems: These include the increase in the standard needs rate in the area of basic income support for job seekers to 502 euros per month (for single adults; previously: 449 euros) as part of the introduction of the Citizen's Benefit and the introduction of permanent heating cost and climate action components in the Housing Benefits Act;
- The discounted public transport ticket for the price of nine euros per calendar month from 1 June 2022 to 31 August 2022 should also be mentioned.

138. An economic defense shield with a volume of up to 200 billion euros was set up in autumn 2022. This includes the gas and heating price limits adopted in winter 2022. In addition to the so-called December emergency aid programme, the price cap will effectively limit the price of gas and heat for private households from March to December 2023 for 80 percent of the previous year's consumption to 12 or 9.5 cents gross per kilowatt hour. In March 2023, the relief amounts for January and February 2023 were also credited retrospectively. This will significantly ease the burden on private households for the year 2023. Incentives to save energy remain as the relief is based on former consumption and energy prices are unaffected. The also introduced electricity price cap works on the same principle. The electricity price for private households in 2023 for 80 percent of the previous year's consumption will be in practice limited to - in general - 40 cents gross per kilowatt hour. There are also hardship regulations for households, companies and public institutions that are particularly affected by rising energy prices. This includes private households that are particularly affected and use energy sources that are not tied to a grid (e.g. oil, pellets). The defense shield measures are financed by the newly established Economic Stabilisation Fund.

#### Information relating to paragraph 17 of the concluding observations

*Germany's role in the international financial institutions (World Bank, IMF), lending; human rights impact assessment; austerity measures*

139. As a shareholder in the executive boards of the multilateral development banks, Germany uses its voting rights to ensure that domestic legal provisions for the protection of human rights, such as those contained in the environmental and social conditions, but also the enforcement mechanisms, are fully implemented. In the most recent reform processes (2019-2021), Germany advocated an extension of the rights of those affected by projects. Together with like-minded shareholders, it has been able to get this implemented; Germany

is also monitoring the implementation of the reform steps in the mandated bodies of the multilateral development banks. Considerations based on the economic, social and cultural rights of the UN are also incorporated into Germany's voting behaviour when evaluating individual projects, country, regional and sectoral strategies. In individual cases, this leads to abstentions, if there is a sufficiently high level of agreement between like-minded shareholders. Sometimes it also leads to the withdrawal of management proposals by the multilateral development banks. Coordination with like-minded partners takes place regularly in the interest of bundling voting weights. The criteria taken into account by Germany also include effects within the framework of so-called poverty and social impact assessment studies. Germany originally supported these at the World Bank with its own funds and they have now become part of its own risk analysis. As part of the implementation of the International Climate Initiative, Germany adopted environmental and social protection regulations in 2023 that are likely to play a pioneering role internationally.

140. As a member of the International Monetary Fund, Germany is complying with the relevant recommendations from the Concluding Observations on the sixth periodic report as part of the IMF's mandate.

### **Information relating to paragraphs 56 and 57 of the concluding observations**

#### *Access to electricity / Supply interruptions*

141. The number of supply interruptions has already fallen sharply in recent years. In 2021, electricity was cut off 234,926 times. In 2020, the number was 230,015 and in 2019 it was 289,012.

142. A wide range of measures have been introduced to help consumers cope with energy price rises in 2022 (see No. 33 above). In addition, the avoidance agreement instrument to prevent gas and electricity cuts in the event of payment arrears has been strengthened and extended for a limited period to energy supply contracts with household customers outside the essential supply. This makes it much easier for consumers to enter into an agreement to avoid disconnection. In combination with social legislation, in particular minimum income schemes, this should be a successful way of preventing disconnections.

### **Information relating to paragraphs 38 and 39 of the concluding observations**

#### *Poverty among older women*

143. In recent years, the Federal Government has initiated important improvements in benefits, leading to higher pension entitlements for many people and thus helping to reduce the risk of poverty in old age. These measures, even if they are not aimed at specific groups, nevertheless have a particularly positive impact on the material situation of women. These measures include the extended crediting of child-rearing periods in the statutory pension scheme. Furthermore, with the Basic Pensions Act, which came into force in 2021, an individual basic pension supplement was introduced in the statutory pension insurance for people who have made compulsory contributions to the statutory pension insurance for at least 33 years with below-average earnings. As of 31 December 2022, significantly more women than men received a basic pension supplement out of a total of around 1.1 million people entitled to a basic pension. At the same time, new exemptions were introduced in the basic income scheme. The Federal Government also made another important contribution by increasing the statutory minimum wage to 12 euros per hour on 1 October 2022. Since women are more likely than men to work in the low-wage sector, this measure also helps to reduce the gender pay gap.

144. Increased participation of women in the labour market has also led to a significant narrowing of the gender pension gap in recent years. A further reduction is to be expected in the future, as there will be a convergence of employment histories.



## Information relating to paragraphs 54 and 55 of the concluding observations

### *Right to housing, housing benefit, statistics*

145. The “Alliance for Affordable Housing” is a central political instrument for achieving the Federal Government’s housing policy goals. Representatives of the municipal umbrella organisations, the Länder, the associations of the housing and construction industry, architects and engineers as well as organisations from civil society work together as alliance members (35 alliance members). A comprehensive package of measures for a construction, investment and innovation offensive has been developed to overcome the key barriers to the creation of additional affordable housing. The relevant ministries are closely involved in the development and implementation of the package of measures. The measures promote climate-friendly construction and sustainable land use, limit construction costs, speed up planning and approval procedures, and agree on investment incentives and subsidies for more affordable housing. In addition to new construction, additional living space will be created through conversions, additions and increased density of existing building stock. In addition to social housing, as much permanently affordable housing as possible should be built for broad sections of the population. A public report is produced once a year.

146. On 1 January 2023, the housing benefit plus reform came into force. An increase in the general level of benefits (adjustment of the housing benefit formula) will increase the number of housing benefit households from around 600,000 to around two million households. Around 380,000 so-called moving-over households in the basic income scheme cover their needs under the Social Code with the higher housing benefit, and change in the priority benefit system of the housing benefit. More than one million households above the previous income limits are now entitled to benefits.

147. In addition, the additional burden of a doubling of heating costs on average in 2022 compared to 2020 is being compensated for with on average 1.20 euros more housing allowance per square meter of living space. A new climate component will also cushion higher rents in energy-efficient housing stock and new buildings across the board and with little bureaucracy. A supplement of 40 cents per square meter is granted on top of the maximum rental amounts for housing benefit.

148. As a result of the Homelessness Reports Act, which came into force in April 2020, the Federal Statistical Office has been collecting data on homeless people who are accommodated by public institutions or with public funding since January 2022 on 31 January every year. In addition, the Federal Government publishes a report on homelessness, which provides information on the extent and structure of homelessness according to recognised statistical criteria. This document covers forms of homelessness that go beyond official statistics. The Federal Government has set itself the goal of overcoming homelessness by 2030 and developing a national action plan to do so. The draft of the national action plan will be developed by the end of 2023 together with the stakeholders from the federal ministries, the Länder ministries, the municipal umbrella organisations and representatives of those affected, from civil society and the real estate industry with subsequent public consultation. In Germany, the municipalities are responsible for providing accommodation for the homeless. Extraordinary termination without notice due to default in rent payments becomes ineffective if the landlord is given the rent due and the compensation due no later than two months after the tenant has been served with the eviction notice or if a public institution undertakes to pay the rent. The purpose of this legal regulation is to prevent homelessness.

## Information relating to paragraph 13 of the concluding observations

### *Agricultural exports to developing countries; Common agricultural policy of the EU*

149. The Federal Government is investigating how German and European agricultural exports affect the sensitive agricultural and food sectors in developing countries. For example, the Federal Ministry of Food and Agriculture (BMEL) commissioned the Thünen-Institute to investigate the impact of exporting poultry and dairy products to Ghana and Senegal. In this research project, the interests of consumers and producers were taken into

account, as well as competitiveness, value chains and existing and possible agricultural and trade policy measures considered.

150. The recommendations for the support of local producers and thus for the sustainable development of production are primarily addressed to local actors. Only the countries concerned can decide on the priorities of their agricultural policies, including any protective measures, after weighing up the advantages and disadvantages and taking WTO rules into account. Agricultural development and the implementation of the right to food can also be promoted through cooperation and exchange, as provided for in the new agricultural policy dialogue between the BMEL and the African Union. In light of the 20th anniversary of the Voluntary Guidelines on the Right to Food of the FAO's Committee on World Food Security 2024, the Federal Government is stepping up its commitment to implementing the guidelines at both international and national levels.

151. As part of the deliberations on the reform of the Common Agricultural Policy after 2022, the Federal Government has advocated greater provision of environmental services and the associated more extensive production. From 2023, direct payments will be linked to the setting aside of a minimum proportion of non-productive land. In addition, the new European Union's Common Agricultural Policy stipulates that from 2023 at least a quarter of direct payments must be used for environmental and climate measures.

### **Information relating to paragraphs 52 and 53 of the concluding observations**

#### *Nutrition of school children*

152. On 8 February 2023, the Federal Cabinet approved the final report of the interministerial working group "COVID-related health effects in children and adolescents". The focus was on the secondary health consequences of the pandemic, with a special focus on socially disadvantaged children and young people. Social disadvantage, in the form of poor access to education, training and income, and the associated daily worries about one's own financial situation, future and social participation compared to other families, is consistently shown in all studies to be a risk factor for health and psychological distress in children and young people. Among other factors, nutrition has a significant impact on the health of children and adolescents.

153. Schools and day-care centres are important settings for health promotion and prevention, providing a supportive environment for healthy and sustainable diets, nutrition education, but also for physical activity, social interaction, the development of social skills or health development.<sup>6</sup>

154. For the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder, contemporary nutrition education is an important part of school and is anchored in the curricula of the Länder. Nutrition education takes place in various subjects and as part of other activities (e.g., growing fruit and vegetables in school gardens, cooking together, campaigns such as "healthy breakfast"). The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder is involved in a regular exchange of views with the Federal Centre for Food and Nutrition, amongst other institutions, which in addition to an extensive range of information and quality-assured teaching materials, regularly offers teacher training courses for practical nutrition education based on real-life situations.<sup>7</sup> The Federal Centre for Health Education provides further information to support health-promoting lifestyles.

155. As early as 2017, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder agreed that all-day schools should offer a lunchtime meal for schoolchildren. In the 2021/22 school year, students at 72.2 percent of general schools benefited from this. Due to the entitlement to all-day care at primary school age (gradually from 2026 to 2030), the proportion of schoolchildren is expected to increase.

<sup>6</sup> <https://www.bmfsfj.de/resource/blob/214866/fbb00bcf0395b4450d1037616450cfb5/ima-abschlussbericht-gesundheitliche-auswirkungen-auf-kinder-und-jugendliche-durch-corona-data.pdf>.

<sup>7</sup> See e.g. <https://www.bzfe.de/bildung/>.

156. The German Nutrition Society's "Quality Standards for School Meals", which were revised in 2020 with a focus on health promotion and sustainability and are currently being updated, provide a framework for complete and balanced meals in schools. Participation in the EU school programme also promotes healthy eating for schoolchildren. In addition, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder and the BMEL are in close contact to promote and further improve nutritional education and school meals.

## **Article 12**

### **Right to health**

#### **Information relating to paragraphs 18 and 19 of the concluding observations**

##### *Introduction of the Federal Climate Change Act and other climate action measures*

157. In recent years, German climate policy has continued to develop successfully on the basis of numerous efforts. Since its entry into force on 18 December 2019, the Federal Climate Change Act has provided the legal framework for national climate policy. Binding climate action targets, annual sector targets and regulations for monitoring and readjustment in the event of target failures were set out in the Act. In 2021, against the background of a decision by the FCC and in view of the increased climate action goals at EU level, the Federal Climate Change Act was amended and made even more ambitious.

158. The climate action goals are now:

- In 2030: at least 65 percent reduction compared to 1990 (instead of at least 55 percent before);
- In 2040: at least 88 percent reduction compared to 1990;
- In 2045: net greenhouse gas neutrality.

159. The annual emission levels applicable to the individual sectors were also adjusted to the more ambitious climate action target for 2030. The amendment also introduced, for the first time, specific targets for increasing the contribution of the sector of land use, land-use change and forestry as a natural carbon sink to climate change mitigation.

160. The Federal Climate Change Act also stipulates that the Federal Government, as part of a climate action programme, is to determine which measures it takes to achieve the national climate action goals. In 2019, the Federal Government decided on the first climate action programme of this kind. These included the introduction of a national CO<sub>2</sub> pricing scheme for sectors outside the European Union Emissions Trading System, sectoral measures (in particular support and incentive programmes) and measures to reduce the burden on the public. The Federal Climate Change Act is currently being amended again.

161. The Federal Government plans to adopt a new climate action programme soon. The public consultation on the interministerial draft climate protection programme 2023 was completed in August 2023 and in parallel, the draft was submitted to the Council of Experts on Climate Change for its opinion. The draft programme, which includes climate action measures for all sectors and cross-sectoral measures, makes a significant contribution to reducing the existing climate action gap by 2030. Nevertheless, further climate action efforts will in all probability be necessary in the coming years. Some measures of the programme have already been implemented in the past few months, e.g. as part of the package of immediate energy measures to accelerate the expansion of renewable energies through:

- The amendment of the Renewable Energy Sources Act (including definition of the principle of renewable energy expansion as an overriding public interest; 80 percent renewable energy share by 2030 and increase in the tender volumes by 2030 for photovoltaics 215 gigawatts and with onshore wind 115 gigawatts);
- Offshore Wind Energy Act (increase in expansion targets: 2030 at least 30 gigawatts; redesign of the tender process);

- Onshore Wind Energy Act with legislation on wind energy area requirements law to implement the 2 percent area target for onshore wind energy (including planning simplification, regulations for monitoring the area target).

162. In addition, priority was given to energy-efficient renovation of existing buildings in building subsidies and the new building standard was raised to efficiency house standard 55 with regard to the primary energy requirement starting in 2023. Other measures are currently being prepared for implementation, are still being discussed within the Federal Government or are still subject to parliamentary deliberations (e.g. 65 percent renewables regulation as a regulatory requirement in the building sector).

#### *Coal phase-out*

163. As early as 2020, the German Bundestag and the Bundesrat decided to phase out coal-fired power generation by 2038 at the latest. The Act to reduce and end coal-fired power generation and to amend other acts (Coal Phase-out Act) entered into force on 14 August 2020. At the heart of the Act are regulations to reduce and end the coal and lignite-fired power generation by 2038 at the latest, to continuously review security of supply, to cancel CO<sub>2</sub> certificates that have become available and to pay an adjustment allowance for older employees in the coal sector.

164. The Federal Government is pursuing the goal of ideally bringing the phase-out of coal forward to 2030. The Act to accelerate the phasing out of lignite in the Rhenish mining area, which has been in force since 24 December 2022, has already accelerated the phasing out of lignite in the Rhenish mining area by around eight years to 2030.

### **Information relating to paragraphs 24 and 25 of the concluding observations**

#### *Gender affirming surgery performed on intersex infants and children*

165. In 2021, Germany passed the Act on the Protection of Children with Differences in Sex Development. The Act came into force on 22 May 2021. According to this Act, the treatment of children who are unable to give consent is prohibited if this is intended solely with the intention of adapting the physical appearance of the child to that of male or female sex. In addition, parents can only consent to surgical intervention on the internal or external sexual characteristics of their child which may result in the child's physical appearance becoming more like that of a male or female, if the intervention cannot be postponed until a later self-determined decision by the child. Consent to such an intervention generally also requires the authorisation of the family court. If the intervention is necessary to avert a danger to life or health and the family court proceedings can no longer be awaited, no authorisation is required. If a family court authorisation of these surgical interventions is required, the best interests of the child are considered. If an interdisciplinary commission has already approved the intervention, the court can decide in a simplified procedure. At the request of the parents, such a commission must also involve an adviser with a variant of gender development. For the introduction of self-determination legislation with regard to gender registration, see No. 9.

### **Information relating to paragraphs 58 and 59 of the concluding observations**

#### *Health protection for refugees*

1. Health services according to the Asylum Seekers Benefits Act / Citizen's Benefit

166. Asylum seekers and other persons entitled to benefits under the Asylum Seekers Benefits Act regularly receive health services in accordance with Sections 4 and 6 of the Asylum Seekers Benefits Act during the first 18 months of their stay in Germany. Section 4 of the Asylum Seekers Benefits Act contains, among other things, a right for those entitled to benefits to medical treatment in cases of acute illness and pain and also guarantees the provision of vaccinations, medically required check-ups and benefits in connection with pregnancy and childbirth. In addition, further benefits can be granted according to the flexibility clause of Section 6 of the Asylum Seekers Benefits Act, provided that these are essential to ensure health in individual cases. The discretion granted enables the competent

authority to take into account all the circumstances of the individual case. After a stay of 18 months in Germany, the scope of health services corresponds to that of social assistance.

167. Employable people who receive Citizen's Benefit are usually insured in the statutory health insurance and receive its health benefits and services. Persons who receive social assistance get the necessary health benefits and services from the health insurance institutions with reimbursement of costs by the service providers. This also applies to refugees from Ukraine with a residence permit in line with Section 24 (1) of the Residence Act or a corresponding provisional residence document according to the Residence Act's Section 81 (5) in conjunction with Paragraph 3.

### **Information relating to paragraphs 26 and 27 of the concluding observations**

#### 2. Firewall between benefit authorities and asylum authorities

168. With the participation of other ministries, the BMI is examining various options for implementing the goal of the coalition agreement to rework the reporting requirements for undocumented people so that the sick are not prevented from seeking treatment. Due to the ongoing review of this complex project, it is not possible at this time to provide a specific timeline or content.

169. If there is an obligation to leave the country, people who are not entitled to benefits in accordance with Section 1 (1) No. 5 of the Asylum Seekers Benefits Act, may be entitled to acute medical care as part of bridging benefits even outside the scope of application of the Asylum Seekers Benefits Act until they leave the country. In individual cases, so-called hardship benefits can also be granted under certain conditions, which go beyond the bridging benefits in terms of content and time (cf. Section 23 (3) sentences 3 to 6 of the Twelfth Book of the Social Code).

170. The Federal Government is also examining whether measures are necessary to ensure that undocumented persons are not discouraged from reporting crimes, including domestic violence and sexual and gender-based violence, and from using violence protection services.

#### *International availability of medicines (e.g., vaccination fairness)*

171. Germany is one of the largest donors to the Global Fund to Fight AIDS, Tuberculosis and Malaria, the vaccination alliance Gavi, WHO and the international initiative to combat COVID-19, "ACT-A"/COVAX (financially and with vaccine distribution). The Federal Government has also been funding the development of vaccine and pharmaceutical production in Africa with over 550 million euros since 2021 (Team Europe Initiative "MAV+", partners: African Union, Ghana, Rwanda, Senegal, South Africa).

### **Information relating to paragraphs 14 and 15 of the concluding observations**

#### *Access to generic medicines; EU preferential agreement*

172. The European Union has exclusive competence for trade policy issues. Free trade agreements that the European Union concludes with third countries usually also contain a chapter on intellectual property. From the point of view of the Federal Government, intellectual property rights are the basis and prerequisite for sustainable investments in research and development. They are therefore of crucial importance for the development of innovative pharmaceutical products. Texts negotiated amicably with third countries often include a provision that the data submitted by an applicant to a regulatory authority may not be used by generic companies until a certain period after the product has been authorised (data exclusivity). This provision is intended to ensure that investments in research and development are not devalued by long and complex approval procedures and thus serves to promote innovation. It should also be noted that the European Commission regularly carries out so-called impact assessments, which include human rights issues, before starting negotiations on a free trade agreement.<sup>8</sup> The Federal Government believes that possible effects of data exclusivity provisions on access to medicines should also be examined in this

<sup>8</sup> [https://policy.trade.ec.europa.eu/analysis-and-assessment/impact-assessments\\_en](https://policy.trade.ec.europa.eu/analysis-and-assessment/impact-assessments_en).

context. In this context, it is important to strike the right balance between competing objectives on a case-by-case basis.

### **Information relating to paragraphs 48 and 49 of the concluding observations**

#### *Situation of those in need of care in nursing homes*

173. Germany shares the Committee's assessment that care can be improved by recruiting more nursing and care staff from abroad. In addition, Germany reaffirms its determination to ensure that the WHO and ILO guidelines are fully observed and implemented in international recruitment. This applies in particular to the guarantee of full equal treatment in terms of pay and working conditions and to the enforcement of the ban on recruited persons sharing in the recruitment costs. This is guaranteed by the seal of quality "Fair Recruitment Healthcare Germany".

174. The Care Workforce Strengthening Act of 11 December 2018 stipulated the start of the new quality system in inpatient care facilities in October 2019. In accordance with the legal mandate, the resident-related quality of care plays a much greater role in the new quality system developed by independent academic nursing and care experts. The nursing homes must collect quality data for all residents every six months using a total of ten quality indicators. The newly developed, annual external quality checks by the medical service and the private health insurance test service are based on this quality data. Both the results of the indicator-based data collection and the external quality checks are published. This represents a significant development in internal quality assurance, external quality review and quality reporting.

175. From 1 January 2020, Germany has introduced a new financial framework for the training of nursing and care staff. With the reform of the legal framework for training and employment in the nursing and care sector, a nationwide refinancing of the training costs for dual vocational training in the nursing and care sector has been provided for by means of Land specific training funds. Trainees also must be paid. The additional costs of the training allowance that are incurred in this respect are also eligible for reimbursement.

#### *Measures against loneliness*

176. In Germany, millions of people, both young and old, have feelings of loneliness. Loneliness has many causes, occurs in different facets and presents itself differently in the different phases of life. Feelings of loneliness increased during the corona pandemic.

177. The BMFSFJ has focused more on the issue of loneliness since 2018. Initially this was at the level of networking. Starting in 2020 there have also been support measures against loneliness in old age. These include a model project by the Malteser Hilfsdienst association, "With each other – for each other: Contact and community in old age" at more than 100 locations especially for very old persons who are lonely (duration: 6/2020–12/2024) and a model programme with funds from the European Social Fund for 29 projects to increase the participation of older people, especially in the transition to the post-professional phase (duration: 10/2020–9/2022). The ESF Plus programme "Strengthening the participation of older people – countering loneliness and social isolation" contributes over 70 projects (duration: 10/2022 to 9/2027).

178. The activities are supplemented by the Loneliness Competence Network, which has been funded by the BMFSFJ since August 2021 and implemented by the Institute for Social Work and Social Education (duration until 12/2025), which takes all age groups into account. The Loneliness Competence Network pools knowledge about concrete services and places to combat loneliness, disseminates knowledge on the subject and researches factors for active prevention and alleviation of loneliness. The Loneliness Competence Network has also been publishing a loneliness barometer since January 2023, which aims to provide representative conclusions on the prevalence of loneliness in Germany.

179. The model project "United (Clubs) against Loneliness" of the German Olympic Sports Confederation, which has been funded since October 2022 (duration until December 2024), is also aimed at people of all age groups. It is intended to show the potential of sport and sports clubs as places to meet and for community.

180. In June 2022, the BMFSFJ and the Loneliness Competence Network began developing a strategy against loneliness. A broad participation process is underway. The strategy is also intended to raise public awareness of the topic, including a first awareness campaign in autumn/winter 2022.<sup>9</sup>

#### *Extended family care-giving periods*

181. Families with members in need of care were under particular pressure during the COVID-19 pandemic. In order to counteract this pressure, the Federal Government decided on temporary “acute assistance for caregiving relatives in the COVID-19 pandemic” and recently extended it until 30 April 2023. According to the Caregiver Leave Act, short-term leave from work is now possible for up to 20 working days per acute care need, rather than the previous maximum of 10 days, and the one-off entitlement to caregiver allowance has been extended accordingly to 20 working days. In addition, the requirements for leaves of absence under the Caregiver Leave Act and the Family Caregiver Leave Act have been made more flexible: The notice period for caregiver leave has been reduced to 10 days and can be given in text form, i.e. by e-mail, for both caregiver leave and family caregiver leave. The leaves of absence under the Family Caregiver Leave Act and the Caregiver Leave Act did not have to follow each other immediately during the period of acute assistance, but could also be granted again after an interruption or the end of the leave of absence with the consent of the employer. If family caregiver leave was used for the first time due to a need for acute assistance, family caregiver leave may still be taken again for the same person in need of care, provided that the maximum period of 24 months has not yet been exhausted.

182. In addition to this, the legislation on EU Directive 2019/1158 of the European Parliament and of the Council of 20 June 2019 on compatibility of work and family life in Germany, in force since 14 December 2022, also introduced the obligation to respond to employee applications for the conclusion of an agreement on leave under the Caregiver Leave Act and Family Caregiver Leave Act within four weeks of receipt of the application into the Caregiver Leave Act and Family Caregiver Leave Act also for employers in small businesses below the threshold values (Family Caregiver Leave Act: 26 employees excluding those employed for their vocational training; Caregiver Leave Act: 16 employees). In the case of rejection of the application, grounds for that answer must be justified. If such an agreement is reached, employees in small businesses are also entitled to the rights to family care leave. They can end their leave of absence early if the close relative no longer needs care or if home care for the close relative is impossible or unreasonable. For the period of leave, they can apply for an interest-free loan from the Federal Office of Family Affairs and Civil Society Functions. Also, protection against dismissal was introduced for the duration of the agreed leave of absence.

183. Both the acute assistance and the amendments to the Caregiver Leave Act and Family Caregiver Leave Act have as goal the better reconciliation of care and work mentioned in Recommendation No. 33.

## **Article 13**

### **Right to education**

#### **Catching up on learning gaps**

184. On 5 May 2021, the Federal Cabinet adopted the “Catching up after COVID in 2021 and 2022 action programme for children and young people”. An agreement on the implementation of the action programme was then concluded between the Federation and the Länder.

185. The Federation and the Länder were jointly pursuing the objective of aiding children, young people and their families to counter the impact of the pandemic caused by school closures. The “reduction of learning deficits” was a key strategy for implementing the goal.

<sup>9</sup> [www.bmfsfj.de/bmfsfj/themen/engagement-und-gesellschaft/strategie-gegen-einsamkeit-201642](http://www.bmfsfj.de/bmfsfj/themen/engagement-und-gesellschaft/strategie-gegen-einsamkeit-201642).

186. The Federation and the Länder provided a total of 2 billion euros for the programme. Against the background of the action programme, the Federation and the Länder agreed to provide 1.29 billion euros, spread over the years 2021 and 2022. It was agreed that one billion euros would be put aside for the central measure “reduction of learning deficits”. A further 290 million euros were available for the measures supporting and promoting children and young people with volunteers and additional social work in schools (220 million euros) and children and youth camps, extracurricular youth work and child and youth welfare services (70 million euros).

187. The agreed goal for the measure “reduction of learning deficits” was the individual/target-oriented support of all pupils in the core skills on the basis of learning status surveys. Priorities were to be set in particular in grades in which decisions on school choice are imminent, e.g., grades 4 or 6 of primary school, grades 9 and 10 and the grades preparing for the higher education entrance qualification.

188. The measure was implemented by the Länder within their current structures and responsibilities, in accordance with the arrangements made with the Federation. The Länder used their own funds on a parity basis. The measure was to be independent of the provider and school type and to include the areas of general education and vocational training. In addition, there should be cooperation with foundations, associations, initiatives, adult education centres and commercial tutoring providers. In March 2023, the Länder presented a final report on the implementation of the action programme.

#### **Information relating to paragraph 6 of the concluding observations**

##### *Digital Pact for schools / additional agreements to equip students and teachers with borrowed mobile devices and to set up the necessary administration and support structures*

189. In order to improve the digital infrastructure in schools, the Federation and the Länder agreed on the “Digital Pact for schools 2019–2024” in 2019. The pact is based on the strategy “Educational Campaign for the Digital Knowledge Society” of the Federal Ministry of Education and Research (BMBF) and the strategy of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder, “Education in the Digital World”.

190. As part of the “Digital Pact for schools”, the Federation supports the Länder and municipalities in investing in the digital municipal educational infrastructure, initially with the amount of 5 billion euros. This corresponds to a funding rate of 90 percent. The Länder make their own contribution of 10 percent and also finance additional measures. The Länder are responsible for implementing digital education through pedagogical concepts, adapting curricula and redesigning teacher training and further education. School institutions ensure the operation and maintenance of the technical infrastructure.

191. In the course of 2020, the Federation and the Länder responded to the challenges posed by the consequences of the pandemic by enhancing the digital pact for schools. The BMBF has provided three additional agreements for equipping students and teachers with borrowed mobile devices and for setting up the necessary administration and support structures, each with 500 million euros, in order to reduce the burden on all families, teachers and school institutions and the children and young people in distance learning. The Länder themselves provide at least 10 percent of the funding for the implementation of the three additional agreements. The Federation and the Länder will continue to work to accelerate the digital transformation of schools in the future.

##### *Digital Pact for Older People*

192. Digital skills are essential for the social participation of older individuals. Many of the seven million older individuals in Germany who do not utilise the internet would do so if they could see the concrete benefits for themselves and if they were given long-term support with using the devices. That is why the BMFSFJ and the German National Association of Senior Citizens’ Organisations started the “Digital Pact for Older People” in 2021. The “Digital Pact for Older People” shows very concrete ways in which digital technologies can benefit older people and teaches basic digital skills at almost 300 experience centres across Germany. The platform [www.digitalpakt-alter.de](http://www.digitalpakt-alter.de) offers an overview of the partners and



examples of good practice. Older people can find an overview of local contact points here. A service telephone gives information to older people without internet.

193. Other building blocks of the “Digital Pact for Older People” are the project “Digital Angel PLUS” ([www.digitaler-engel.org](http://www.digitaler-engel.org)), where mobile teams of advisors teach elderly people digital skills in a way that is easy to understand and relevant to everyday life, and the project “AI for good aging”. The latter provides older people and seniors organisations with skills related to the topic of artificial intelligence. The guide “Artificial Intelligence in the Everyday Life of Older People” offers a good starting point. The project aims to enable active participation of the elderly in the current discourse on AI, and to ensure that they are more visible and taken into account in the research and development of AI systems.

### **Follow-up information relating to paragraphs 60 and 61(a) of the concluding observations**

#### *Teacher shortage*

194. The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder regularly publishes an overview of the expected development of teacher recruitment supply and demand in the Länder. The last model calculation (March 2022) predicts differences in the relationship between the need for and supply of teachers for the period 2021 to 2035. For the upper secondary level (general subjects or secondary school preparing for higher education), there will be an oversupply throughout Germany in the next few years, while the numbers in all other teaching positions indicate that there will be a considerable demand for teachers in some cases. The main reasons for the increased demand for teachers are various developments (including demographic change and heavy immigration).

195. As the shortage of teachers has a significant impact on the provision of teaching and possibly cuts in individual subjects, the Länder have put in place various measures to meet the teaching needs, which are presented in a report adopted by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in October 2022. These are primarily aimed at increasing the attractiveness of teacher university studies and the preparatory service. In addition, the Länder have introduced further joint and Land-specific steps to counteract the shortage of teachers, especially in primary schools. For example, the starting salary for primary school teachers has been increased in several Länder, and teachers from secondary schools are being transferred to primary schools on an interim basis. Furthermore, teachers at the upper secondary level can take part in qualification measures in order to acquire qualifications for teaching at primary level. With a view to hiring side entrants or career changers, there are structured qualification programmes in all Länder.

196. Furthermore, in January 2023, the Standing Scientific Commission of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder published a statement with recommendations on how to deal with the shortage of teachers. The statement recommends the creation of employment reserves for qualified teachers, the retraining of grammar school teachers for other schools and the re-qualification of teachers in shortage subjects. To support and relieve the burden on qualified teachers, the use of students and multi-professional teams, preventive health promotion measures and hybrid teaching for higher grades are recommended. Regarding models for career changers, a proposal is made for evaluation and further development. These proposals are currently being evaluated by the Länder and by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder. The Standing Scientific Commission is also currently preparing an expert opinion on teacher recruitment and qualification.

### **Information relating to paragraphs 60 and 61 (b) of the concluding observations**

#### *Inclusive education*

197. The Länder are evaluating and developing their action plans and measures to implement Article 24 of the UN Convention on the Rights of Persons with Disabilities to create an inclusive education system. The aim of the Länder is to facilitate inclusive learning and extensive and effective participation amongst children, adolescents, and young adults, with and without disabilities, while maintaining and enhancing the standards established in

special education, guidance, and support services. The improvement of the counselling service for parents and students is also part of the measures in many Länder.

198. The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder is currently successively revising the recommendations for the individual special educational priorities. The revised recommendations for school education, counselling and support for children and young people with a special educational focus on learning and intellectual development were adopted in 2019 and 2021. In addition to common Länder principles for the individual support of schoolchildren through differentiated approaches, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder establishes the framework for the acquisition of skills by teachers. An interim report was published in 2020 on the status of the implementation of the joint declaration of the German Rectors' Conference and the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder on "Teacher training for a school of diversity" of 2015. The report states that in all Länder, the training of general and special needs education competences is now understood as an integral part of the preparatory service and that future teachers are learning to develop an appreciative and professional attitude towards inclusion.

199. The joint schooling of children with and without disabilities has continued to increase since the ratification of the Convention on the Rights of Persons with Disabilities. For instance, in the 2021/22 school year, 44 percent of students with special educational needs received instruction at mainstream schools. The special school attendance rate remained almost constant between 2015 and 2021. Developing joint learning of children with and without disabilities in full and effective participation is a long-term process that the Länder continue.

### **Information relating to paragraphs 60 and 61 (c) of the concluding observations**

#### *Participation in education of refugee and asylum-seeking children*

200. The right to education and non-discriminatory access to educational measures also apply to children with a migration background as well as to refugee and asylum-seeking children. Schooling is organized in the Länder regardless of residence status and length of stay, so that school-age children of asylum seekers and refugees are subject to compulsory schooling in all Länder. In most Länder, the regular school integration measures are initiated as soon as a family has left an initial reception facility and has been assigned to a municipality. In individual Länder, children can already avail of low-threshold educational opportunities in their initial reception facilities.

201. Children of asylum seekers and refugees usually acquire their first knowledge of German in language learning classes or "welcome classes" in order to ensure a quick transition to regular classes. A few children are immediately integrated into regular classes with additional language lessons.

202. With a view to the children and young people who fled from Ukraine as a result of the Russian war of aggression, the Länder are taking various integration measures to ensure that the more than 213,000 children and young people can go to school (as of: 6 August 2023). In March 2022, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder set up a Ukraine task force to improve the coordination of measures and agreed on guidelines for the schooling of children and young people from Ukraine seeking protection in the 2022/23 school year in June 2022. These guidelines provide for compulsory schooling and the acquisition of the German language within the framework of the existing structures with the aim of prompt integration into regular classes. Online teaching with Ukrainian textbooks or by teachers based in Ukraine can be utilised as a supplementary measure. The capacities available in the Länder are used and expanded for psychosocial care and, if possible, Ukrainian specialists are involved.

203. In many cases, educational success depends more on the social background of children than on the migrant background. Against this background, the Länder and the Federal Government have put in place various measures to promote socially disadvantaged children. One example is the joint initiative "Leistung macht Schule (Promoting Excellence in School

Education)” by the Federal Government and the Länder, which has supported pupils regardless of their origin or social status since 2018.

## **Article 14**

### **Compulsory primary education**

#### **Legal entitlement to all-day care for children of primary school age**

204. From 1 August 2026, a nationwide statutory entitlement to all-day education and care offers for primary school children will come into force. It will initially apply to primary school children in the first grade and will be expanded by one grade in each of the following years, so that from the school year 2029/30 every primary school child in the first four grades will have a statutory right to all-day care. The expansion of all-day services is aimed at improving the compatibility of family and work, improving the individual support of schoolchildren and thus the opportunities for participation and educational equity, as well as strengthening schools as places to learn and live.

205. The future statutory entitlement covers a period of eight hours on five working days per week. There is also a right to all-day care during the school holidays; however, Länder can regulate the closure of schools for up to four weeks.

206. Although the number of all-day schools has increased across school types in recent years and in the school year 2021/22, 72.2 percent of general education schools were already all-day schools, the realization of the statutory entitlement requires further expansion of the educational infrastructure. Therefore, financial and timely implementation steps were negotiated jointly between the Federation and the Länder in the framework of the Act to Promote All-day Care. Data on the level of development and care for primary school children will be accompanied by corresponding changes in statistical rules from 2024 onwards. The Federation is granting the Länder financial aid of up to 3.5 billion euros until 31 December 2027 to support the necessary all-day expansion. The Federation helps with the additional operating costs of the Länder by increasing the Länder share in sales tax revenue by 135 million euros in 2026 and then gradually increasing at the expense of the federal share. From 2030, the increase will be 1.3 billion euros per year.

207. With a view to human resources, the Länder also support teachers by offering modules on all-day school-specific requirements in teacher training and professional development and by exchanging experiences within the framework of networks and specialist conferences. Recommendations on the further development of the pedagogical quality of all-day schools and all-day educational and advisory services are currently being drawn up by the Länder.

## **Article 15**

### **Right to participate in cultural life, to enjoy the benefits of scientific progress and to copyright protection**

#### **Gender equality in culture**

208. Lisa Paus, Federal Minister for Women, launched the alliance “Together against sexism” in February 2023. Through targeted PR work, events, materials and recommendations, the Alliance supports companies, organisations and stakeholders effectively in fighting sexism. More than 450 organisations and companies have already joined the Alliance ([www.gemeinsam-gegen-sexismus.de](http://www.gemeinsam-gegen-sexismus.de)).

209. The Federal Government Commissioner for Culture and the Media considers the issue of women in the culture and media sector to be a cultural-political priority. The visibility of women’s concerns in these fields is a crucial aspect of a comprehensive dedication to gender equality.

210. For many years, the Federal Government Commissioner for Culture and the Media has financed a successful mentoring programme for highly qualified women who aspire to leadership positions in culture and media and supports a special project to investigate the lack of data on gender equality in culture, to achieve more visibility for the topic of gender justice

and to support networking among experts. The Federal Government Commissioner for Culture and the has been supporting the Themis trust center against sexual harassment and violence since 2018 and will increase this support this year so that prevention services can be expanded and further developed. The Federal Government Commissioner for Culture and the Media will soon present a package of measures with which the culture and media industry will be specifically supported in promoting a cultural change that will leave no room for sexualised transgressions or abuse of power in the future.

211. Improving the structural framework for equality between women and men is also an important concern for the Länder. The cultural departments of the Länder have agreed on positions on the following subject areas:

- Gender Pay Gap: fair remuneration;
- Digital Gender Gap: Better funding for technical equipment and training and continuing education;
- Gender Show Gap: Gender-equal composition of juries and management positions as well as improved monitoring.

#### **Cultural support for Ukraine, and culture in child and youth education**

212. For further measures, such as dealing with the colonial past, cultural assistance in Ukraine, support for artists and cultural workers to mitigate the consequences of the pandemic, such as the NEUSTART KULTUR programme, and in child and youth education, see Annex 1 accessed from the web page of the Committee.

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