



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

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Sixth periodic report of States parties**

**Germany\***

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



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Note by the Secretariat: The appendix to the report will be made available to the Committee in the language in which it was received.

## **Introduction**

The Federal Republic of Germany ratified the Convention on the Elimination of All Forms of Discrimination against Women, dated 18 December 1979, in April 1985. The Convention entered into force for the Federal Republic of Germany on 9 August 1985 (Federal Law Gazette. II, p. 1234). The initial report on the implementation of the Convention, in accordance with Article 18 of the Convention (United Nations Doc. CEDAW/5/Add.59), was submitted in March 1988.

The Federal Republic of Germany submitted its second and third periodic reports in autumn 1996. Further periodic national reports followed in 1998 and 2002.

This document marks the submission of the sixth periodic national report in accordance with Article 18 of the Convention. In a separate chapter, the recommendations of the Committee with regard to the previous report will also be addressed.

Due to Germany's federal system, each of the 16 Länder implements its own political measures to promote equality within their jurisdictions. These are listed in the Appendix.

## **Part A: The National Report**

### **I. The Federal Government's Equality Policy: More Opportunities for Women and Men in All Areas of Life**

The goal of the federal government's equality policy is to create equal opportunities for women and men in all areas of life.

Characteristic of this modern policy of equality is the broad spectrum of measures it encompasses; they take into consideration all aspects of women's and men's lives as they are represented in Germany today. It is a question of equal opportunities for women and men, whether they have children or not, regardless of their age levels and in every phase of their lives, even in exceptional circumstances.

In terms of equal opportunities policy, the gender-specific distribution of labour within the family and in the workplace represents an ongoing challenge. It is the cause of many types of unequal treatment: women are far less frequently found in decision-making positions in politics, voluntary organisations and the working world. Their (lifetime) incomes are much lower than those of men; hence their level of social security is also lower. This is, not lastly, a result of the fact that women are still assigned the main responsibility for family work, while men are seen as responsible for the financial support of the family.

This assignment is based on a perception of roles that is also reflected in career choices: in educational and career choices, girls and women concentrate on typically female professions, which generally offer lower pay, poorer advancement opportunities, and fewer perspectives for the future; boys and men, by contrast, are far less likely to choose professions in social services.

Only gradually are companies beginning to structure the work process in such a manner as to offer women equal opportunities for advancement, and only gradually has effective public support arisen for family-friendly workplaces, childcare and other forms of care for family members in need.

Improving the possibilities for reconciling family and work life for both women and men is now the central issue in equality policy: without a reorientation concerning gender-specific responsibilities in the family and the workplace, and without establishing the conditions necessary for it, equality is unattainable. Women, as well as men, must be empowered to overcome one-sided role expectations and, hence, to realise their full potential in life.

In future, it should be possible for both men and women to successfully combine family and career. A decisive step in this direction was taken with the introduction of a system of income-related parental allowances (*Elterngeld*) on 1 January 2007; it replaced the previous system of child-raising allowances (*Erziehungsgeld*). The parental allowance is paid to fathers and mothers for a maximum of 14 months; the parents are free to determine which partner takes the allowance for which part of this period. Neither of the parents is entitled to take the allowance for more than twelve months, hence, at least two months are reserved for the other partner, provided she or he takes a leave of absence for this period.

The phase immediately after the birth of a child is an important one in terms of the precedents that are established concerning the distribution of tasks within a family. Hence, the federal government has created more opportunities for men and women to choose during this period. The level of compensation provided for lost income during this period is intended to enable the parent that opts to care for the child to maintain his or her financial independence; even the partner with a higher income will be able to take time off for the family without facing financial restrictions. (cf. Chapt. 5.1).

The federal government promotes equality by:

- introducing and monitoring policy issues related to gender equality within the federal government, particularly by working to enact legislative measures,
- supporting social projects and institutions active in the field of equality policy,
- funding research and model projects,
- supporting national networks, including online projects, as well as coordinating agencies and centres of competence,
- cooperating with the Länder and local governments, as well as non-governmental organisations and the business community,
- making a case for equality in international bodies.

## Expanding Employment Opportunities for Women

It is the federal government's goal to ensure that both men and women are able to engage in work that will allow them to earn a livelihood and provide them with social security. It is a matter of both women and men having the same access to the job market, either to be employed by others or self-employed. This includes fulfilling the European goal of raising the percentage of women in the workforce to over 60 per cent by 2010, and realising the principle of "equal pay for equal work and work of equal value" – for example in the case of entry-level pay for well-qualified young women, and for mothers returning to the workforce.

Men and women, fathers and mothers must have the same career opportunities and opportunities for advancement to senior positions in business, academics and research. To this end, it will also be necessary to improve conditions for apprentices, students, people at the beginning of their careers, and for young people with children who are seeking further qualifications.

The agreement reached between the federal government and leading organisations in Germany's private sector to promote equal opportunities for women and men in the private sector is regularly reviewed. Similar reviews were submitted for 2003 and 2005. The reviews show a clear tendency: equal opportunity for women and men in the private sector has been successfully promoted and advanced by political and business institutions. The basic findings of the review for 2005 (focusing on women in leadership positions) show that the share of women in leadership positions had increased to 23 per cent in 2004, up from 21 per cent in 2000. Every third woman (32 per cent) works for a company that is party to an agreement or initiative promoting equal opportunities; one in four companies is active in promoting junior female employees. The third review will be submitted in early 2008.

This agreement offers a platform for developing joint strategies and should serve as a point of departure for a dialogue focused on the realisation of these goals. Discussions within individual sectors should then serve to improve the exchange of ideas on the best means of proceeding. The Second Review of Equal Opportunities – Women in Management Positions "(2. Bilanz Chancengleichheit – Frauen in Führungspositionen)" can be downloaded under <http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/2.-bilanz-chancengleichheit,property=pdf,bereich=rwb=true.pdf>.

The federal government also devotes special attention to the situation of unemployed women and men. The gender-specific effects of labour market reform must be highlighted, and action must be taken to counteract the effects of gender-specific disadvantages. Instruments of support, such as counselling, placement, professional training and additional qualification must be available to all women, even when they have been unemployed for long periods or do not receive any benefits.



## **Supporting Women and Children with Migrant Backgrounds**

The lives of women and men are quite diverse. In order to be effective, strategically targeted measures to promote equal rights must take the highly divergent plans that women have for their lives and their different living situations into consideration. One focus of the federal government's equality policy is on women with migrant backgrounds. As was discussed at the federal government's summit meeting on integration, their living and working situations require special attention. Many migrant women living in Germany would like to live lives oriented on modern role models, and to reconcile family and work life. However, in their attempts to do so they are often confronted with their partners' very traditional understanding of gender roles, and this can lead to even more than just family conflicts. The difference in the speeds at which changes in gender relationships and role expectations take place in the minds of men and women with migrant backgrounds represents a social challenge to which the federal government devotes special attention. Migrant women often face a double disadvantage in the labour market: as women and because of their ethnic backgrounds.

The federal government's policy on equality, which is oriented towards diverse living situations, also gives special consideration to older women, who are more frequently threatened by poverty in old age than men, and who must arrange to spend their final years operating in a more limited sphere of activity. Women who are raising children on their own are also in need of special support, as are women who are in the process of separating from a partner. The federal government has developed special measures for women in living situations and phases of life that are accompanied by a need for special protection and counselling.

## **Providing Information and Support for Pregnant Women**

In light of what continues to be a high number of abortions, it is important that pregnant women facing conflict situations receive optimal counselling and care. The goal here is to develop an approach for taking action that is appropriate in specific situations and target groups. In the case of measures in the area of family planning, partnership, and parenthood, it is important for the federal government to devote equal attention to the needs and questions of men and women, and particularly to help men to identify with the new tasks within the family, thereby supporting a transformation in traditional role expectations. In the recent past, more extensive possibilities of prenatal diagnostics have come to represent a new challenge to women and their partners. It therefore plays a central role in numerous scientific studies and model projects. Preventive measures aimed at avoiding and resolving conflict situations in pregnancy are being implemented in cooperation with the Federal Centre for Health Education (*Bundeszentrale für gesundheitliche Aufklärung*). They will be developed in a manner appropriate to specific target groups and continue to address current developments.

## **Protecting Women against Violence**

Violence in all of its manifestations, from domestic violence, to forced marriages, and trafficking in human beings prevents women from leading normal lives and is a serious violation of human rights. Such violence can also be found as an everyday occurrence in Germany. In the case of migrant women, older women, and women with disabilities, this violence takes on specific forms.

The federal government's measures are aimed at effectively protecting the women affected and at holding perpetrators accountable for their actions. The federal government developed a comprehensive concept for all governmental and non-governmental agencies in drafting the first Programme of Action to Combat Violence against Women. The implementation of this plan of action will be continued in 2007. The results of a research study on the Violence Protection Act will also be included.

### **Equality policy as a Strategy for Success**

The federal government's work is universally oriented on a policy of equal opportunities that views the attainment of equal rights as a process-oriented, interrelated task. This strategy is based on the recognition of the fact that in the face of the diverse living situations of men and women there is no gender-neutral reality. It obliges political protagonists to analyse and consider the different interests and needs of women and men in all projects. This, in turn, contributes to the precise targeting and quality of political measures and to the acceptance of their results by the population at large.

The promotion of equality between women and men is therefore an essential component of the federal government's activities in all areas of politics.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth oversees the application of this strategy within the federal government's administrative offices, thereby providing the necessary impulses. The adoption of the English-language concept of "gender mainstreaming" led to resistance in some quarters, which prevented the sustainable establishment of the goal of gender equality in some contexts. A new orientation with regard to the concept of gender mainstreaming is geared towards presenting equality policy as the result of a preventive process, thereby making it more attractive and, thus, a real strategy for success.

In 2007 this strategy will focus on three core concerns:

- equal participation of women in the working world
- reduction of gender-specific risks, and support for women in gender-specific crisis situations
- overcoming role stereotypes – men as partners, who are also addressed by equality policy.

This conceptual reorientation – particularly during the German European Union Presidency in 2007 – should include considering conditions and strategies that have led to success in other countries, particularly in Scandinavia, in order to make further tangible success in Germany possible.

### **National and International Cooperation**

Creating equal opportunities for men and women is a task for society as a whole. It will not succeed without the establishment of networks and cooperation between important coalition partners. More power must be bestowed upon these coalition partners – particularly in the case of especially disadvantaged women. The federal government helps by funding national coordinating agencies and organisations representing special interest groups. Working groups organised to include

representatives of the federal government and the Länder, and in which non-governmental institutions work together with federal ministries, Länder and local governments, have proved particularly effective.

Equality policy has increasingly become a worldwide issue in recent years. Germany participates actively in various international bodies in the EU, the Council of Europe and the United Nations. The year 2007 represents both a great opportunity and challenge for Germany, since it has been designated as the “European Year of Equal Opportunities for All” with Germany holding the EU Presidency during the first half of this same year. Together with the two countries that will hold the presidency subsequently, Portugal and Slovenia, Germany is participating in the EU’s first Trio Presidency until the middle of 2008. In order to promote equal opportunities for women and men, the three countries will launch an initiative that will support the implementation of the EU Commission’s “Roadmap for Equality between Women and Men 2006-2010”. This “roadmap” outlines numerous measures to further the cause of equality within the EU. The presidential team’s initiative will focus on promoting equal opportunity - including equal pay – for women and men in the working world, the abolition of role stereotypes, and equal participation on the part of women with migrant backgrounds.

On an international level the issue of “equal opportunity” is often not only limited to the question of gender, but also seen in relation to characteristics such as ethnic background and age. It is an important task for the federal government to point out the fact that “gender” cannot be isolated from the other characteristics; on the contrary, it is inseparably connected to each of them. It is not a question of “diversity” or “gender”, but rather one of the diversity of men and women.

The antidiscrimination office, which operates independently, was established by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in the wake of the implementation of the Equal Treatment Act of 2006 and is dedicated to this cause.

### **Living Conditions of Women in the Federal Republic of Germany**

The federal government commissioned studies on the living conditions of women (and men) and has published statistics. Among them are:

- “In the Spotlight: Women in Germany 2006”, a special publication by the Federal Statistical Office with data on girls and women in the population, education and training, women in the working world, the living and financial situations of women, as well as women and health, and women in public life.
- “Women in Germany” published by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in December 2004 features a description to the situation of women in diverse phases of life, as well as political measures initiated by the federal government to improve these situations.
- Initial Data report on Equal Opportunities for Women and Men in the Federal Republic of Germany (*Erster Datenreport zur Gleichstellung von Frauen und Männern in der Bundesrepublik Deutschland*, 2007), a data report on the social situations and lifestyles of women and men compiled and commented upon by the German Youth Institute (*Deutsches*

*Jugendinstitut*) and commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. For the first time, corresponding data on women and men were compared, assessed and interpreted. The focus in this context was on core areas of life: education, training and further qualification, employment and integration into the labour market, working income, family constellations and lifestyles, reconciling family and career, political participation, citizens' involvement, social security, health status and health risks, disabilities, violent actions and the subjection to violence on the part of women and men.

The reports published by the Federal Ministry for Family Affairs, Senior Citizens and Youth are available on the Internet and on a CD-ROM.

## **II. The Provisions of the Convention and their Implementation in the Federal Republic of Germany**

The measures taken to implement the provisions of the Convention since 2002 (the fifth periodic report) will be described in the following. In addition, the previously submitted CEDAW national reports should also be referred to.

### **Article 1: The Concept of “Discrimination”**

On 18 August 2006 the General Equal Treatment Act came into force in the wake of the implementation of four EU directives on equal treatment; Article 3 of the Act provides a new definition of the concept of direct and indirect discrimination, as well as of harassment and sexual harassment. The goal of the act is to eliminate and to prevent discrimination on grounds of race or ethnic background, gender, religion or beliefs, disability, age or sexual orientation (Article 1).

The definitions with regard to the grounds for discrimination cited above:

*(1) Direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation, on any of the grounds referred to in Article 1. With regard to Article 2 para. 1, Nos. 1 – 4, the unfavourable treatment of a woman on grounds of pregnancy or motherhood is considered a case of direct discrimination based on gender.*

*(2) Indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons at a particular disadvantage compared with others on any of the grounds referred to in Article 1, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.*

*(3) Harassment shall be deemed to be a form of discrimination when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.*

*(4) Sexual harassment is a form of discrimination in regard to Article 2 para. 1, Nos. 1 - 4 in cases where unwanted, sexually motivated behaviour, including unwanted sexual actions and the invitation to engage in such, sexually motivated physical contact, remarks containing sexual content and the unwanted presentation or visible display of pornographic images with the purpose or effect of*

*violating the dignity of a person, particularly when an intimidating, hostile, degrading, humiliating or offensive environment is created.*

## **Article 2: Legal and other Measures to Eliminate Discrimination against Women**

### **2.1 General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz* – AGG)**

The AGG has helped to develop additional protection against discrimination in Germany. It essentially incorporated much of the Law on Equal Treatment at the Place of Work and Maintenance of Rights in case of Transfer of an Establishment, which was anchored in the Basic Law in 1980. However, the 1980 law focused solely on preventing discrimination on grounds of gender (restitution claims and a shift in the burden of proof), while the AGG broadens the focus to include the other criteria, and has been adapted to the provisions of the EU Equal Treatment Directives. The protection against discrimination provided by the AGG is no longer – as was the case with the Law on Equal Treatment at the Place of Work – limited to labour law, but instead now pertains to other areas of law as well. The protection against discrimination on the grounds of gender was expanded in the wake of the AGG to include the area of civil law, thus unjustified discrimination, for example in conjunction with laws related to tenancy or private insurance, can result in claims for compensation. A differentiation in treatment on the grounds of gender is now only allowed in the case of premiums or coverage within the context of private insurance when their consideration is a determining factor in an assessment of risk based on relevant and precise actuarial and statistical data. Costs incurred in conjunction with pregnancy and motherhood can no longer lead to different premiums or coverage.

Since the AGG also encompasses protection against sexual harassment in the workplace, the law protecting employees that was previously in effect ceased to be in force. The new regulations in the AGG provide extensive protection, for example because the definition of sexual harassment is now broader than was the case with the Act to Protect Employees against Sexual Harassment at Work.

The AGG gives victims of discrimination the right to make claims on those who discriminate against them. Since women, in particular, are less inclined to assert their legal claims and to initiate court action if necessary, the AGG foresees flanking measures in order to make it easier for victims to assert their rights. These include:

- a shift in the burden of proof in Article 22 of the AGG
- the provision that all places of business designate boards for registering complaints (Article 13 of the AGG),
- support provided for victims through anti-discrimination organisations (Article 23 of the AGG),
- support provided through the anti-discrimination office of the federal government (Articles 25 and following of the AGG).

When the AGG came into force, an independently operating Anti-Discrimination Office (*Antidiskriminierungsstelle* – ADS) was established at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth; anyone who feels discriminated against on grounds of race or ethnic

background, gender, religion or belief, disabilities, age or sexual orientation can turn to this office for help. The office works in close cooperation with commissioners delegated by the federal government, such as the Federal Government Commissioner for Matters Relating to Disabled Persons and the Federal Government Commissioner for Migration, Refugees and Integration.

The ADS is responsible for:

- providing counselling and information for those who turn to the ADS, free of charge, or referring them to counselling elsewhere,
- helping to seek an amicable settlement,
- public relations work with regard to the AGG and the responsibilities of the ADS,
- prevention of discrimination,
- conducting scientific research,
- submitting periodic reports to the German Bundestag accompanied by recommendations.

All federal authorities and other public institutions on the federal level are obliged to support the ADS and to provide it with any information required. The ADS works in close cooperation with non-governmental organisations and other institutions that help to provide protection against discrimination. It is advised by a board on which representatives of unions and industry, as well as social groups and organisations, can be found, along with experts in the field.

The staffing of the ADS and recruitment of the advisory board members will be completed during the course of 2007.

## **2.2 The Federal Equality Act (*Bundesgleichstellungsgesetz* - BGleiG)**

Five years after the Federal Equality Act came into force, the German federal government can now assume that the law offers sufficient, practical and sensible instruments for enforcing equal opportunities for women and men. The Federal Equality Act continues to promote equal opportunities for women and men within the sphere of the federal government's influence and represents a continuum of the 1994 Act on the Promotion of Women, which provided the initial legal basis to this end. As was described in the fifth periodic report, the BGleiG gives equal opportunities commissioners and personnel administrators options in terms of control and increased flexibility that have improved the possibility of reconciling family and work life, and which have been well accepted in practice.

The scope of the BGleiG was extended to cover research institutes funded by the federal government through agreements which oblige them to apply the basic terms of the Federal Equal Opportunity Act as of 2004/2005.

In accordance with Article 25 of the BGleiG, the federal government submitted a report on the situation of women in comparison with men in the federal administration, and other institutions to

which the law applied, in December 2006. The obligation to submit such reports is an important instrument in the German Bundestag's gender auditing procedure.

The protection against discrimination in federal civil service introduced by the BGleiG (cf. Fifth Periodic Report, Part 1 para. 2.6) has raised awareness of discrimination-free personnel selection processes. The quota rules found in Article 8 of the BGleiG which stipulates that women are to be given preference in areas in which they are underrepresented, under provision of equal qualification, represents "a temporary special measure" in the sense of Article 4. It is, however, rarely applied in actual practice. This may be attributable to the fact that the quota rule and the protection of women against discrimination must be considered in connection with the prohibition of the practice of taking criteria such as years of service, age and the time of the last promotion into consideration automatically, regardless of their implications in terms of qualification, ability and achievement (Article 9 para. 1, Sentence 2 of the BGleiG), which has led indirectly to discrimination-free assessment and pre-selection processes.

The increased flexibility of working hours and working venues in the upper levels of the federal administration has greatly improved the possibility of reconciling family and work life (Article 1 of the BGleiG), for example through the introduction of telecommuting. This was also demonstrated by the successful audits of the Federal Foreign Office, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry for Science and Technology by the Hertie Foundation within the framework of an audit entitled *berufundfamilie*®. However, these new options are mainly exercised by women, so that further effort will be required to encourage men to make use of the new possibilities for the benefit of their families.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, which plays a leading role, supports equal opportunities commissioners and employees who exercise the options that the law foresees, in order to create family-friendly working conditions, by offering counselling, distributing newsletters and providing advice on interpreting and applying the BGleiG on the Internet. Since training and access to important information is essential for (newly elected) equal opportunities commissioners, if they are to be successful, it is also supported. Such training cannot be limited solely to information on the rights and obligations that stem from the BGleiG, it must also include communication training, exercises in negotiation strategy, and methods of conducting discussions aimed at better realising the goals of equal rights policy.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will cooperate with the Federal Academy of Public Administration on a project that will also integrate the gender perspective into the training they offer in order to further qualify civil servants; this will increase the awareness for questions of equal opportunities.

### **2.3 Equal Opportunity Act for Soldiers (*Soldatinnen- und Soldatengleichstellungsgesetz - SGleiG*)**

The new Equal Opportunity Act for Soldiers in the Federal Armed Forces has been in effect since 1 January 2005. As a result of a change in the Legal Status of Military Personnel Act (*Soldatengesetz – SG*) it will now be possible for soldiers to serve part-time.

The regulations pertaining to soldiers contained in the SGleiG are based, for the most part, on the provisions for federal administration personnel and federal court personnel found in the BGleiG. However, the peculiarities of the structure of military organisations, military personnel management and military service, require some variations from the rules contained in the Federal Equality Act which apply in a civilian context. The armed services' ability to function must be ensured and cannot be impaired by the application of the SGleiG. Therefore, the law is suspended in cases of heightened tension and national defence, so that the armed forces' ability to fulfil its mandate is not jeopardised. The situation of women in the armed forces differs from the situation of women in the federal administration to the extent that women have only been able to pursue military careers since December 2000.

The goals of the SGleiG are to provide equal opportunities for female and male soldiers, to eliminate existing discrimination on grounds of gender, to prevent its occurrence in future, and to improve the possibility of reconciling family and work life in the armed services.

The SGleiG includes the newly created option for part-time service as a means of realising the goal of equal opportunity. The SGleiG and the amendment to the SG through the addition of a new Article 30a came into force at the same time. This provision establishes the legal basis for part-time service and, for the first time, makes it possible for female and male soldiers to be granted approval to serve part-time. With it, a concrete measure has been implemented for realising the SGleiG objective of reconciling the family with service in the armed forces.

Those entitled to apply for part-time service are female and male career soldiers, as well as female and male temporary career volunteers, provided that they have served for at least four years and have a young child or dependent in medically documented need of care at home, and that they actually provide such care. The stipulation that it is not possible to apply for part-time service during the first four years in the military is based on the fact that female and male soldiers are involved in regular training during this initial period; such training can only take place within the context of teams or organised groups. Military training preferably takes place within the framework of a company, corps, or group, or in training facilities maintained by the armed forces. Half-day and individual training cannot be provided in this context.

Approval for part-time service can only be granted in cases where there are no important official reasons for not doing so. Part-time service must encompass at least half of the time frame of normal service. In order to establish part-time service within the military, Article 30a of the SG includes the authorisation to issue ordinances. This ordinance has, in the meantime, been issued.



Since the passage of the SGleiG, equal opportunity commissioners have been elected and installed in all armed forces units from the division level onward, for the first time. These military units must also draft equal opportunity plans.

The first election for military equal opportunity commissioners and deputies in the history of the armed forces was conducted on 30 November 2005 on the basis of an election procedure that was specifically developed for this purpose.

The SGleiG contains a quota ruling according to which women – considered in individual cases – are to be given preferential consideration within the framework of the equal opportunities plan in those areas in which they are underrepresented and under the provision of equal qualification, ability and achievement.

The rule of preferential consideration in order to ensure equal opportunity and justice in individual cases, as required by the Basic Law, does not take effect automatically. On the contrary, the interests of an equally qualified co-applicant that deserve protection are taken into consideration in cases of individual justice, but they are only considered preponderant when clear differences in favour of the applicant result from a comparative assessment or when grave circumstances exist. The consideration of the interests of a co-applicant deemed to deserve protection shall not, however, lead to indirect discrimination against an equally qualified female applicant. Thus, reasons that result from traditional family structures, for example a man's "role as the sole breadwinner", or obligations to make support payments, are to be considered only in exceptional cases.

### **Article 3: Measures to Promote and Ensure the Full Development of Women**

The guiding principle for the federal government in implementing equal opportunities is the application of gender mainstreaming (Article 2 of the Rules of Procedure of the Federal Government). This strategy is based on the recognition of the fact that in view of the different living situations of men and women there is no gender-neutral reality. Hence, political protagonists are obliged to analyse and consider the divergent interests and needs of women and men in their planning.

Promoting equal opportunities for women and men is an essential component and strategy for success in all of the federal government's political activity, particularly its labour market and social policy. All measures, whether laws, projects or research programmes, must also be oriented towards a policy of equality; they shall not discriminate against women or men, and they shall not reinforce role stereotypes, while they must serve to counteract discrimination.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has worked with other ministries in developing printed materials and other instruments to provide information on how gender mainstreaming can be applied in planning different measures (legislation, research, public relations work, project funding). The federal ministries are also supported by the GenderCompetenceCenter at the Humboldt University in Berlin, which in turn receives funding from the federal government.

## **Article 4: Special Measures**

In cases where the special measures adopted under any of the Articles are of the type referred to in Article 4, this will be expressly stated.

The AGG contains stipulations in Article 5 according to which different treatment on grounds of discrimination criteria – including on ground of gender – is allowable in cases where suitable and appropriate measures serve to prevent or compensate for existing discrimination. Thus, special measures to promote women in areas in which there is discrimination against them are still allowable.

## **Article 5: Eliminating Role Stereotypes and Promoting the Joint Responsibility of Women and Men in Raising Children**

### **5.1 Parental Leave/Parental Allowances**

As of 1 January 2007 the old system of child-raising allowances has been replaced by a parental allowance linked to income. It is intended to compensate for at least 67 per cent of the net sum of earned income lost by the parent who cares for the child during its first year. For people with low incomes, monthly net earnings of less than 1000 Euros before the birth of the child, the substitution rate is raised incrementally to a level of 100 per cent, and all parents who are entitled to parental allowances will receive a minimum of 300 euros. This parental allowance can be claimed for the first 14 months of the child's life. If two parents are available to care for the child, neither of them is allowed to receive a parental allowance for longer than 12 months, hence the entitlement to at least two months' parental allowance is reserved for the other partner, provided that she or he reduces the amount of time spent working. These partner months provide a clear incentive for fathers to become actively involved in caring for and raising their children and to reduce the amount of time spent working in order to take over tasks related to caring for the family.

The parental allowance ensures that the family has an existential basis during the early phase of parenthood. It offers parents the option and an incentive to organise family life in harmony with their careers, either in parallel, sequentially or through the division of labour. It ensures the freedom to choose and gives fathers and mothers an opportunity to be available for their children, without financial worries, in the period during which a child requires the highest level of care.

The system of parental allowances provides support to fathers, in particular, who wish to become more involved in family life. An increase in the number of fathers taking advantage of parental leave is expected, since parental allowances ensure that serious financial shortcomings can be avoided. Studies show that more than half of the men under 44 years of age would like to take parental if they could still be sure of some source of income. If such changes in social realities and ascribed gender roles can be effected, then an improvement in women's career perspectives and a closing of the gap between female and male incomes can be anticipated in the mid-term.

Parental allowances are connected with a double paradigm shift: By compensating for the income lost by the parent that decides to work less in order to care for the child, the system operates on the

assumption that it is normal for both fathers and mothers to contribute to the support of the family. Hence, it marks a departure from the idea of a single breadwinner. At the same time, the partner months create a clear incentive for men to participate in raising children and thereby mark a departure from traditional role stereotypes. On the whole, the system of parental allowances represents an important step towards equal opportunities for women and men.

A parental allowance calculator can be accessed on the Internet site of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. It allows parents expecting a child to precisely calculate the financial effects of various possible solutions in planning the division of their time between family work and gainful employment.

The ministry is flanking the phase in which the parental allowance is being introduced by mounting a campaign focussing on a more active role for fathers.

In 2006, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth developed information material in conjunction with the Federal Centre for Health Education, appealing expressly to fathers-to-be and supporting them in their new roles.

Further measures for fighting stereotypical role expectations are described in Part B under Paragraphs 20 and 21.

## **5.2 Combating Violence against Women: The Federal Government's Plan of Action**

The goal of the federal government's policy on "combating violence against women" is for women to be able to live their lives free of physical and psychological violence. A milestone on the way to attaining this goal was the federal government's plan of action for combating violence against women, which was passed in December 1999, marking the first time that a comprehensive concept was available. The plan of action makes it clear that structural changes are needed, rather than isolated individual measures that fail to recognize the complexity of violent behaviour.

In 2000, a joint working group was established on the federal-Länder level to consider questions of "Domestic Violence", it was based on the model of a similar working group on "Trafficking in Women" established in 1997. Members of this working group are recruited from the federal ministries, conferences of Länder ministries responsible for such questions, and from non-governmental organisations.

The measures called for by the plan of action have, in the meantime, been implemented. Particularly worth noting is the law that came into force on 1 January 2002 to improve the protection against violence and stalking under civil law and to facilitate the allocation of a shared home to one of the partners in cases of separation (Protection against Violence Act). It includes a simplified allocation procedure for the shared home and rules concerning the prohibition of contact, harassment and attempts to approach the victimised party and also stipulates that the victimised party is entitled to retain the home in case of violence.

An important part of the plan of action was the study of women's experience with violence. It led to the first representative study of the "Living Situations, Security and Health of Women in Germany". A total of 10,000 women living in Germany between the ages of 16 and 85 years of age were extensively interviewed concerning their experience with violence in various contexts, the results of violence, attempts to attain institutional help and support, as well as their sense of security and their fears.

The figures in the study, published in 2004, indicate that in an international comparison the women had a median to high level of experience with violence:

- A total of 37 per cent of the women interviewed had experienced physical violence since the age of 16; 13 per cent of the women interviewed had experienced sexual violence since the age of 16. Some 40 per cent of the women interviewed had experienced physical or sexual violence or both since the age of sixteen.
- Sexual harassment had been experienced by 58 per cent of the interview partners. A total of 42 per cent of all of the women interviewed had experienced some form of psychological violence such as systematic degradation, humiliation, isolation, defamation, serious insult, intimidation or psychological terror.
- Roughly 25 per cent of the women living in Germany had experienced physical or sexual violence, or both, inflicted by current or previous partners.
- Violence towards women was mainly committed by men, most of these men were partners and the violence took place in a domestic setting.
- Risk factors included separation, or intended separation, as well as the experience of violence as a child or adolescent. However, education, income and class had no influence on the tendency to commit acts of violence.

In order to include the two largest groups of immigrant women in Germany – Turkish women and repatriated women from countries in the former Soviet Union and Eastern Europe – an additional 250 interviews were conducted in each of the two languages, Turkish and Russian. Women from these two migrant groups experienced physical and sexual violence with a level of frequency that was clearly above the average for the female population in Germany. While in the main study 40 per cent of the women interviewed indicated that they had experienced physical or sexual violence (or both) since the age of 16, in the case of the women with Eastern European backgrounds the figure was 44 per cent, and for Turkish women the figure was 49 per cent, i.e. nearly half of those interviewed. A micro-analysis conducted to determine the types of violence showed that Turkish women, in particular, experienced more physical violence after the age of 16, while Eastern European women indicated more sexual violence. With regard to violence among couples, the high incidence experienced by Turkish women is most noticeable; it far exceeded the average for the female population in Germany. It also became obvious that female Turkish migrants were not only more often affected by physical violence, but also by more serious forms and manifestations of physical violence.

The results of the first representative study of the prevalence of violence against women in Germany show that despite much progress and great effort in the past 30 years – ranging from the establishment of women’s shelters to cooperative projects and the Protection against Violence Act – further improvements in intervention and a better system of providing aid are still needed.

At present, a brochure on the topic of the health risks stemming from domestic violence within the framework of the federal government’s health monitoring system is being prepared.

The first plan of action will be followed, in 2007, by a second that will focus on issues such as migration and violence, as well as violence against disabled women.

### **5.3 Projects Related to Combating Violence against Women**

The following projects in the context of “Combating Violence against Women” are particularly noteworthy:

In order to lobby effectively for the benefit of women affected by violence, to ensure a better and more rapid relay of information, and to target the employment of resources more strategically (division of labour), it is better to integrate the various sources of aid into a national network. The federal government therefore supports the integration of aid agencies in national networks both in terms of information and funding. Hence, agencies working to establish a network of women’s shelters, women’s counselling agencies and women’s crisis telephone centres, as well as counselling centres to help combat trafficking in women, and violence in the migration process are supported by the federal government.

The support provided to help establish a network of counselling agencies is sustained through the funding of annual networking meetings as well as other conferences.

Recognition of the fact that violence against women can be more effectively combated when representatives of the different governmental and non-governmental organisations concerned with the phenomenon work together, has led to the development of intervention projects aimed at combating domestic violence in Germany. The federal government has financed two model projects operating in the Länder of Berlin and Schleswig-Holstein. These intervention projects, along with additional projects that were later established in other regions in Germany, were monitored by researchers.

This monitoring process included the evaluation of the social training programmes offered for the perpetrators of domestic violence within these intervention projects. This work with perpetrators is also supported through the funding provided to set up networks and facilitate the exchange of information between the different institutions that offer such measures.

In order to inform and support women affected by domestic violence, a CD-ROM (Anti Violence Awareness – AVA) was developed. This CD-ROM includes information in eight languages. A second CD-ROM addresses policewomen and policemen, health and social welfare workers, works council

members, equal rights commissioners and students in order to inform them about the phenomenon of domestic violence and provide advice on dealing with and helping the victims.

In order to provide those who work in women's shelters, or other women's projects offering additional training programmes or information programmes on domestic violence, with the most current information on various topics, the federal government funds training sessions for so-called multipliers.

The professional training and additional qualification measures provided for medical personnel, whether employed in hospitals, private practices, emergency rooms, or in ambulances, have hitherto insufficiently addressed the issue of domestic violence, although representatives of these groups are often the first to be confronted with its victims. Therefore, the federal government supports projects aimed at increasing the sensitivity in the medical sector for the problem of violence. The improvement that this will effect in the health care provided to women who have been abused, will contribute appreciably to the prevention of violence. (Further information on these projects can be found in the chapter on Article 12).

A handbook was drafted within the framework of these projects which addresses decision-makers in health care, as well as initiators and coordinators of intervention projects against domestic violence, who are interested in implementing a programme of health care for women who are affected by domestic violence.

Furthermore, the federal government has also provided funding for the preparation of a handbook on how to deal with (war-) traumatised women who have been victims of sexual violence. The handbook is intended to provide useful suggestions in order to help institutions deal adequately with traumatised women.

In 2007, a study on the extent and scope of violence against disabled women and girls will be commissioned in order to provide the first empirically grounded information and data on this phenomenon.

#### **5.4 Genital Mutilation**

At the suggestion of the federal government, and with the support of the German Medical Association, a set of "Recommendations on the management of patients with a history of female genital mutilation" was drafted and presented to the public at a joint press conference in April 2006. These recommendations provide a good basis for doctors trying to help affected women in view of their suffering and their medical, psychological and social symptoms.

The topic of "female genital mutilation" is included on the Internet site of the Federal Ministry of Health (Keyword: Women and Health). There the recommendations, which are also provided in English and in French, are linked with further information from Terre des Femmes.

In accordance with a decision by the board of the German Medical Association, a curriculum is being developed to offer additional training to doctors on the subject of female genital mutilation.

### **5.5 Study on the Act to Improve Civil Jurisdictional Protection against Violent Acts**

The Federal Ministry of Justice commissioned a flanking study that is to examine whether the “Act to Improve Civil Jurisdictional Protection against Violent Acts” (Protection against Violence Act) has been effective. The Institute for Family Research (*Institut für Familienforschung – ifb*) in Bamberg was commissioned to complete this study, which was initiated just ten months after the law came into force. In addition to a representative analysis of the records, interviews were conducted with professionals who were involved in drafting the law as well as with victims of violence. The final report on the study, published in August 2005, concludes that the instruments contained in the Protection against Violence Act have been effective both for victims of domestic violence and in cases of “stalking”, hence it fulfils the goal of preventing violence. The legal regulations and particularly the intention of the law were assessed, for the most part, positively even if some possibilities for optimisation in actual practice were determined with regard to the implementation and use of the possibilities created by the new regulations.

### **5.6 Act Establishing Optional and Extended Preventive Detention**

The laws introducing the option of maintaining perpetrators in preventive detention, which came into force on 21 August 2002, and the law introducing the option of maintaining perpetrators in extended custody, which came into force on 23 July 2004, serve to protect the population at large, particularly women and girls, against the threat of violent and sexual offenders, whose potential danger often only becomes fully clear while they are incarcerated.

### **5.7 Act to Reform the Protection of Victim’s Rights**

The Act to Reform the Protection of Victims’ Rights gives victims greater rights in criminal proceedings and creates conditions important for enabling victims to come to terms with the often traumatic memories of a crime. The criminal proceedings, during which the injured party is directly confronted with the crime and the perpetrator, can be particularly stressful. In such situations, the burden placed upon the victims must be kept to a minimum. Therefore, it has now become easier to depose witnesses by means of a video link and to have cases raised to courts on the Länder level, in order to avoid evidence having to be heard a second time. Victims of crimes now have more extensive rights to information concerning such matters as the alleged offender’s imprisonment and date of release. These measures were adopted to protect victims of sexually motivated crimes in particular.

### **5.8 Protection for Stalking Victims**

An amendment to the Criminal Code now provides “stalking” victims with better protection and has closed loopholes in the definition of punishable acts. “Stalking” is defined as the continued pursuit and harassment of victims, most – but not all – of whom are female. These actions often lead to considerable psychological and physical injury on the part of the victims and can force them to change the way they live. One of the laws now covering acts defined as “stalking” is the Violence

Protection Act, which came into force on 1 January 2002. This law enables civil courts to hand down injunctions against contact, all forms of approach, and harassment as a measure to protect a victim against anyone who harasses them in an unacceptable manner by continuing to stalk the victim against their expressly declared will, or to persecute them by means of telecommunications. If a stalker infringes upon such an order, he or she can be prosecuted and sentenced to a fine, or to imprisonment of up to a year.

If the modes of behaviour transgress the threshold of mere harassment, they can be defined as criminal offences under the Criminal Code. Depending on the conditions of the individual case, these acts can be deemed to be criminal offences such as trespassing (Article 123 of the Criminal Code), sexual assault (Article 177 of the Criminal Code), malicious wounding or injury through negligence (Articles 223,229 of the Criminal Code), coercion (Article 240 of the Criminal Code), intimidation (Article 241 of the Criminal Code) as well as criminal offences related to violations of the victim's sphere of privacy (Articles 201 and following of the Criminal Code). Until the new Article 238 of the Criminal Code on "Stalking" comes into force, there is no defined criminal offence that adequately applies to the typical transgressions involved in stalking. The federal government therefore submitted a draft law in the past legislative period making continued stalking punishable. This draft law (Bundestags-Drucksache 16/575) foresees defining such acts as continued pursuit of a person resulting in interference with the victim's lifestyle as a criminal offence in itself, which would be punishable by law. The German Bundestag completed the second and third reading of the law by on 30 November 2006. After the German Bundesrat has given final consideration to the plans for the new law, it will take effect at the end of the first quarter of 2007.

## **5.9 Procedural Law**

Procedural law, as it applies in this context, was amended to allow victims to attain justice with fewer complications and less delay. Amendments are now foreseen within the framework of the planned law (Procedural Reform Act for Cases of Family Law and in Jurisdiction over Non-Contentious Matters; draft law on Continued Stalking as a Punishable Offence) to effect an improvement in those regulations that were criticised in the evaluation of the Violence Protection Act (for example the fact that family courts, on the one hand, and civil courts, on the other, split the responsibility for acts defined as stalking).

## **5.10 Protection of Children against Sexual Abuse under Criminal Law**

The protection of children against sexual abuse and child pornography under criminal law has been improved through the Act Amending the Provisions Concerning Criminal Offences against Sexual Self-determination and the Amendments to other Provisions, dated 27 December 2003, which came into force on 1 April 2004. With this law, loopholes in the protection previously offered were closed and the level of punishment was increased, where this was deemed necessary. Hence, the offence of less serious sexual abuse of children (Article 176 Criminal Code) was deleted, while the offence of very serious sexual abuse was introduced. Furthermore, the terms of punishment for the serious sexual abuse of children were increased. In addition, the protection of children against sexual abuse under criminal law was improved through the definition of new criminal offences. Hence, now offering or



promising to provide information on children for the purpose of sexual abuse is punishable by imprisonment for three months to five years. This law will also place greater restrictions on the dissemination of printed material containing child pornography through sanctions now foreseen in the Criminal Code (Article 184b of the Criminal Code). Thus, a new criminal offence was defined according to which anyone who makes printed materials containing child pornography available to others is subject to punishment by imprisonment for a period of from three months to five years, actions of a commercial nature or within a criminal organisation are threatened by a term of imprisonment ranging from six months to ten years. Parallel to this, punishment for the possession of printed materials containing child pornography was increased to a period of imprisonment for up to two years.

A law drafted by the federal government, which is now in the legislative process, is also intended to implement the EU Council Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography (Bundestags-Drucksache 16/3439). The law now in force already corresponds with the basic stipulations of the framework decision. However, with regard to the divergent definitions of what constitutes a child (according to the Framework Decision, anyone under 18 years of age, according to the German Criminal Code, anyone under 14 years of age) there is a need to review and adapt Article 182 of the Criminal Code (sexual abuse of adolescents) and Article 184b of the Criminal Code (dissemination, purchase and possession of printed materials containing child pornography). To this end, the draft law would raise the age placed under protection in Article 182 para. 1 of the Criminal Code from sixteen to eighteen and equate printed materials containing adolescent pornography with printed materials containing child pornography in Article 184b of the Criminal Code. The law is expected to come into force in mid-2007.

### **5.11 Implementation of Article 9 of the European Council Convention on Computer Criminality**

The provisions contained in the European Council Convention on Computer Criminality concerning criminal offences related to child pornography (Article 9), which Germany signed in 2001, are covered, for the most part, by the German Criminal Code. The criminal acts related to child pornography within the framework of computer systems enumerated in Article 9 are also fully covered by Article 184b of the Criminal Code. Article 11 para. 3 of the Criminal Code also ensures that (pornographic) printed materials are to be equated with audio and visual media, data storage media, depictions and other representations. The need to adapt German law, which is related to the age under which children are to be protected, is currently being undertaken through the implementation of the previously mentioned EU Council Framework Decision on Combatting the Sexual Exploitation of Children and Child Pornography.

### **5.12 Protection through Additional Measures in the Individual Länder**

In the meantime, most of the Länder have adopted regulations in the laws governing the activities of the police in their jurisdictions which improve the legal protection offered under civil law by clearly regulating the expulsion of suspects from the home or at least by publishing directives, information material and the like in order to make effective use of the existing possibilities.

## Article 6: Abolition of Trafficking in Women and Forced Prostitution

### 6.1 Facts and Figures

Since 1994, the Federal Criminal Police Office has published an annual report on “Trafficking in Human Beings” which provides valuable information both in terms of prevention and combating trafficking in women (to date only sexual exploitation is covered).

According to the criminal police statistics for 2005, 731 people were reported as victims of such trafficking (Articles 180b; 181 para. 1, Nos. 2 and 3 of the Criminal Code), of which 705 were women. In 2004, the total number of people reported as victims of trafficking in human beings was 1,074, of whom 1,043 were female; in 2003 the figure was 1,118, of whom 1,101 were female; and in 2002 the total was 988, of whom 960 were female.

The figures cited are, however, related to old versions of Articles 180b and 181 para. 1, Nos. 2 and 3 of the Criminal Code. As a result of the 37<sup>th</sup> Amendment to the Criminal Code, dated 11 February 2005 (Federal Law Gazette I, p. 239), the Articles 180b and 181 of the Criminal Code were redrafted as Articles 232 to 233a of the Criminal Code and broadened (to include such offences as forced labour) and came into force on 19 February 2005 (see 6.4 below).

### 6.2 Cooperations

In order to effectively combat trafficking in women for the purpose of sexual exploitation, the federal government convened a federal-Länder working group (*Bund-Länder-Arbeitsgruppe – B-L-AG*) in 1997. All of the responsible federal ministries, the Länder, the federal criminal office and a number of specialised counselling institutions are represented in this working group. The goals of the B-L-AG are to create a strong focus on the women in question as victims and not as perpetrators, and to find more effective measures to combat trafficking in women.

The nationwide activist coordination group combating trafficking in women and violence against women in the process of migration (*Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess – KOK*) is supported by the federal government, as is also the case with the coordinating office for women’s shelters mentioned above.

Combating trafficking in human beings is particularly effective when the police, immigration authorities, and organisations that provide special counselling cooperate with each other. It is imperative that funding remains available for organisations providing counselling and in order to cover the living costs of trafficking victims who are willing to serve as witnesses in court proceedings. Hence, the federal government funded a conference in 2006 to deal with these two issues, which are highly relevant in actual practice.

Within the framework of this project, in which a number of organisations participated, the federal government supported the compilation of a best practices handbook and website, which are to present

successful measures for reintegrating victims of such trafficking. This project will be completed on 31 December 2007.

### **6.3 The World Cup 2006**

In the summer of 2006 the Football World Cup competition was staged in Germany. In order to be prepared to deal with possible cases of forced prostitution within the context of this major sporting event, the federal government introduced a number of measures in conjunction with the Länder, local governments, and non-governmental organisations. Particularly worth mentioning in this context is the establishment of national emergency hotlines for victims by Solwodi (Solidarity with Women in Distress) and the Diakonie (Protestant charitable organisation). These were also funded by the federal government, as was the campaign entitled “*Abpfiff*” (Final Whistle) mounted by the German Women’s Council. This campaign made use of the interest generated by the World Cup in order to raise the public’s awareness of trafficking for the purpose of sexual exploitation. In addition, there was also advertising for the police emergency number, 110, which accepted anonymous information. At the same time, measures were adopted in the national security plan for the FIFA-WM 2006 to ensure that victims could be cared for.

The German public safety authorities effectively counteracted forced prostitution and trafficking in human beings before and during the World Cup through close cooperation between the Federal Criminal Office and the police departments of the Länder, on the one hand, and with international partners, on the other.

The federal government ultimately had no indication of a higher rate of criminal activity during the World Cup with regard to offences of this type. The information available from the individual Länder also supports this finding. This is also an indication of the success of the work done in advance.

### **6.4 Legal Regulations**

With the “Law on the United Nations Convention of 15 November 2000 against Transnational Organised Crime and the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Supplementary Protocol against Smuggling Migrants”, dated 1 September 2005, the stipulations of the Convention and the Protocols cited were fully implemented within the country. The instruments of ratification for the Convention and the Supplementary Protocols were deposited with the Secretary General of the United Nations on 14 June 2006. The provisions of the Convention and the Protocols stipulate that they come into force thirty days after they are deposited, thus on 14 July 2006.

With regard to the residency status situation and the protection of victims of trafficking in human beings, the Victim Protection Council Directive, 2004/81/EC dated 29 April 2004, on the Residence Permit Issued to Third-Country Nationals who are Victims of Trafficking in Human Beings or Who Have Been the Subject of an Action to Facilitate Illegal Immigration, and Who Cooperate with the Competent Authorities (Official Journal of the European Union L261/19, dated 6 August 2004) is of importance. The draft law for the implementation of the European Council directive pertaining to

residency and asylum law, through which the victim protection directives will be implemented in German law, has been prepared and is currently in the legislative process. The draft law also includes regulations against forced marriages. One of its measures is the prohibition of the subsequent immigration of dependents in cases where there is evidence of forced marriage, another is the provision that spouses will only be allowed to join their partners in Germany if they are at least 18 years of age.

With the 37th Amendment to the Criminal Code, dated 11 February 2005 (Federal Law Gazette I, p. 239), in force as of 19 February 2005, the legal regulations concerning trafficking in human beings were adapted to accommodate international provisions, particularly to conform with the EU Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings, which came into force in August 2002, and to the Council of Europe Convention against Trafficking in Human Beings dated 16 May 2005.

The Council of Europe Convention was negotiated between 2003 and 2005 with active support from the federal government. This Convention is based on the United Nations Protocol against Trafficking in Persons and focuses on the protection of victims. Germany has already signed the Convention and preparations are already underway for the ratification process.

The law cited led to the revision of Articles 180b and 181 of the Criminal Code (Trafficking in Human Beings and Serious Cases of Trafficking in Human Beings), which was transferred to section eighteen of the special part of the Criminal Code, "Criminal Offences against Personal Freedom", and combined with parts of Article 234 of the Criminal Code (Abduction) to create broader and uniform penal provisions against trafficking in human beings. In this context, a differentiation is made in the law between trafficking in human beings for the purpose of sexual exploitation (the new Article 232 of the Criminal Code) and trafficking in human beings for the purpose of exploiting their labour (the new Article 233 of the Criminal Code). There is also a new provision, Article 233a of the Criminal Code (Aiding the Traffic in Human Beings).

With this law, the practice of bringing people into the country to exploit their labour is now also classified as trafficking in human beings. In order to gain some insight into the actual forms of exploitation, the International Labour Organization conducted a pilot study at the request of the federal government entitled "Human Trafficking for Sexual and Labour Exploitation in Germany", which was published in 2005. In this report, the ILO documents over forty cases in which migrants were victims of labour exploitation classifiable as trafficking in human beings in the sense of Article 233 of the Criminal Code.

With the Act Reforming the Protection of Victims' Rights (s. also 5.7), which came into force in September 2004, the legal stipulations for protecting victims under procedural law were improved. Victims of trafficking in women and forced prostitution are allowed to participate in pressing charges as secondary prosecutors in criminal proceedings, thereby becoming party to the proceedings. They can also petition to be provided with legal representation free of charge, regardless of their financial situations.

There have been changes in the wake of the Amendment to the Immigration Act, in force since 1 January 2005, that affect foreign victims of trafficking in human beings. Article 25 para. 4 of the Residence Act foresees the possibility of granting a temporary residence permit to victim-witnesses when their presence is required for the duration of criminal proceedings or for psychosocial treatment. With the implementation of the Victim Protection Directive, victims of offences related to trafficking in human beings are also granted temporary residence permits regardless of whether their presence on German territory was legal, temporarily tolerated or illegal up to that point. If there are grounds to assume that there is a considerable and concrete threat to the body, life and freedom of a victim-witness in his or her native country after the completion of the criminal proceedings, a residence permit is to be granted (Article 25 para. 3 in connection with Article 60 para. 7 of the Residence Act).

In Article 60 para. 1, Sentence 3 of the Residence Act, the threat of gender-specific persecution in a person's country of origin is cited expressly as a ground for recognition as a refugee. Furthermore, Article 60 para. 1, Sentence 4 of the Residence Act specifies that measures by non-governmental agencies that threaten life or freedom can be recognised as a form of persecution when the country in question is not able or willing to effectively protect the victim against such behaviour. These specifications are, above all, important for women who flee from native countries where they are threatened with genital mutilation at the hands of their own families and their native countries do not effectively combated such practices.

Victim-witnesses receive benefits based on the Asylum Seekers Benefits Act, or based on the Second Book or Twelfth Book of the Social Code in cases where a residence permit has been granted according to Article 25 para. 3 of the Residence Act. In continuation of the current common practice, the victims of trafficking are also granted access to the labour market, which in turn contributes to their stabilisation.

### **6.5 Measures within the Framework of Developmental Cooperation**

The "Sectoral Project for Combating Trafficking in Women" (*Sektorvorhaben zu Bekämpfung des Frauenhandels*) – commissioned by the Federal Ministry for Economic Cooperation and Development and executed by the German Agency for Technical Cooperation – supports trans-regional organisations in the victims' countries of origin, in transit countries, as well as in Germany, their destination, in order to promote innovative strategies for combating the problem, including:

- prevention and education,
- improved counselling and protective measures for victims as well as
- rehabilitation and integration of voluntary returnees.

This project fosters cooperation between international and local partners (such as the OSCE and numerous NGOs), thereby contributing to a better exchange of information between the parties involved and helping to network initiatives in Germany with those in the victims' countries of origin.

Roughly 2 million euros have been budgeted for this purpose since 2003. The continuation is also ensured beyond 2006.

A project designed to protect minors from sexual exploitation – commissioned by the Federal Ministry for Economic Cooperation and Development and conducted by the German Agency for Technical Cooperation – supports governmental and non-governmental institutions with funds totalling two million euros earmarked to combat the sexual exploitation of children.

This project thereby contributes to the implementation of the second Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Prostitution of Children and Child Pornography. The project supports both the adaptation of national laws and their implementation, the training of police and judicial personnel, as well as social workers (for example in Cambodia), primary prevention measures, and victim protection. Support is also provided for the activities of diverse NGOs – such as Terre des Hommes – in their efforts to raise travellers' awareness of the crime of sexual abuse of children in countries that are often visited by tourists.

In addition, the federal government directly supports the international campaign mounted by Terre des Hommes against trafficking in children. These measures are employed mainly in Southern Africa.

## **6.6 Report by the Federal Government on the Effects of the Prostitution Law**

Since 1 January 2002, a Prostitution Act has been in force in Germany, which is intended to reduce legal and social discrimination against prostitutes.

The federal government submits a Report on the Effects of the Act to Improve the Social and Legal Situation of Prostitutes (Prostitution Act) in January 2007. The report on the Prostitution Act assesses the indirect and direct effects of the law since it came into force on 1 January 2002. The report is based on the results of three studies that were commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth as a preliminary measure in preparing it.

The Prostitution Act was adopted with the goal of improving the legal and social situation of prostitutes. The legal discrimination that resulted from prostitution being seen as an immoral and therefore illegal contractual agreement was to be done away with, prostitutes were to be given more ready access to the social security system through employment options where social security contributions are obligatory, and the working conditions of prostitutes in terms of health and hygiene were to be improved. This law was also tied to the expectation that criminal activities often observed in connection with prostitution would be reduced, and that prostitutes would be more readily able to extricate themselves from prostitution.

In the view of the federal government, the Prostitution Act has only succeeded in realising the intended goals to a very limited extent. The Prostitution Act has indeed created a legal framework within which employment situations subject to mandatory social insurance payments are possible, and the question of a legally enforceable claim to the agreed remuneration for sexual services has also been clearly determined. To date, however, almost no use has been made of these options. Correspondingly, the Prostitution Act has not been able to effect any measurable improvement in the social security of prostitutes. It was also not possible to determine a positive effect with regard to the improvement of prostitutes' working conditions in terms of health and hygiene in actual practice.

The expected positive effects of the Prostitution Act with regard to combating prostitution-related crime have also not been fulfilled. There is no supporting evidence for a reduction in criminality due to the Prostitution Act.

On the other hand, concerns expressed by some with regard to possible negative effects of the law on efforts to combat crime have also not been confirmed. Greater difficulty in detecting traffickers in human beings, forced prostitution, prostitution by minors and other forms of violence accompanying prostitution has not resulted. The federal government therefore sees no reason to return to the legal situation as it was before the Prostitution Act took effect.

In the view of the federal government, however, there is a need for a broader approach to the regulation of prostitution on the whole, particularly one that integrates more decisive measures against trafficking, forced prostitution, prostitution by minors, and provides the greatest possible protection of prostitutes against violence and exploitation, and which – not lastly by introducing punishment for clients of forced prostitutes – clearly determines the client’s responsibility. Therefore, the federal government will examine how the protection of victims of trafficking and forced prostitution can be further improved. Above all, an appropriate solution must be found to regulate how clients of forced prostitutes are punishable by law.

In order to improve the protection of adolescents against sexual abuse through prostitution, sexual contact between adults and minors in exchange for monetary compensation, or by taking advantage of a high degree of dependency, will be liable to punishment according to Article 182 para. 1 of the Criminal Code if the victim is under 18 years of age (previously 16 years of age). A law to this effect, drafted by the federal government, has already been submitted for parliamentary discussion. (Bundestags-Drucksache 16/3439, see explanations under 5.10.).

Even after the Prostitution Act, prostitution is not “a profession like every other” and may therefore not be considered an acceptable option for earning a living in legal terms. Therefore, the Federal Employment Agency does not refer people to jobs in the field of prostitution. The federal government will carefully observe whether, on the basis of current practice, the Federal Employment Office will continue to refrain from making referrals to employment opportunities in the field of prostitution.

In legal terms, prostitutes can extricate themselves from employment in this context at any time. The real possibilities of acting upon a decision to extricate one’s self from the field of prostitution have not changed in the wake of the Prostitution Act. The federal government’s goal is to offer more support for prostitutes who wish to extricate themselves from the field of prostitution so that they will be able to realise their decision to extricate themselves. The federal government will therefore examine how prostitutes who wish to extricate themselves can be better supported by programmes and other sources of aid in extricating themselves, how models that prove to be successful can be supported and how access to measures to attain qualifications and support can be made more flexible.

In order to place the conditions under which prostitution is practiced under the control of law, so that those that work in the field are protected and accompanying criminality can be avoided, the federal government - in cooperation with the Länder - will examine whether, and if so which, instruments in

commercial law can be used to more efficiently control commercial activities in connection with sexual services. In this context, the introduction of mandatory permits for brothels and brothel-like operations, along with other operations related to sexual services, must be examined.

## **Article 7: Women's Participation in Political and Public Life**

### **7.1 Act on the Appointment and Secondment of Women and Men to Bodies within the Remit of the Federation (*Bundesgremienbesetzungsgesetz - BGremBG*)**

The legal situation has not changed since the fifth periodic report. A fourth report by federal bodies on the status of these issues as of June 2005 will be submitted to the German Bundestag in spring 2007. One of the chapters is devoted specifically to an international comparison and also cites foreign examples in staffing bodies in an exchange on best practice.

### **7.2 Women in Decision-Making Positions in Politics**

Since the Bundestag elections in September 2005, Germany has had its first female Chancellor, Angela Merkel. She thereby plays an important role as a model for women in decision-making positions, in the field of politics and beyond.

The number of women in the German Bundestag has risen continuously in the past decades. In the sixteenth German Bundestag, in 2005, 613 representatives were elected, 194 of them were women. That represents a proportion of 31.6 per cent.

In addition to Chancellor Merkel, there are five female ministers in the Federal Cabinet who are responsible for the portfolios of

- Justice
- Health
- Family Affairs, Senior Citizens, Women and Youth
- Education and Research
- Economic Cooperation and Development.

Four of the six vice presidents of the German Bundestag are women. Women chair 10 of the 22 permanent committees in the sixteenth Bundestag.

The political parties have redoubled their efforts to increase the proportion of women in order to promote equal opportunities for women within their own organisations. Most of the parties have introduced quota systems. The women's organisations in the individual parties play an important role in this context.



### **7.3 Support from Non-governmental Organisations**

The federal government promotes the right of women to work in non-governmental organisations and associations by supporting women's associations financially and through institutional support for the German Women's Council, the umbrella organisation of German women's associations, as well as through targeted support for projects initiated by women's associations.

The German Women's Council is an association of over fifty federally active women's associations and organisations. Its members include religious and professional associations, women's groups within the political parties, the unions and the German Sports Federation, as well as organisations that operate beyond religious and party boundaries to fulfil numerous social and political tasks. The German Women's Council is financed through public funds and is recognised as a non-governmental organisation (NGO). It has a special advisory status within the Economic and Social Council of the United Nations and is a member of the European Women's Lobby.

Because of the support provided for their work, the women's associations, women's groups and other organisations have been able to effectively expand their activities in educating and activating women and men. One positive development, particularly worth mentioning, is that the organisations have increasingly developed means of offering practical, everyday help, especially for women from groups suffering discrimination, thereby bringing about real improvements in women's living situations.

The interest group representing disabled women, "Weibernetz e.V" has been particularly successful in representing the interests of disabled women on a national and international level as a result of the support provided by the federal government. In order to support networking between women's initiatives and institutions on a local level, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth support information exchanges for women. As of 2007, the equal opportunities commissioners, counselling services, local and regional associations and organisations will organise exchanges on the topics of equal opportunities in working life, ensuring social security in old age, political involvement, health, and violence against women.

### **7.4 European Action Programme on Gender Equality**

The Fifth European Commission Action Programme on Gender Quality was executed between 2001 and 2005 in order to implement the framework strategy on gender equality. In this context, transnational projects for the analysis, sensibilisation and development of a capacity to effectively promote gender equality were conducted on a national and European level. The focus of the programme was on questions of equal pay (2001/2002), the reconciliation of working and family life (2002/2003), equal participation in decision-making processes (2003/2004), changing gender roles and stereotypes (2004/2005) and the role of fathers with regard to equality policy (2005/2006). The programme was extended for an additional year through projects to promote equality within the context of local development.

Germany was a partner in a number of projects and also contributed to the co-financing. A number of important European conferences were staged under the leadership of Germany on questions of equal pay (June 2002) and the situation of women and men in leadership positions in business (2004).

### **7.5 Global Summit of Women**

In 2007, Germany will host the Global Summit of Women. The Global Summit of Women serves as an international platform for exchange between women in leadership positions in the business world, as well as in public administration, science and non-governmental organisations. It provides a forum for women in leadership positions from all over the world, allowing them to discuss their experiences, examples of good practice and strategies for promoting women, as well as to establish worldwide networks. The issues are very wide-ranging: Work & Life Balance, Microcredits for Women in Developing Countries, Women and Technology, Women in Leadership Positions, and others. In the foreground of the Global Summit, a so-called “Ministerial Roundtable” takes place, to which female ministers representing various portfolios are invited in order to engage in discussions and to exchange strategies that have had a positive effect on the economic status of women in the countries in question. “Public private partnership” is the topic of the Ministerial Roundtable of the Global Summit 2007 in Berlin, at which the federal government will present its experience in cooperating with the business world.

### **7.6 Twentieth Anniversary of the Federal Ministry for Women**

In 2007 the Federal Ministry for Women will celebrate its twentieth anniversary. It can look back on numerous political measures of its own and has also had a lasting effect on other federal ministries to the benefit of women. Furthermore, it has decisively promoted the implementation of gender mainstreaming in the work of the federal government. Yet although many laws promoting equality have been passed in the last twenty years, and many programmes promoting the reconciliation between career and family have been executed, and although the implementation of EU guidelines and decisions by the European Court of Justice have undoubtedly led to progress in Germany, there are still various types of inequality between women and men. The gap in earnings between women and men should be mentioned. Here, women earn only 78 per cent of what men do, on average. The number of women in leadership positions in private industry, the sciences and public service has increased, but it is still far below the levels for men. The unequal distribution of work in both the workplace and the family continues to be a cause for dissatisfaction.

The twentieth anniversary of the Federal Ministry for Women presents a good opportunity to look back at successes and to direct renewed efforts towards eliminating the deficits.

## **Article 8: The Proportion of Women Representing German Interests Abroad and in International Organisations**

The share of women among the German employees in international organisations increased appreciably in the reporting period. The number of German employees in the United Nations Secretariat increased between 2001 and 2005 from 129 to 147. In the same period, the number of

female German employees increased from 46 to 58, i.e. an overall increase in the female quota from 35.66 per cent to 39.46 per cent (cf. also the explanations in Part B on the Recommendations of the Commission para. 32 and 33).

In the highest positions in the United Nations Secretariat, i.e. on the level D2 and higher, 3 of 7 German employees are, in the meantime, female; in 2001, by contrast, it was only one of four employees. In this conjunction, Assistant Secretary General Angela Kane is the highest-ranking German in the United Nations Secretariat, after Achim Steiner, the Executive Director of the United Nations Environmental Programme.

On a comparably high level within the European Commission, the proportion of women among the German employees was increased from 15.98 per cent in 2001 to 28.8 per cent in 2005.

Further information on the equality policy of the Foreign Office can be found in Part B, under Paragraphs 32 and 33.

## **Article 9: Nationality of Women and Children**

The provisions formulated in Article 9 of the Convention are completely satisfied by German law. With regard to employment and the loss of German citizenship, the provisions for men and women under the Nationality Act are the same for women and for men. Regarding the acquirement of citizenship at birth, it is sufficient when one parent fulfils the provisions of Article 4 of the Nationality Act. Each spouse can only be held responsible for behaviour leading to the loss of German citizenship (Article 17 of the Nationality Act) individually. There is no extension of such measures to the other spouse.

## **Article 10: Equality of Women and Men in Education and Sport**

### **10.1 Education**

Girls leave schools that provide a general education, in which instruction is essentially coeducational, having attained higher achievement levels than their male counterparts, on average, as well as better marks. The proportion of girls in secondary modern schools (*Hauptschule* = lowest level) was 44 per cent. In grammar schools (*Gymnasium* = highest level) 54 per cent of the pupils are girls, i.e. the majority (2004/2005). Increasingly, the poorer marks achieved by boys have led to calls for additional support programmes, especially in elementary school.

The difference in the proportion of girls in secondary schools is also reflected in their final levels of educational achievement. Of all pupils leaving schools providing general education without so much as a school-leaving certificate for the secondary modern school, roughly 36 per cent were girls. In this context, there is nearly no difference between the figures for German and foreign girls. Thus, the proportion of girls among Germans in this group is 35.7 per cent and among foreigners the figure is 37.7 per cent.

By contrast, the proportion that passed their Abitur (granting them the right to enter university) was 56 per cent (2004). Here, again, the rates for German and foreign women differed little (56.6 per cent and 56.3 per cent).

At German universities nearly half of the first-semester students (49 per cent) were female in 2002. By 2004, more women than men enrolled to study (51 per cent). The difference between the proportion of German women among German first-semester students and foreign women among foreign first-semester students was only 2 per cent in 2004, with women enrolling somewhat more frequently (52.4 per cent) among the foreign students. In the case of foreign students who passed through the German educational system, the proportion of women was 52 per cent in 2002, but only 44 per cent in 2004.

Among those receiving university degrees, the relationship between men and women was also nearly balanced, with the proportion of women at 49 per cent. Among foreigners receiving degrees (both those who passed through the German system and those who came from abroad), the proportion of women was 46 per cent in 2004.

At the advanced level of the academic career ladder, the proportion of women decreases consistently with the increasing status and level of qualification related to the positions. The proportions have, however, been continually – albeit slowly – rising: 39 per cent of the doctorates were awarded to women in 2004 (2002: 36.4 per cent). Here, again, the difference between German and foreign women was somewhat more than 2 per cent (39.3 and 36.8).

Women accounted for 23 per cent of all habilitation candidates in 2004 (21.6 per cent in 2002).

In vocational training within the dual system (at the place of employment and in vocational school), a development similar to the one in the schools offering general education is not found. With a proportion of roughly 40 per cent, women are still underrepresented here. The proportion of women among foreign trainees was 44.4 per cent in 2004 and, hence, nearly unchanged in comparison with the previous year. The market for trainee positions continues to be segregated. Women are more likely to complete vocational training in the fields of social and health services.

Women are predominant in fulltime schools for vocational training in the field of health services. In schools for health professions, the proportion of women was over 80 per cent in 2003/2004. The proportion of women among Germans involved in vocational training in this field was 79.2 per cent. Among foreigners involved in vocational training, the proportion of women was only slightly higher at 80.7 per cent. This form of training has been growing since the 1990s.

The federal government has now focused on expanding the spectrum of careers chosen by girls and young women in the direction of technological and natural science-related professions. To this end, national initiatives like “Girls’ Day” (girls’ future day), which was staged for the seventh time in 2007 (for more information see Paragraphs 20 and 21), are continued, along with projects to introduce girls to the Internet (Lizzynet) or allow them to approach technology in a playful manner (robot course “Roberta”).

Funds provided by the federal and Länder governments totalling 30.7 million euros were invested in the special programme “Equal Opportunities for Women in Research and Education”. This programme, which operated under the University and Science Programme (*Hochschul- und Wissenschaftsprogramm*), was extended until the end of 2006 after a positive evaluation in 2003. The funding it receives was used for joint measures to promote the qualification of women for professorships, increase the proportion of women in natural science/technological programmes of study, and for Women’s/Gender Studies. The goals in supporting it were to overcome the existing structural impediments to equal opportunities in research and teaching, to increase the proportion of women at all levels of scientific qualification and with the corresponding academic degrees, and to raise the number of women in leadership positions in institutions for research and teaching. The Länder are responsible for implementing the individual measures. Numerous Länder have introduced grants to finance habilitations. In the Lise Meitner Programme (North Rhine-Westphalia), for example, a total of 283 female researchers have been supported since its introduction in 1991. Most of the women have, in the meantime, completed their habilitations and many of them are now professors. Through the Dorothea Erxleben Programme (Lower Saxony), 37 scientists and artists were supported during the period in attaining the qualifications required for a professorship at a university, university of applied science or university of art between 2001 and 2003.

Further measures by the federal government to help provide equal opportunities for women in science and research are:

The competence centre “Frauen in Wissenschaft und Forschung – Center of Excellence Women and Science (CEWS)”, established by the Federal Ministry of Education and Research in 2000, serves as a national coordination centre for measures to promote the equal participation of women in science and research and as a service centre; it became a department of the Social Science Information Centre of the Society of Information Systems on 1 January 2006. The data bank femConsult is also still maintained. It currently contains data on roughly 5000 female scientists.

The federal government promoted the “Peer Mentoring” project from 2004 to 2006 at research facilities located outside of universities. Peer Mentoring is a concept for offering career support, intended to help increase the proportion of women in leadership positions. Its focus is on a self-organised network and system of reciprocal support for highly qualified PhDs on their way to leadership positions.

Within the framework of the project called “femtec.network – Career building for young female leaders in engineering and the sciences” – a system to further the careers of especially talented female students of natural and engineering sciences is being developed, tested, and evaluated. The Federal Ministry for Education and Research supports the management and coordination of tasks within the overall project. The participants attend a summer school where they have the opportunity to acquire key-qualifications that transcend individual disciplines, receive support in career planning, and establish individual contacts in the professional world. In addition, an experienced female manager from one of the cooperating companies serves as a mentor. The goal is to provide support for equal opportunities and to promote the establishment of networks among up-and-coming female leaders in science and technology.

Over 20 universities and research facilities have received the “Total E-Quality” award since 2002; it is presented to organisations that practice a personnel policy oriented on equal opportunities.

Grants and scholarships are awarded according to the principle of equal opportunity. The proportion of women who received BaföG (study grants under the Federal Training Assistance Act) reached roughly 52.4 per cent in 2003 (after roughly 51.6 per cent in 2001). At the universities this figure increased to roughly 56.6 per cent (2001: 55.4 per cent). The proportion of females receiving this form of support was highest at the universities of art, at roughly 68.2 per cent (2001: roughly 68.3 per cent). At the universities of applied sciences the figure was roughly 43.0 per cent (2001: roughly 43.1 per cent). Among school pupils, notably more women than men received this form of support in 2003; they accounted for roughly 60.7 per cent in this category.

Men and women have equal access to programmes for further and advanced training.

The proportion of women, who do not complete their apprenticeships, is 23 per cent (2004), making it not much higher than the proportion of men who fail to complete their apprenticeships (21 per cent). Girls drop out of school less frequently than boys do, and their final level of educational achievement is higher.

Germany has been asked, within the context of the EU Presidency, to propose indicators that would allow the progress that has been made in implementing the objectives under Chapter B, “Education and Training of Women”, of the Beijing Platform for Action to be measured and made visible. Germany will suggest three indicators:

1. The proportion of female graduates and males graduates of all tertiary graduates in mathematics, sciences and technical disciplines.
2. Employment rate of women and men (aged between 25 and 39 years; and aged between 40 and 64 years) by highest level of education attained.
3. The proportion of female ISCED 5a-graduates and male ISCED 5a graduates of all ISCED 5a-graduates and proportion of female PhD graduates and male PhD graduates of all PhD graduates by broad field of study and in total.
4. The proportions of female and male academic staff in academia differentiated by grades A, B and C and in total.

Germany will submit conclusions regarding these indicators to the Employment, Social Policy, Health and Consumer Affairs Council for approval.

## **10.2 Sex Education, Family Planning, and Counselling for Pregnant Women**

In order to offer education and counselling with regard to sex, family planning and pregnancy for women and men in all population groups, the highly experienced non-governmental organisations active in this field are essential. For this reason, the federal government places great value on cooperating with diverse organisations active in this field and supports their work by funding

individual activities such as conferences, publications, and continuing education measures, both in ideal and financial terms. The special focus of the work with such organisations during the reporting period was on ensuring the quality of the care offered those seeking abortions or contraception. A particular focus in the past years was on the avoidance of teenage pregnancies. The low - and declining – figures for Germany in this context are evidence of the success of the joint efforts of the federal government and the organisations that provide pregnancy counselling. The connections between the level of education (final school achievement level), career perspectives and unwanted pregnancies still warrant particular attention. The intensification of counselling in the safe use of contraceptive methods is therefore a focus of current efforts.

Since 1992, the Federal Centre for Health Education has been mandated by Article 1 of the Act to Aid Women Terminating Pregnancies in Special Cases (*Gesetzes zur Hilfe für Frauen bei Schwangerschaftsabbrüchen in besonderen Fällen – SFHG*) to develop concepts, measures and media for sex education and family planning with the primary goal of avoiding pregnancy conflicts. It fulfils this task in cooperation with the Länder and representatives of the family counselling agencies maintained by various national organisations. In the reporting period, the focus was on the prevention of teenage pregnancies, and on providing information and measures to develop the competence of women and couples in dealing with pregnancy and birth. As examples, the following current projects and studies are worth mentioning:

- Representative survey on the desire to have children and establish families among women and men with university degrees (2004)
- Study “männer leben” (men’s lives) on life histories and family planning (2001-2004)
- Media package on the prevention of pregnancies among minors: results of studies, statistical background information, expert opinions for multipliers, and a medium for younger girls – Jules Diary -
- Internet presence [www.schwanger-info.de](http://www.schwanger-info.de) with information and contact addresses regarding all aspects of pregnancy and birth.
- Set of brochures “Rundum. Schwangerschaft und Geburt” (All Around. Pregnancy and Birth) for pregnant women and “Ich bin dabei! Vater werden.” (I’m going to be there! Becoming a Father) for fathers-to-be.
- Quality Circle in Prenatal Diagnostics, a model project for doctors and counsellors in the field.

The prevention of teenage pregnancies among socially disadvantaged groups is the goal of a new project by the Federal Centre for Health Education called “Komm auf Tour – meine Stärken, meine Zukunft” (Come on tour – my strengths, my future), which was initiated in January 2007 in cooperation with the Land of North Rhine-Westphalia. A central feature of the project is a circuit of learning activities for schoolchildren with special needs in the seventh form. The intention is to encourage them to think about possible professions and their plans in life with regard to employment, profession, love, partnership and family in a playful manner.

### **10.3 Women and Sports**

In addition to the women in Germany who are active in sports outside of sports clubs, there are currently 10.4 million women and girls organised in roughly 88,500 sports clubs (2000: 10.3 million). Thus, the proportion of women in the German Sports Confederation (Deutscher Sportbund – DSB) is almost 40 per cent (2000: 38.6 per cent), and it is rising faster than male membership. Women are also represented more often in leadership positions in sports than was previously the case. The proportion of women in DSB committees (not including the national committee “Women and Sports”) has increased from 13.5 per cent (1988) to what is now 26.6 per cent; taking the national committee into consideration, the figures are 16.3 per cent (1998) to 42.1 per cent (2003).

One of the factors contributing to this development was a project that was supported by the federal government from 2001 to 2005: “Frauen an die Spitze” (Women to the Fore), which had the long-term goal of overcoming the underrepresentation of women in leadership positions in sports. It was subdivided into a theoretical and a practical section and was executed in cooperation with female social scientists and the German Sports Confederation. The project brought sports organisations to consider the issue of “Women and Leadership Positions in Sports”. At the same time, the women who came into question for such positions felt encouraged and supported, not least of all because the regular project meetings offered them a platform for establishing networks.

In order to draw more attention on the part of politicians and the public to the topic of “Women and Sports”, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth contributes regularly to the compilations of the federal government’s reports on sports. The eleventh report on sports was compiled and published in 2006.

## **Article 11: Equality of Women and Men in the Field of Employment**

### **11.1 Employment - Facts and Figures**

The level of employment among women in Germany has continued to rise since 2002. According to information from the German Federal Statistical Office (national account), 18.1 million of the average of 38.4 million people employed in Germany in 2004 were women. Here, employment is defined as both being an employee and self-employed, or on temporary leave of absence. Compared with the average for 2003, the number of women employed increased by 193,000 (1.1 per cent). Among men, by contrast, the number employed in the same period sank by 65,000 (-0.3 per cent). The proportion of women among the total number of people employed was 47.1 per cent on average in 2004. This was equal to a rise of 0.4 per cent in the female proportion of the workforce as compared with 2003.

This positive development is reflected in the proportion of women working (employed women as a proportion of the female population of working age - between 15 and 64). While, according to the Statistical Office of the European Communities (Eurostat), the percentage of the overall population in Germany that is employed has fallen slightly since 2001, the proportion of women working has increased continuously and reached a level of 59.3 per cent in 2005 (2000: 57.7 per cent). This meant that Germany had already exceeded the interim goal set forth in the European Employment Strategy



(57 per cent) by more than two percentage points. The federal government therefore considers Germany to be well on its way to fulfilling the provision of the European Council in Lisbon; it calls for at least 60 per cent of the female population to be employed by the year 2010.

In the face of the increased orientation towards employment on the part of women, the proportion of women in the workforce (proportion of women gainfully employed or currently unemployed in relation to the female population between the ages of 15 and 65) increased further, from 64.0 per cent in the year 2000 to 66.1 per cent in the year 2004, according to the Federal Statistical Office.

In order to ensure that the participation of women in the workforce is equal in terms of the livelihood it provides, it is important to consider not only the proportion of women employed, but also their share of the volume of overall working hours. Despite women generally progressing further and getting better marks in the educational system, and young women, in particular, having excellent training, the volume of hours worked by women in gainful employment is still far lower than for men. Hence, the rate of part-time employment (percentage of the part-time employees in the workforce as a whole) among female employees in the period from 1991 to 2004 increased from 30.2 per cent to 42.1 per cent (+12.1 per cent), while the proportion of men working part-time in the same period rose only from 2.1 per cent to 6.2 per cent (+4.1 per cent) (Source: *1. Datenreport zur Gleichstellung von Frauen und Männern in der Bundesrepublik Deutschland*, Nov. 2005).

The proportion of people over 55 years of age in the workforce is comparatively low in Germany. This is even truer with regard to the proportion of women in the workforce between the ages of 55 and 64. In this case, the percentages were between 22 per cent (low qualification), 31.9 per cent (median qualification) and 50 per cent in cases of a high level of qualification in 2005 (for men: 37.3 per cent, 45.2 per cent and 62.7 per cent respectively). Due to the decline in the population, labour market researchers are predicting a more acute deficit of trained specialists as of the year 2015. Therefore, measures must be taken in Germany to improve the employment chances of older members of the workforce. The focus of activity is on the promotion of life-long learning through an ongoing system of training, and on ensuring the ability to work until an advanced age through such measures as sustainable health policy. The federal government has introduced a law to improve the employment chances of older people. The goal of this draft law is to reintegrate unemployed older people through a system of combined earnings, a new form of support paid for reintegration into the workforce, and professional training.

The federal government also considers the special situation of older, working women within the framework of more general model projects. For example, in the case of the project "Competency 50 plus" which is intended to improve the qualifications of older people who are unemployed or threatened by unemployment. In this project, slated to begin in early spring of 2007, a pilot training concept will be developed by the Central Federation of German Retailers (*Hauptverband des Deutschen Einzelhandels - HDE*) working together with the German Trade Unions Confederation (*Deutsche Gewerkschaftsbund - DGB*) which maintains 141 working groups called "Work and Life" (*ARBEIT UND LEBEN*) in the Länder, regions and towns throughout the country, as well as a national working group. During the model testing period, the participants' chances in the labour market are to be improved and the growth potential of retail trade developed. The federal government and the

Central Organisation of German Retailers intend to demonstrate through this unique project that measures to preserve the qualification of older employees are worthwhile. Further goals of the project include the development and reinforcement of a consciousness, on the part of employers and in society, with regard to the potential of these employees and the possibilities of increasing the earnings of businesses that participate.

With the Fourth Law for Modern Services in the Labour Market (Hartz IV-Law), a new form of basic support for those seeking employment was introduced on 1 January 2005; consequently, unemployment assistance and social assistance for people capable of working but in need of financial aid were merged together in a system of long-term unemployment compensation (*Arbeitslosengeld II*).

As a result of the new law, many former social welfare recipients who are capable of working, but who did not make themselves available to the labour market were registered as unemployed for the first time. This led to an increase in the number of people registered as unemployed in Germany in 2005, an effect more pronounced in the case of women than on the whole. According to information from the Federal Employment Agency, employable former social assistance recipients and female dependents of recipients of unemployment assistance, who were not registered as unemployed themselves, were more numerous than the comparable group of males. However, an exact quantification of this so-called Hartz IV effect, which takes all the influences it had on increasing and decreasing unemployment figures into consideration, quickly reaches its limits. However, the Federal Employment Agency estimates that it must have been a case of some 380,000 people on average for the year, of whom roughly 70 per cent were women.

Against this background, the number of unemployed women initially increased by 16.7 per cent in 2005, much more rapidly than was the case for men (+6.4 per cent). The average for the year was 2.255 million unemployed women in 2005, which are 322,000 more than in 2004. There was also a correspondingly strong increase in the annual female unemployment rate (related to all civilian employees), up 1.9 percentage points to 12.7 per cent, while for men it was only 0.9 percentage points totalling 13.4 per cent. In 2006 the number of unemployed women sank by 4.7 per cent; this was, however, not as pronounced as was the case for men (-10.3 per cent). The annual average for 2006 was 2.15 million women unemployed, which were 106,000 fewer than in the year 2005. The annual average unemployment rate fell correspondingly by 0.7 percentage points to 12.0 per cent. While in the case of men it fell by 1.4 percentage points also reaching a level of 12.0 per cent.

Considering the Hartz IV effect when viewing the development of unemployment, one finds that unemployment increased slightly for both sexes, slightly more for women than for men. In the new Länder the shrinking workforce has led to a more positive development in the unemployment rates of women in the East than of women in the West. While the unemployment rate of women in Western Germany increased by 2.3 percentage points to 10.7 per cent, the overall rate in eastern Germany increased by 0.3 percentage points to 19.8 per cent.

## 11.2 Labour Market Reforms

Combating unemployment is one of the federal government's primary concerns. To this end, extensive reforms have been introduced since 2002 (First to Fourth Laws for Modern Services in the Labour Market, s. above).

Since 1 January 2005, the basic support for job seekers (Second Book of the Social Code) has been in force as part of the labour market reform. The goal of the entire reform package is to place people seeking employment in available positions as soon as possible. More initiative is expected from those who are seeking employment, above all a willingness to make themselves and their families independent of state support (the principle of "promote and challenge"). Everyone who is able to work, but who does not have the means to cover her or his cost of living on their own or with support received from others, and is therefore needy, receives a uniform benefit called long-term unemployment compensation (*Arbeitslosengeld II*). This basic support for job seekers has replaced unemployment assistance and social assistance for those capable of working. The needs of women as mothers, single parents, caregivers, and as people returning to work after rearing children were taken into consideration. There are now rules to ensure that women seeking employment may be not discriminated against, just as the family-specific living conditions of the needy who are raising children or who are providing long-term care for relatives must also be taken into consideration. Helping to find childcare for underage children is now a task for which the communal agencies that administer the basic support for job seekers are legally responsible. In addition, all needy job seekers are independently insured in terms of retirement, health and long-term care.

In the coalition agreement of 11 November 2005, the governing parties, CDU/CSU and SPD, underlined their commitment to enabling women and men to have equal access to employment that provides them with social security and covers their cost of living. At the same time, the rate of female employment is to be increased to over 60 per cent in accordance with EU provisions. This will require an ongoing effort by all parties: in the field of politics, as well as from the business community and the unions. Researchers are currently evaluating the extensive labour market reforms. Among the essential considerations in this context are the gender-specific effects of important instruments and measures in labour policy, which were either introduced or changed within the framework of the reform. In 2007, it will be possible to draw initial conclusions on various issues, including the extent to which the reforms have promoted the equal participation of women and men in working life, based on an Overall Evaluation Report on the First to Third Laws for Modern Services in the Labour Market. Initial results of the evaluation of the Fourth Law for Modern Services, which replaced the old system of unemployment and social assistance, and introduced basic support for job seekers, will be available in 2007. In this context, the information it provides on the implementation of the law with regard to gender equality will be of interest; it is the subject of an independent research project (cf. Part B on the CEDAW Recommendations, Nos. 28 and 29).

## 11.3 Promoting Employment

### 11.3.1 Job AQTIV Act

With the Job AQTIV (activate, qualify, train, invest, place) Act, which came into force on 1 January 2002, the importance of integrating women into the labour market was underlined in German law regarding the promotion of employment. Article 8 of the Third Book of the Social Code expressly foresees the use of measures to actively promote employment, including vocational guidance, in efforts to eliminate existing discrimination, as well as efforts to overcome gender-specific training and labour markets, in order to improve the employment situation with regard to women. In addition, Articles 8a (s. below under 11.3.3.) and 8b (s. below under 11.3.5) were introduced in order to facilitate the reconciliation of family and work life, and to promote women returning to work.

### 11.3.2 Vocational Guidance

In both 2003 and 2004, the Federal Employment Agency fulfilled its legal mandate to include women in the measures it adopts to execute labour market policy in numbers that at least correspond with their proportion of the unemployed and the relative degree to which they are affected by unemployment. According to the report by the Federal Employment Agency on the “The development of equal opportunities for women and men in the labour market” (*Entwicklung der Chancengleichheit von Frauen und Männern am Arbeitsmarkt*), submitted in June 2005, the proportion of women in all of the measures funded nationally was always over 41 per cent. Hence, the target quotas for promoting women were slightly exceeded in both years.

It is also noteworthy that the proportion of women among those taking advantage of measures to help people start businesses with a business start-up subsidy (a so-called “Me.Inc.”) was relatively high in 2004 at 42 per cent. This may be an indication of the fact that in the face of a difficult labour market the women who received support in this manner considered (part-time) self-employment an attractive alternative to being (part-time) employed.

The vocational guidance offered by the Federal Employment Office is available to everyone in local offices regardless of sex. In addition to individual guidance in one-on-one sessions, a wide range of options is available in the Vocational Guidance Centres that allow people to inform themselves.

In the manner in which it offers vocational guidance, the Federal Employment Agency fulfils its mandate to integrate women in a variety of ways. Initial guidance is offered by the Employment Agencies in the schools based on an agreement between the Federal Employment Agency and the Standing Conference of Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany.

This vocational guidance offers a wide spectrum of information and widely available activities for providing pupils still at school with vocational orientation in order to expand the spectrum of vocational choices by acquainting them with a wide range of vocational options early on. The media offerings developed by the Federal Employment Agency, which reach all school pupils, provide

ongoing, extensive and frequently updated information concerning the entire spectrum of vocational choices. Special attention is devoted to the gender-neutral formulation of the media both in terms of language and content. School pupils are encouraged to consider all forms of training offered, in order not to limit themselves to a gender-specific vocational orientation in an early phase. Parents, who play an important role with regard to the vocations chosen by their children, are involved in the process early, for example through parents' nights at the schools. Through the participation of the Federal Employment Agency in projects such as "Girl's Day" - girl's future day - girls' interest in technical professions is awoken at an early age (s. also under Part B, Paragraphs 20 and 21). The Employment Agencies also offer regional events for girls and young women in which they are provided with insight into the everyday practices in various vocations in the working world, which they may not have yet considered in contemplating a vocational choice. These measures make a special contribution toward counteracting stereotypical role distributions between men and women.

In referring young people to training positions, the Employment Agencies support both the person choosing a profession in attaining the vocational training they desire, as well as employers in their search for qualified trainees. The referral process encompasses all of the activities involved in bringing someone who is seeking training and an employer to the point of signing a training agreement. In this conjunction, consideration must be given to the interests, abilities and capabilities of the person seeking training and the demands of the position. In actual guidance practice, this means that no classification is undertaken according to the criteria of "female vocation" or "male vocation". Young people are registered for training in a vocation that they wish to pursue and for which they are suited, regardless of their gender. In cases where the envisioned vocation cannot be realised, alternatives are developed together with the young people – and if necessary with the parents – and implemented in agreement with all of those involved.

After the merger of unemployment assistance and social assistance into the system of uniform basic support for job seekers as defined in the Second Book of the Social Code in January 2005, vocational guidance and vocational orientation still remain mandatory tasks of the Employment Agencies. The "Teams U 25" (teams for people under 25) in the Employment Agencies also take responsibility for these tasks for needy young people who are capable of working. In addition, the agency administering the basic support for people who are needy but capable of working can also provide vocational guidance.

### **11.3.3 Vocational Training Grants**

According to Article 12 of the Basic Law, each individual is free to make her or his own vocational decisions. Vocational guidance in Germany respects and supports the freedom of vocational choice. It does not undertake efforts to steer people into certain vocations. An upshot of the principle of the freedom of vocational choice is the provision of vocational training grants, according to Book Three of the Social Code, to which – when the conditions for support are satisfied – the trainee is entitled. Thus, it is ensured that initial vocational training in a vocation recognised by the state, and for which training is provided in a contractual relationship, either within or outside of the workplace, can be pursued even when the compensation offered during the training period is not sufficient to cover living costs, costs of travel and other expenditures. The entitlement to vocational training grants

during educational measures intended to prepare young people for vocational training, provides many young people with a first chance to gain access to vocational training or working life. This is also a consequence of the right to freedom of vocational choice.

In keeping with the principles of Articles 8 and 8a of the Third Book of the Social Code, male and female trainees are equally entitled to support in the form of vocational training grants in order to ensure that the pursuit of vocational training is not prevented by a lack of financial security. This was not changed by the introduction of the system of uniform basic support for job seekers in the wake of what are called the “Hartz Laws”. To the extent that if there were still problems procuring support for vocational training in individual cases, these occasions have been taken as an opportunity to put the legal regulations to the test.

#### **11.3.4 Further Vocational Training**

In regard to measures for the elimination of discrimination against women in the context of access to further training, it should be noted that in 2003 and 2004 a greater number of women than men participated in the measures offered by the Federal Employment Agency. In 2003, more than 132,000 women participated in measures to further their vocational training (this reflects a proportion of 50.9 per cent); in 2004, the figure was over 96,000 women (this reflects a proportion of 52.2 per cent). Thus, the Federal Employment Agency more than fulfilled its legal mandate to include women in their measures to promote vocational training in numbers that at least corresponded with the proportion of women unemployed and the relative degree to which they are affected by unemployment.

#### **11.3.5 Special Measures to Promote Women Returning to the Labour Market**

The introduction of an explicit regulation for women returning to the labour market in the Employment Promotion Act (Article 8b, Third Book of the Social Code) as a result of the Third Law for Modern Services in the Labour Market ensures that women have access to the benefits of active employment promotion, in correspondence with the legal provisions, to the extent that these are necessary for their return to gainful employment; these explicitly include guidance, referral and promotion of further vocational training by covering its full cost. These regulations particularly benefit women, as in Germany dominant role models still lead to women assuming most of the tasks involved in raising children and caring for dependents, hence they often stop pursuing gainful employment for these purposes. Some 98 per cent of those returning to the labour market are women.

#### **11.4 Maternity Protection**

On 1 January 2006, the Act on the Compensation of Employer Expenditures and to Amend Further Laws (Expenditure Compensation Act) came into force. The Expenditure Compensation Act regulates two different methods of distributing the payment of costs for certain benefits provided by the employer to the employee in a new manner and has adapted the compensation procedure to the current structures of the social insurance system. The variant called the U1 is applied when the participating employers are to be reimbursed for expenditures for continuing to pay wages in case of illness; the U2 system is to compensate employers for expenditures in continuing to pay employees on maternity

leave. The employers make contributions to cover the costs of these payments and apply to the health insurance funds for full (U2 Procedure) or partial (U1 Procedure) reimbursement.

The reform of the U2 payment distribution system in the wake of the Continuation of Wage Payments Act marked the implementation of a decision by the Federal Constitutional Court on the employers' contributions to maternity allowances. Female employees receive a supplement to the maternity allowance from their employers during the maternal protection period. It is the equivalent of the difference between the maternity allowances from the health insurance funds and their last net wages. Within the framework of the distribution of payment system, the employers are reimbursed for expenditures including those for the employers, supplement to the maternity allowance by the health insurance fund. The Federal Constitutional Court ruled, on 18 November 2003, that the employer supplement to the maternity allowance, according to Article 14 of the Maternity Protection Act, was unconstitutional. The employer was compensated for the corresponding payments within the context of the payment distribution system in accordance with the Continuation of Wage Payments Act. But since this payment distribution system only applied to employers with small businesses, the Federal Constitutional Court saw a violation of the mandate of equality under the Basic Law. Under the previous legal situation there was a danger that women would be discriminated against *de facto*, since employers who were not included in the payment distribution system may have considered it in their best interest to employ few or no women.

As a result of the amendment in force since 1 January 2006, the employers' supplement to maternity assistance was altered in such a manner that now all employers are included in the payment distribution system.

### **11.5 Equal Pay**

Women earn 78 per cent of what men earn (Source: *Erster Datenreport zur Gleichstellung von Frauen und Männern in der Bundesrepublik Deutschland*, BMFSFJ 2005). Due to the unambiguous legal situation – the principle of equal pay is clearly anchored in German law – cases of direct discrimination in pay for women are now rarely found. However – as in other countries – there are still hidden causes, which are correspondingly difficult to prove. Thus, especially in the Western German labour market, women are more often found where pay is low, and they are less frequently found in more senior positions. They are disproportionately represented in industries that do not pay well, or in poorly paid fields and professions. They are also more likely to work for smaller companies, which generally pay less, and they seldom attain as much seniority as men. Another factor that is easily identified is the longer interruptions in women's careers in Germany, as compared with other countries, due to family reasons.

Although the federal government is not directly able to regulate wages – this is the exclusive right of the parties to wage agreements – it has adopted the goal of making whatever contribution possible to reducing differences in pay and income between women and men. Within the existing framework, the federal government works actively to ensure that the principle of equal pay for women and men and for equal work and work of equal value (Article 141 EC Treaty) is applied. In November 2002, the federal government presented a code of practice on the implementation of equal pay for work of equal

value for women and men. With this code, the employees' associations, the unions, individual employers, and those responsible for personnel have a tool at their disposal that should help them to ensure that the basic right to equal pay is honoured in collective wage agreements, as well as in industrial and individual agreements. The code also offers an orientation for the representatives of individual interests and their advisors, as well as for people who may be affected by discrimination themselves. It will be published in an updated version in summer 2007.

In cooperation with the Federal Statistical Office, a newly established European Task Force shall work to ensure that the data on wages becomes more comparable and will undertake a targeted evaluation of the equality of pay. The Earnings Statistics Act, which came into force on 1 January 2007, will provide a clearly improved database for research on the development and the causes of pay inequality and thereby create new possibilities for counterstrategies that can appropriately target the causes.

The federal government is also making its own contribution to eliminating pay discrimination: an examination of the collective wage agreement for all federal employees (*Bundesangestellten-Tarifvertrag* – BAT) for possible indications of discrimination is currently underway within the context of discussions on modernising the law on collective wage agreements between the contract partners. The negotiations on the pay regulations were resumed after the end of the last round of contract negotiations in 2005, and they are expected to be completed by 2007.

Efforts are also being undertaken to improve women's opportunities in the labour market on the whole. Although women are now better educated than ever before, there is still a clear discrepancy between their qualifications and their positions in the working world. In addition, work is unequally distributed between women and men. Through a multi-dimensional approach in gender equality policy, it should be possible to continue to reduce the disadvantages that still exist in career development and the differences in pay that often result from it.

## **11.6 Part Time Employment**

Since the Act on Part Time and Fixed Term Employment came into force in 2001, the number of part-time employees has risen by 1.4 million, to a level of 7.9 million. The proportion of part-time employees thus increased by 4.7 percentage points to 24.5 per cent, in 2005 (*Statistisches Bundesamt, Mikrozensus 2005*). The increase in the proportion of part-time employees can be attributed to the increase in part-time female employees in particular. Roughly 44.3 per cent of the women employed in 2005 worked part-time. This figure is roughly 6 per cent higher than in 2000. In this context, roughly 57.5 per cent of the women work part-time for personal or family reasons. The proportion of part-time employees has also risen continually among men. Since April 1991, the proportion of part-time male employees rose by 5.3 percentage points to 7.4 per cent: in the same period the proportion of part-time employees among all employees increased from 8.5 per cent to 16.1 per cent. On the whole, women represent the majority of the part-time employees, accounting for 83.9 per cent, (*Statistisches Bundesamt, Mikrozensus 2005*).



These figures confirm the fact that the Act on Part Time Employment has promoted equal opportunities for men and women and a better reconciliation between family and work life. The family-friendly goal of the regulation makes it possible for women and men to better harmonize family and work life, thus enabling them to better realise the plans they have for their own lives.

### **11.7 Measures to Promote Professional Equality between Women and Men**

The federal government will continue to improve the framework conditions for the equal participation of women and men in the working world. Firstly, it is important to promote the reconciliation of gainful employment sufficient to cover the cost of living with the tasks of raising and caring for children. This includes the continued expansion of institutional childcare (s. 11.9, 11.10, 13.1), the further development of daycare as an equal alternative, the strengthening of initiatives for childcare supported by industry, as well as the consideration of childcare costs as an income related expense as now allowed under the federal tax code. Secondly, a social consensus must be promoted that recognises the responsibility for raising and caring for children as a task for both of the parents considered to be legal guardians in equal measure. The structure of the parental allowance system, in force since 2007, contributes to this by foreseeing the father component as an important element.

Further goals include an increase in the proportion of women employed on the whole, an increase in their proportional representation in future-oriented professions, as well as in highly qualified and leadership positions.

In addition to professions in the natural sciences, there is also a male dominance in professions in technology and information technology. This is both true of professions involving training, as well as for academic careers. Various projects are targeted at overcoming this gender segregation in the labour market. "Girls' Day", an event staged annually, gives schoolgirls an opportunity to become acquainted with technical and natural science-related professions (for more information see Part B, Nos. 20 and 21). A pilot project "New Paths for Boys" (*Neue Wege für Jungs*) is also intended to contribute to the expansion of the spectrum of professions chosen by boys, to make traditional male role expectations more flexible, and to strengthen the social competence of boys. It is also hoped that this will have a positive effect on a stronger male presence in pedagogical and teaching professions, and on discussion concerning a stronger male presence in areas of private life dominated by women.

Young women now have excellent educations and more frequently attain higher and better levels of educational achievement. Precisely targeted information on vocations and careers, as well as an improvement in networking among women, is offered via the Internet through the national women's portal financed by federal funds: [www.frauenmachenkarriere.de](http://www.frauenmachenkarriere.de). The platform has developed into a real network of exchange and will promote its networking function through a day of action in 2007.

In order to make the support offered by individual company's to promote women's careers more transparent, the federal government supports the development of the "genderdax" information platform on the Internet. With the aid of a special assessment model, the personnel development measures for career-oriented women implemented by various companies will be evaluated, the companies ranked among the top one hundred will be presented on the information platform.

The federal government and the leading organisations of the German business community published a Second Assessment of the Implementation of the Agreement to Promote Equality between Women and Men in the Private Sector in February 2006. The focus of the second assessment is on the topic of women in leadership positions. It contains a current survey, focused on the topic along with a presentation of current concepts and measures to increase the proportion of women in leadership positions.

The assessment shows that equal opportunities for women and men, and the balance between family and work life, has been promoted and improved in many areas of politics and the economy in the past two years, but also where there is still a need to act.

## **11.8 Women as Entrepreneurs and Founders of Businesses**

### **11.8.1 Facts and Figures**

Female entrepreneurs and founders of businesses make an essential contribution to growth, employment, and innovation in the German economy. Of the roughly 3.85 million self-employed businesspeople in Germany in 2004, 1.112 million of them were women; this represents a proportion of nearly 29 per cent. The number of self-employed women had therefore risen, in comparison with 2001, by 100,000. In the new Länder and in East Berlin the number of self-employed women had grown by 27,000; there were 195,000 self-employed women here in 2004. In the old Länder the number increased by 73,000 to a total of 917,000. Between 2001 and 2004 the proportion of women among the self-employed in the old Länder increased from 27.9 per cent to 28.9 per cent. The proportion of self-employed women in the new Länder increased from 29.9 per cent to 31.4 per cent.

The number of self-employed has women therefore increased more rapidly in the past years than the number of self-employed men. This development can be attributed, for the most part, to the increased number of female academics – the so-called “educational effect” (*Institut für Mittelstandsforschung, Mannheim, 2002*). The higher a woman’s level of academic achievement, the more likely she is to choose self-employment as an option over becoming an employee.

The majority of self-employed women are employed in the area of services (678,000), followed by trade, gastronomy and transport (311,000), and production (82,000), followed by agriculture and forestry (41,000). Roughly 295,000 of the self-employed females worked freelance.

### **11.8.2 Measures to Promote Female Entrepreneurs and Founders of Businesses**

The federal government has adopted a variety of measures in an attempt to better tap the professional and entrepreneurial potential of women than was previously the case, and to make use of this potential for economic development. Women who found businesses, or are active as entrepreneurs, can draw on an extensive system of support in Germany, which is oriented to the needs of both self-employed men and women. On the whole, 4.1 billion euros of low interest funds (credits and subordinate loans) have been provided; these have been, in turn, augmented by an approved credit volume of roughly 8.4 billion euros from the KfW SME Bank’s own programmes (also reduced interest credits and subordinate loans).

The number of women who were aided in founding their own businesses increased sizeably between 1990 and 2002. Hence, in the old Länder more than one in four new business receiving support was founded by a woman (25.6 per cent) in 2002. In the new Länder the proportion of women receiving aid in founding their own businesses accounted for more than one third of the total (33.6 per cent). In 1990 the proportions were still only 21.3 per cent in the old and 25.6 per cent in the new Länder. The introduction of a so-called seed money programme (*Startgeld-Programm*) was particularly helpful for the founders of their own businesses. It is especially tailored for the founding of smaller businesses up to a maximum of 50,000 euros, and female business founders make use of it disproportionately. Hence, the proportion of women in this programme, in 2002, was 35.4 per cent, as opposed to 26.9 per cent in other promotion programmes. In 2005, the number rose to 37.3 per cent; in the new Länder, 46 per cent of those who took out loans were women.

Since the end of 2002, the KfW SME Bank has added microcredits to its programme with the goal of particularly helping the founders of small and smallest businesses in the service sector, enabling them to become self-employed. Over 56 per cent of self-employed women work in the service sector and have clearly profited from the introduction of the microcredit. The proportion of women in this programme was 39.2 per cent in 2005.

The system of support introduced in 1996, within the context of the Upgrading Training Assistance Act (*Aufstiegsfortbildungsförderungsgesetz – ABFG*), has been particularly important for women. The regulations in this system pertaining to participation of women with children in programmes for further training have contributed to the positive career development of women. On 1 January 2002, the reform of the Upgrading Training Assistance Act came into force; it included a stronger emphasis on the components that favour families and the founding of businesses. Since this amendment, the conditions for providing support to families with children and to single parents have been improved. Between 2002 and 2004, the number of women receiving support increased from 23,000 to 41,000; their proportion of all of those receiving support increased from 26 per cent to 31 per cent.

The federal government also promotes the work of organisations like the national agency of female business founders (*bundesweiten Gründerinnenagentur - bga*). This is the only organisation in all of Germany that offers information and services to aid women establishing themselves as entrepreneurs in all sectors of the economy and in all phases of a business's development: the founding of the business, its becoming established and the transfer to a successor. News of interest to women founding businesses, and information on important events is posted daily on their Internet platform, along with tips on literature and research studies. By April of 2006, this agency had contact addresses for 537 information clearinghouses and counselling sites, 446 experts, and 280 networks throughout Germany. On the bga's central hotline, women involved in founding businesses can access qualified initial advice and orientation counselling, along with additional information concerning consulting options.

Furthermore, the federal government also supports the initiative "power for female founders" (*Power für Gründerinnen*) which currently maintains 20 projects aimed at motivating more women to found their own businesses and to improve the conditions they face.

The TWIN – Mentoring project, “from female entrepreneur to female entrepreneur”, is tailored specifically to women, and targeted at young entrepreneurs who have been self-employed for at least one, but no more than three years, and who want to grow with their enterprises. With regard to the issue of entrepreneurial succession, a study conducted by the University of Frankfurt is currently assessing experience with the succession processes in the constellation involving the “Transfer of Businesses from Father to Daughter”. The results will be employed in further education programmes in order to raise awareness for gender-sensitive succession counselling.

With the Third Amendment to the Industrial Code on 1 January 2003, Germany required, for the first time, that the gender of the founder of a business be specified in the (legally mandated) forms used to register the date on which a new business commences operation. This provided the first reliable statistical basis (the registrations are sent to the Federal Statistical Office) for a survey on how activity in founding companies is distributed between men and women. Now, there is no need to rely on estimations, and this will greatly facilitate the development of new measures in the area of women’s policy. This may seem like a marginal development at first glance, however, up until now it was far more difficult to develop women’s policy measures in this context.

### **11.9 Reconciling Family and Work Life**

Being able to reconcile family and work life is an important factor influencing both women’s and men’s decisions to act on the desire to have children, and in the face of the growing participation of women in the workforce, and the increasing orientation towards families on the part of men, it has been growing in importance. While the reconciliation of family and work life was previously seen primarily as an individual problem of working mothers, it is now a topic more often discussed in relation to both sexes, and one which has gained more prominence in public discourse in the wake of the challenges and chances that it represents with regard to entrepreneurs, the economy, and society on the whole. In many companies, the expected shortage of personnel to fill qualified and leadership positions has led to a reorientation process, in which the advantages of family-friendly working conditions will play a bigger role. Various initiatives by the federal government are aimed at improving the possibilities of harmonising family and work life.

Equality and family policy are, therefore, increasingly focussed on issues like improving the balance between family and the working world, the improvement in conditions for active fatherhood, and the integration of women and mothers into gainful employment. The goal in this context is, on the one hand, to contribute to the realisation of as equal a distribution of tasks between mothers and fathers in raising and caring for children as possible, and, on the other hand, to ensure that there is more consideration in the workplace for the family-orientation of many fathers, as well as to reduce the disadvantages often faced by mothers in the labour market.

Politics and the private sector have entered into strategic cooperation in order to improve the possibilities of reconciling family and work life in Germany. This includes the “Agreement on Equal Opportunities for Men and Women in the Private Sector” (*Vereinbarung zur Chancengleichheit von Männern und Frauen in der Privatwirtschaft*), the progress of which has already been assessed for a second time (cf. 11.7). The orientation of this cooperation with the private sector, which is towards

alliances for equal opportunity and more family-friendly conditions, has developed in an extraordinarily fruitful manner, since 2001, and has become a characteristic of Germany's gender equality policy. Public-private partnership will also be the topic of the Ministerial Roundtable at the Global Summit of Women 2007 in Berlin, at which the federal government will report on its experience in cooperating with the private sector.

With the "Alliance for the Family", which was called into being in 2003, the federal government drew upon this voluntary strategy and initiated a broad social coalition for family friendliness in the working world. It is supported by a continually growing circle of important figures from the private sector, the sciences and the unions. Under the umbrella of the Alliance, initiatives geared towards creating a better balance between family and the working world, as well as more family friendliness in the culture of German industry in the mid-term, have been bundled together. The issue of the balance between family and work life was introduced as a focus of economic, socio-political and scientific debates. In the meantime, it has been possible to introduce family friendliness as a hard factor in terms of competition and location.

The "Success Factor Family 2005" (*Erfolgsfaktor Familie 2005*) competition was staged to recognise companies that were dedicated to helping employees reconcile family and work life, with the hope of setting an example others would follow.

Due to the support it received from the four leading organisations of the Germany's private sector, as well as from the German Trade Unions Confederation, within the framework of a partnership for action, the number of applicants was five times higher than in the previous competition in 2000. The success of this competition showed that a growing number of companies now understand that: Families are a source of enrichment, and family friendliness is an economic factor. There were also comparable competitions on the Länder level.

Arguing on the basis of hard economic facts, various studies, expert opinions, and projects, which were funded by the federal government and sometimes conducted in cooperation with partners, support the goals of this alliance. They are an important part of a strategy of argumentation that emphasises the potential that a family-friendly working world holds for the economy and society. Hence, in the meantime, there are various, practice-related brochures and guidelines, published in conjunction with the leading organisations in the German economy, that offer interested parties a broad range of information on family-friendly measures adopted by various companies. The range is from a family-friendly atmosphere in the trades, to the reconciliation of family and work life for managers, through to the Internet portal [www.mittelstand-und-familie.de](http://www.mittelstand-und-familie.de).

A study conducted by the Prognos AG in 2003, "Economic Effects of Family Friendly Measures" (*Betriebswirtschaftliche Effekte familienfreundlicher Maßnahmen*), found that the average return on female- and family-friendly measures was 25 per cent. On the basis of accounting data from ten typical, mid-sized German companies, the effects of family-friendly measures on employees faced with the task of caring for children were determined, along with the relevant costs of personnel fluctuation, and long absences from the workplace.

In 2005, the Internet portal *Mittelstand und Familie* (mid-sized company and family) went online. It is a joint initiative of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Bertelsmann Foundation. The portal is geared primarily towards small and mid-sized companies and offers – as a kind of “virtual HR Department” – information on practice-oriented, low cost solutions to questions related to the topic of reconciling family and work life.

Since 1999, companies and institutions in Germany have been able to have their implementation of family-friendly personnel policies certified through an annual *berufundfamilie*® audit conducted by the Hertie Foundation. Since 2002, a similar audit has also been offered for universities that give consideration to families. In the meantime, more than 350 companies, institutions and universities with roughly 55,000 employees have been audited.

This certificate is a management instrument to promote family-conscious personnel policy and a better reconciliation of family and work life. The factors that the audit takes into consideration are the flexibility of working hours, flexibility of working locations, a policy of information and communication on activities to support the family, family-conscious behaviour on the part of managers, further training options, financial and social support for employees, etc.

The Federal Minister for Family Affairs, Senior Citizens, Women and Youth and the Federal Minister of Economics and Technology have become official sponsors of the *berufundfamilie*® audit. In addition to the Federal Minister of Economics and Technology and the Federal Minister for Family Affairs, Senior Citizens, Women and Youth, representatives of the leading organisations of the German economy are also members of the coordinating committee for the audit.

Despite encouraging examples, which deserve emulation, there is still a great need to act within the context of broader practice. Many parents still experience problems at work when they try to harmonise family responsibilities and schedules with their professional obligations.

Therefore, the federal government has further intensified its efforts for a family-friendly workplace within the framework of the “Alliance for the Family” (*Allianz für die Familie*). The new programme for companies, called “Success Factor Family. Companies Win” (*Erfolgsfaktor Familie. Unternehmen gewinnen*), is an attempt to ingrain the relatively broad acceptance of the topic into the actual experience of the average working day in as many companies as possible. Resources should be focused in order to promote a practical implementation and broad application. The goal of this programme, to make family friendliness a topic for management and a recognisable trademark of quality in the German economy, should become manifest in a network of companies established in July 2006. Within a year, an expected 1,000 companies are to be recruited for this network, thereby creating new opportunities to exchange ideas and to offer reciprocal support. Thus, the companies can work within their own industries and in their specific regional contexts as driving forces in promoting family friendliness for the benefit of fathers, mothers and children.

Modules of this programme are, in addition to personnel development, a guideline for reintegrating employees returning to the workplace after a leave of absence for family reasons, and an aid for implementing company supported childcare.

One of the initiatives adopted in 2003 to improve the balance between family and the working world in the mid-term is the nation-wide initiative, introduced by the federal government in January 2004, called Local Coalitions for the Family (*Lokale Bündnisse für Familie*). Local Coalitions for the Family are associations of civic groups and activists united by the goal of improving the concrete living conditions of families. Through the joint commitment of strong partners from the private sector, communal government, larger organisations and initiatives, practical improvements for a better balance between family and work life and in childcare are achieved. The Service Office provides advice free of charge, which is funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the European Social Fund; it supports the coalitions, which work locally to implement concrete projects aimed at creating a family-friendlier environment.

The Local Coalitions for the Family initiative has become a success story. After roughly two years, over 300 coalitions have already joined the initiative; their work touches the lives of roughly 34 million people. In addition, the Service Office provides advice at over 560 locations. The tendency continues to be towards growth.

The federal initiative shall be continued and expanded. The future focus will continue to be on the reconciliation of family and work life, as well as on childcare and, consequently, also on the creation of new jobs.

### **11.10 Childcare**

Measures to promote early childhood development, which are aimed at augmenting the role parents play in raising children and learning opportunities available in parental households create conditions for real equality in learning and education and are a precondition for the reconciliation of family and gainful employment. The expansion of childcare focused on quality as well as the needs of families not only serves to promote the development of children at an early age, it also helps women, in particular. A diverse spectrum of quality childcare is an essential precondition for mothers' being able to pursue gainful employment and for people being able to return to work after taking a break for children. Hence, the federal government is working to create a quality-oriented system of education and care that is geared towards the needs of children of all ages.

By 2010, childcare will be expanded to accommodate an additional 230,000 children under the age of three. A precondition for this expansion was fulfilled with the passage of the Child-Day-Care Expansion Act, for quality oriented daycare corresponding with need, which came into force on 1 January 2005.

The federal government cooperates with the Länder in order to ensure that the funds needed to expand daycare, calculated to be 1.5 billion euros per year, will be available to the communal governments.

The first report by the federal government on the Status of Child-Day-Care Expansion for Children under Three Years of Age, submitted in July 2006, showed that visible progress has been made. In comparison with 2002, the ratio of places to children (institutional places and daycare) had improved

by 25 per cent. In Western Germany, where there is a great need for expansion, the ratio of places to children nearly doubled.

The Child-Day-Care Expansion Act provides an important foundation. The number of children for whom childcare is needed in Germany, however, exceeds the number that is targeted for accommodation under the Child-Day-Care Expansion Act. The federal government will therefore work together with the Länder and with local governments to determine the need for additional childcare and funding in order to decide upon concrete steps for the further expansion of childcare.

At the same time, the federal government will continue to participate in the process of ensuring the quality and development of learning, education and childcare, by highlighting objectives. It is particularly important to be able to better reach children with migrant backgrounds, in order to optimally promote their linguistic development. An intensified cooperation with fathers and mothers in the work of kindergartens is also an essential element of the quality standards that are to be applied.

Moreover, it is now easier to deduct childcare costs on tax returns as an income-related expense. Working parents can deduct two thirds of their childcare costs on their tax returns, up to a maximum sum of 4,000 euros per child, as of 2006. Parents will thereby be provided with a total of 460 million euros in relief. This new rule makes an important contribution to the reconciliation of family and gainful employment, particularly to an improvement with regard to equal opportunities for women in the labour market.

In the wake of the Second Law for Modern Services in the Labour Market, dated 21 December 2002 (essentially in force since 1 January 2003), it is now possible to deduct the wages paid to employ people in private households on tax returns. This measure was aimed at promoting private childcare based on a model of “working mothers employing other mothers”. Another aim was to reduce illegal employment without social insurance coverage in private households, which most often affects women. This goal has obviously been achieved. The new tax regulations have led to a large increase in the number of employees registered in private households: from June 2003 to June 2004, the number of people who were registered employed as exclusively within the framework of “mini jobs” in private households increased from 39,000 to 77,000. The number of employees who were registered as having an additional job in a household nearly doubled in the same period, increasing from 10,000 to 22,000.

## **Article 12: Equality of Women and Men in the Health Care System**

### **12.1 Health Policy Concerns Specific to Women**

Through the adoption of various measures, the federal government is working to ensure that more consideration is given to women’s concerns in the health care system. In Germany’s health care system men and women have a legal right to equal access to health care services and facilities. Regardless of sex, age or social status, everyone receives the health care that is necessary. In this context, however, it should be considered that women are, in part, affected by different types of symptoms and illnesses than men. Gender-specific differences may also become evident during the



course of an illness or while taking medication. Women also have different reactions to some health problems. They therefore require care and services that take their specific needs into consideration.

In order to promote and sustainably establish women's health structures through networking measures, the federal government funded a three-year (2002-2005) project "Federal Coordination of Women's Health" (*Bundeskoordination Frauengesundheit – BKF*). Within the framework of this project, an informational brochure entitled "Women – Life – Health" (*Frauen – Leben – Gesundheit*) was published to provide targeted information on gender-specific manifestations of illness and how to deal with them.

Mortality statistics, such as the life expectancy as well as maternal and infant mortality rates, serve as an important indicator of the overall health situation. Maternal and infant mortality have continued to decrease both in recent years and in comparison to the previous report. In 2003, 4 mothers died per 100,000 live births in the wake of complications due to pregnancy, delivery, or childbed. In 1960, 106 mothers died per 100,000 live births. The decrease in infant mortality between 1990 and 2004 reflects a 41 per cent reduction. In 2005, 3.9 of 1000 live births died within the first year of life (in comparison to the figure of 4.4 in 2000). In this conjunction, boys had poorer chances of survival than girls.

In the wake of the Health Care Reform of 2007, preventive care and regenerative therapies provided for mothers and fathers (*Mutter-Vater-Kind-Kuren*) were converted from benefits that could be provided electively into benefits that must be provided mandatorily. Women and men both have the same claim to this benefit.

## 12.2 Health Monitoring and Health Information

The health monitoring system is now devoting more attention to women's health issues and to a gender-differentiated presentation of information. The first systematic survey of data on the health of women in Germany became available with the completion of the Report on the Health Situation of Women in Germany (*Bericht zur gesundheitlichen Situation von Frauen in Deutschland – 2001*), which was commissioned by the federal government. In summer 2006, the "Health Report for Germany" (*Gesundheitsbericht für Deutschland*) was published under the auspices of the Federal Ministry of Health with the context of the federal government's health monitoring system. The report contains a comprehensive description of the health situation in Germany differentiated by sex.

Special brochures and reports are published within the framework of the health monitoring system focusing on topics that specifically affect women, such as "Breast Cancer" and "Uterine Cancer", as well as questions regarding the "Health Situation of Single Mothers and Fathers", "The Health Situation of Men and Women in Middle Age" and "Unwanted Childlessness". As a fundamental rule, the information published by the health monitoring system always attempts – to the extent that the data allow – to present differentiated conclusions concerning men's and women's health, for example in brochures on "Diabetes" and "Coronary Heart Disease and Acute Myocardial Infarction".

Information on important topics concerning women's health became available through the databank called "Women's Health and its Promotion" (*Frauengesundheit und Gesundheitsförderung*), which was established in 2006 by the Federal Centre for Health Education, an authority within the Federal Ministry of Health. The databank serves the purpose of directing users to a selection of health information sources on the Internet that have been evaluated by experts and deal with issues that specifically affect women; it addresses both medical specialists and the population at large.

The newly established Institute for Quality and Economy in the Health Care System (*Institut für Qualität und Wirtschaftlichkeit im Gesundheitswesen - IQWiG*), which acts on behalf of the Joint Federal Committee and the Federal Ministry of Health, also makes an important contribution towards providing independent, quality-tested health information. This also includes quality-tested health information on issues that affect women specifically, such as "menopause". Currently, the IQWiG is drafting an expert opinion at the behest of the Federal Ministry of Health that will serve as a basis for health information publication on the topic of "Endometriosis".

### **12.3 Research on Women's Health**

In all of its research programmes and projects, the federal government always attempts to ensure that gender-specific differences are regularly and systematically taken into consideration. For this purpose, a working guideline has been developed for all government ministries. It can make an important contribution towards avoiding excessive, insufficient or incorrect measures in health care for women.

In recent years, research on women's health has become increasingly established in an international context. However, there is still a need to make up for deficits in women's health research in Germany. A familiarity with the different gender-specific risks, protective factors and stress constellations is a prerequisite for developing effective measures in prevention, treatment and regenerative therapy intended to enhance objective and subjective health resources. Our understanding of these aspects must be oriented on the living situations of women and men and include the different questions related to either case.

The promotion of research dealing with issues that specifically affect women within the framework of the federal government's health research programme will be increased by including corresponding stipulations within the programme's funding guidelines, for example by stating that: "gender-specific aspects shall [...] be considered in an appropriate manner" or measures will be conducted to promote research on specific topics (such as breast cancer or hormone substitution therapy). Research projects related to women's health are currently focused on research concerning breast cancer, hormone substitution therapy, prevention and care.

In addition, there are individual projects funded through different programmes that are not specifically oriented on research questions specific to women, but which consider gender-specific differences, for example two projects within the Competency Network Heart Failure (*Kompetenznetz Herzinsuffizienz*).

#### **12.4. Health Care for Women and Girls Affected by Violence**

Violence is one of the central health risks for women. Therefore, the federal government has focused more closely on better health care for women and girls affected by violence during the reporting period. To this end, the establishment of sustainable cooperative structures and networks was supported within the framework of the federally funded Federal Coordination Programme for Women's Health (*Bundeskoordination Frauengesundheit*); its main purpose is to establish a connection between the medical sector and facilities that provide help for victims of violence. In addition, implementation strategies and rational measures were developed in joint cooperation with those active in the health care system with a view to their applicability.

The issue of "The Effects of Violence on Health" was also the focus of additional measures by the federal government. Particularly worth mentioning in this context is a practical handbook, published in May 2004, on "Domestic Violence against Women and Health Care". It is based on the results of research on the work of SIGNAL, a Berlin health project. The goal of the project was to increase sensibility and awareness with regard to the problem of violence, particularly on the part of medical personnel in emergency rooms and ambulance services, in order to improve the health care available to female victims of violence. The accompanying research study provides data on not only the need for care and the effects of domestic violence on health, but also reliable information on the development, implementation and effectiveness of intervention projects with regard to their applicability to other hospitals. Based on these results, additional projects in practice have been promoted in order to implement the SIGNAL programme nationwide. These include the compilation of a curriculum to train medical personnel in clinics and "Train-the-Trainer Seminars" for the multipliers who will be responsible for training medical personnel in how to deal with women who have been victims of domestic violence. The importance of doctors in improving the situation of women who have been affected by violence will also be addressed in a new project focusing on individual doctor's practices. The project will begin in late 2007.

The Federal Ministry of Health and the German Medical Association are preparing a joint conference for autumn 2007 to address doctors, medical personnel, and others involved in the system of care. Discussions will be conducted on how the care for female victims of domestic violence can be improved, and how examples of best practice in the system of care can be passed on to others. The results of the expert opinion on the "Effects of Violence on Health" (*Gesundheitlichen Folgen von Gewalt*), which is currently being prepared within the context of the federal health monitoring system, will be presented at this conference.

#### **12.5 Pregnancy and Prenatal Diagnostics**

The federal government devotes special attention to the problems that arise in conjunction with conducting a prenatal diagnosis. A positive result can lead to a major conflict for men and women confronted with this situation. The goal, therefore, is to continually improve the information and counselling available to women and their partners, enabling them to make a well-informed decision.

Important impulses have been provided by the results of a study, completed in June 2006, which flanked the model project “Psychosocial Counselling before, during and after Prenatal Diagnostics” (*Psychosozial Beratung vor, während und nach Pränataldiagnostik*, July 2003 – February 2006). This study intended to evaluate the long-term effects of psychosocial counselling within the context of prenatal diagnostics on the psychological disposition of female clients and the way they dealt with their experiences. An additional goal was the analysis of the effects of different situations and framework conditions on the tendency to take advantage of counselling, as well as its progress and effects. The insights that it provides on the importance of counselling within the framework of prenatal diagnostics, and the conclusions it draws concerning the factual background of individual conflict situations, are to be used subsequently to improve the quality of the counselling offered.

Further measures within the context of prenatal diagnostics are being conducted in cooperation with the Federal Centre for Health Education. Particularly worth mentioning are the representative survey on prenatal diagnostics published in July 2006, the flyer entitled “Prenatal Diagnostics as Initial Information for Counselling, Methods and Help” (*Pränataldiagnostik als Erstinformation zu Beratung, Methoden und Hilfen*), as well as the model project ending in 2007, “Quality Circle in Prenatal Diagnostics” to improve the cooperation between doctors and counselling services.

## **12.6 Women and Addiction**

Gender-specific strategies to prevent addiction (for example to alcohol, drugs or tobacco) and gender-specific treatment options are employed in helping people suffering from addiction have now become standard practice. The “smoke free” (*rauchfrei*) brochures published by the Federal Centre for Health Education under the titles “Stop smoking girls” and “Stop smoking boys” address boys and girls as specific target groups. The brochure “I’m having a baby” (*Ich bekomme ein Baby*) provides information on the risks of smoking during pregnancy. For spring 2008, the Federal Government Drug Commissioner is planning a conference on the topic of “Women and Smoking”.

The brochure “Here’s to you, my child” (*Auf dein Wohl, mein Kind*) provides information on the topic of alcohol for parents-to-be. Hence, it has also been augmented by a counselling manual for providers of prenatal care called “Alcohol Free through Pregnancy” (*Alkoholfrei durch die Schwangerschaft*).

A current focus is also on improving measures for people who are addicted to medications or who consume medications abusively, many of whom are women (particularly women with lower professional or academic qualifications and women who are not employed), along with older women and men. The German Centre for the Control of Drug Abuse (*Deutsche Hauptstelle für Suchtfragen - DHS*) has studied the possibilities and the problems involved in reaching selected target groups. Socially disadvantaged women and older people stood in the foreground of their analysis. The results were submitted in 2006.

A new project is beginning in 2007 that will deal with gender-specific demands placed on programmes designed to offer help with addiction.

## 12.7 Measures against Eating Disorders

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth answers the growing need for counselling and therapy for women and girls with eating disorders, a result of the increasing number of new cases, by funding a study on the practices employed in treatment, entitled “Ensuring Quality in Counselling and Outpatient Therapy for Women and Girls with Eating Disorders” (*Qualitätssicherung in Beratung und ambulanter Therapie von Frauen und Mädchen mit Essstörungen*). The goal of this project, which was completed in 2004, was to formulate quality standards with regard to the services provided, the manner in which the facilities were equipped, the standards with regard to the qualification of the staff and the type of counselling offered, and to improve the cooperation with the agencies that are responsible for organising these services, which should help to ensure that this specific form of service remains available. The final report, which was published in 2005, is intended as an aid to other counselling and therapy facilities’ enhancing their ability to develop concepts and enabling them to offer comparable services.

The Federal Centre for Health Education also focuses on the prevention of eating disorders. A series of brochures and other material has been published for those suffering from eating disorders, as well as for multipliers; an Internet portal and a telephone hotline have also been introduced.

## 12.8 HIV Infections and AIDS

According to estimates by the Robert Koch Institute, a total of 56,000 people with HIV currently live in Germany, 47,000 of them are men, and 8,500 of them are women.

The number of new infections was relatively constant in past years, at a rate of roughly 2,000 annually. Since 2004, however, the number has been continually rising, reaching a level of 2700 in 2006, a figure that included 500 women. In the face this new development, the federal government drafted a new strategy for combating HIV/AIDS in 2005. Particular emphasis was placed on the need to consider the different worlds in which women and men live, and to enhance women’s rights. The strategy is now being implemented through a plan of action.

The funding provided for the special section for “Women” within the federally subsidized German AIDS-Relief Association (*Deutsche AIDS-Hilfe*), as well as for their efforts to provide counselling and care for HIV positive women, ensures personal and practical support in all questions related to women and AIDS. Through the network established in 1992 called “Women and AIDS” (*Frauen und AIDS*) heightened attention has been drawn towards gender-differentiated factors related to how the illness is perceived, how people come to terms with it, and how it can be prevented.

The brochures entitled “Girls’ Thing(s)” (*Mädchensache(n)*), published by the Federal Centre for Health Education, is directed at girls before and during puberty. The intention is to encourage their self-determination in dealing with sexuality and to provide information on sexually transmitted diseases, including HIV/AIDS.

Both the Federal Centre for Health Education and the self-help organisation Deutsche AIDS-Hilfe take cultural differences into consideration in drafting information that they make available to migrants in various languages, for example the brochure “There is something you should know before you get married.” (*Es gibt etwas, das Du vor Deiner Ehe wissen Solltest*). This is a bi-lingual information brochure for young Turkish women on the topic of AIDS and safer sex.

The Deutsche AIDS-Hilfe offers workshops for women only within the context of nationwide meetings of African migrants in order to ensure that they are heard and can exchange opinions independent of men.

Various other prevention projects appeal primarily to migrants, for example outreach prevention programmes, and the training of health interpreters.

### **12.9 Health Situation of Women in Old Age**

Against the backdrop of current demographic developments, the question of preventive health measures for women in the second half of life is becoming more important. Since 1990, the life expectancy for women has risen by 3.13 years and for men by 3.99 years. By 2005 it had reached 81.8 years for women and 76.2 years for men.

Because of women’s higher life expectancy, the probability that they will suffer the typical illnesses of old age has increased. Foremost among these illnesses are coronary heart disease, stroke, cancer (especially breast cancer), osteoporosis and psychological disorders (depression and dementia).

Hence, the federal government has commissioned a research project on “Preventive Health Measures for Women in the Second Half of Life” (*Gesundheitliche Prävention von Frauen in der 2. Lebenshälfte*). The results will be available in summer 2007.

Heart and cardiovascular disease are still the most common causes of death for both women and men in Germany, yet they play a lesser role now than they did in 1990. Since then, the mortality rate for heart attacks has only risen among women over 90 years of age, for all other female age groups, and for men, it continued to fall. The symptoms of a heart attack often express themselves differently in women than in men. If they are not recognised, it can lead to treatment beginning late, and the risk of mortality increasing. The federal government also financially supported the publication of a flyer by the German Heart Foundation (*Deutschen Herzstiftung*), which includes information on the special symptoms of heart attack experienced by women.

The number of new heart attacks among women between the ages of 55 and 75 is on the decline. On the other hand, the rate of new cases among women between 25 and 54 is on the increase. This rise correlates with the increased and earlier consumption of cigarettes in the female population.

The mortality rates for stroke have decreased markedly for both sexes.

Cancer is, after cardiovascular diseases, still the second most common cause of death for both women and men in Germany. However, different trends can be observed for different types of cancer. Hence, the rate of new cases of lung cancer has decreased among men since 1990, while it has been increasing among women less than 50 years of age. This is attributed primarily to the increased consumption of cigarettes among women, the most important risk factor for lung cancer.

Among newly discovered cases of cancer in women, the most common type has long been - and still remains - breast cancer. While the mortality rate decreased in the 1990s, the rate of new cases has continued to increase to this day. Through the introduction of extensive, quality assured mammography screening, which is currently being undertaken, further reduction mortality from breast cancer is expected.

In order to support women in dealing confidently with natural phases in their lives, such as menopause, the Federal Ministry of Health has published a flyer like “Menopause and Hormone Therapy” (*Wechseljahre und Homontherapie*), which provides information on the benefits and risks of hormone therapy and describes alternatives for alleviating the symptoms of menopause.

### **12.10 Care**

Women are both the most frequent recipients of care (2/3), as well as the ones most likely to be providing it (3/4). While providing care, women are subject to a higher degree of physical and psychological stress.

The introduction of Long-Term Care Insurance (Book XI of the Social Code) has greatly improved the social security of people requiring long-term care in Germany. Particularly since the implementation of the Supplementary Law on the Provision of Long-Term Care (*Pflegeleistungs-Ergänzungsgesetz – PflEG*) on the Länder level, the latter have called attention to the fact that there is much more support for civic involvement in providing care and assistance to older people.

### **12.11 Cooperation between the Federal Government and Various Health Organisations**

The federal government cooperates with various institutions and organisations dedicated specifically to women’s health (for example the Women’s Health Centres - *Frauengesundheitszentren*). Promoting the activities (especially conferences and publications) of these institutions, in ideal and in financial terms, in turn, provides interesting impulses for measures to increase the consideration given to health aspects that specifically effect women. In addition, this cooperation helps to identify problems related to women’s health.

Another project, which was funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth together with the EU, until 2001, was aimed at taking the specifically female approaches to health counselling and prevention that have emerged from the cooperation between health researchers and medical practice, as well as from experience with self-help organisations in individual EU countries, and to develop upon them transnationally, thereby making them available to

a broader public. Within the framework of this four-year project, the basis for a transnational network called “Women and Health” was created.

The most important groups addressed by this network are made up of national and regional organisations in the field of health, as well as of women from the field of health care, and self-help organisations in the countries involved.

The transnational exchange within the EU, has contributed to the bundling of resources, the expansion of the knowledge base, and the establishment of a Europe-wide network of activities of this type.

### **12.12 Prevention**

Measures to promote health and prevent illness that begin early and continue throughout life can contribute to women growing old in good health, remaining independent, and not requiring dependent on long-term care.

Health education to promote to healthy nutrition, physical activity, overcoming stress, and awareness of the risks of smoking, should be continued. The individual responsibility and competence of all women should continue to be strengthened through the

- continuation of measures to reduce tobacco consumption among women/girls,
- introduction of extensive, quality assured mammography screening to reduce mortality from breast cancer,
- presentation of the results of the research project “Preventive Health Measures for Women in the Second Half of Life” in summer 2007,
- presentation of the results of the research project on “Primary Prevention to Maintain Mental Health Among Women” in autumn 2007.
- increased emphasis on the gender-specific or sex-specific analysis of health information through additional brochures within the framework of the federal government’s health monitoring system, for example on “The Effects of Domestic Violence on Health” and focus reports on “Migration and Health” by the Robert Koch Institute (an authority within the Federal Ministry of Health),
- studies on the higher prevalence of mental illness, more frequent psychopharmaceutical medicalisation, the higher prevalence of addiction to medication, as well as the highly increased rate of early retirement because of mental illness on the part of women.

An important task is to take gender-specific aspects into consideration in promoting mental health on a national and European level. The Sixth National Health Target, “Depression: prevention, early recognition and sustainable treatment”, as well as the green paper by the European Commission on “Improving the mental health of the population – Towards a strategy on mental health for the European Union” provide an appropriate basis. The reports on this Sixth National Health Target clearly illuminate the gender-specific differences in the epidemiology, diagnostics, and in the behaviour of the subjects (for example differences in the tendency to make use of resources and suicidal behaviour), as well as in treatment (prescription of medication, psychotherapy, differences in



participation levels during the treatment process). Correspondingly, the measures to implement the recommendations that were formulated need to take these differences into consideration.

This is paralleled by an increased level of research on the situation of migrant women in the health care system, for example how migrant women can be reached with regard to HIV/AIDS through culturally sensitive information and education. In addition, the qualification of doctors and nurses for the treatment of patients with different cultural backgrounds is also planned.

## **Article 13: Equality of Women and Men in Economic, Social and Cultural Life**

### **13.1 Family Benefits**

Family policy is a central focus of the political activity of the federal government. In the long term, the goal of family policy is to support families and promote the reconciliation between family and work life, and to help people realise the plans they have for their lives with children. The federal government has undertaken a shift in perspective and policy towards sustainable family policy, the aims of which are now also grounded in demographic and economic arguments. What families need most is time, a supportive infrastructure, and income. Moreover, a paradigm shift has been introduced, which has placed increased emphasis in family policy on the expansion of an infrastructure that provides effective support for families and children, as well as on education and childcare, measures to integrate women into gainful employment, and the improvement of the balance between family and work life (for more information cf. Art. 11).

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is now investigating new avenues in supporting families. To this end, the first survey of existing conditions and assessment of family-related, state benefits in Germany was commissioned. The newly established “Competence Centre for Family Related Benefits” (*Kompetenzzentrum für familienbezogene Leistungen*) began its work at the end of 2006; it will present its findings periodically until mid-2008.

Currently, there are 145 family-related benefits in Germany with a financial volume of roughly 184 billion euros. With this survey, the Federal Ministry for Family Affairs will be able to present a financial tableau for this first time; it will provide a reliable basis for a clearly targeted analysis of the effectiveness of family related benefits.

The orientation in the analysis of the effects by the “Competence Centre for Family-Related Benefits” is on sustainable family policy: effective support for the early development of children, economic stability for families, and the reconciliation of family and work life for mothers and fathers. The work of the Competence Centre will focus on three main points and demonstrate how families with small children, or with three or more children, can be better supported, and how professional success and active parenthood can become a possibility for both mothers and fathers in equal measure. A review is also being undertaken to determine whether and how family benefits can be bundled together in the best interest of parents.

Since the introduction of the supplementary child allowance on 1 January 2005, families with low incomes no longer need to depend on supplemental benefits to the basic support for job seekers, according to Book II of the Social Code. Initial surveys and studies prove that the supplementary child allowance, as a means of promoting families, is a suitable instrument for reducing the financial burden on families with low incomes, for lessening their dependency on supplemental social benefits, and of increasing their willingness to pursue gainful employment.

With the Child-Day-Care Expansion Act, which came into force in January 2005, the federal government has contributed to progress with regard to the expansion of education and pre-school training. The law stipulates that the Länder and communal governments, which are responsible for childcare, are to begin increasing the number of spaces they offer in crèches and daycare for children under three, in 2005, so that they correspond with the needs of parents and their children. By 2010 the availability of childcare in terms of quantity and quality shall be raised to a level comparable with the rest of Western Europe. The federal government has provided assistance for the Länder and communal governments by merging unemployment assistance and social assistance for people capable of working, thereby making 1.5 billion euros available for the expansion of childcare. (Cf. Art 11)

Child care opens up new opportunities, especially for women and single parents, to allow them to earn enough to cover their family's living costs through gainful employment, hence it directly contributes to the reduction of income poverty and the isolation suffered by families in precarious situations. Children and youths from such families, or with migrant backgrounds, most often face disadvantages in the educational sector in Germany. Child-care facilities fulfil an important function in this context.

Under the title "Support for Single Parents – Integration into the Labour Market and Participation in Society" (*Unterstützung für Alleinerziehende – Arbeitsmarktintegration und soziale Teilhabe*), the federal government published a concept for action in early 2006 for communal governments, and made it available to numerous multipliers. It provides those who work in the actual context with options for taking action, examples of best practice and checklists in four areas of activity – employment counselling and referral, qualification, flexible childcare, and open social service programmes in urban neighbourhoods.

### **13.2 Housing Allowances**

As a state benefit intended to lessen the burden of housing costs on low-income households, and especially on low-income families, housing allowances fulfil an important socio-political function. The Housing Allowance Act provides a legal claim to a housing allowance. The criteria for determining the level of the housing allowance are: the number of people that belong to a household, their total income, and the level of the rent or other financial obligation qualified for supplementation (expenditures to service loans and operating and maintenance costs for privately owned and occupied residential property). The housing allowance is intended to enable households that qualify for this benefit to live not just in low-cost housing, but to also provide them with access to average cost housing at.

This housing allowance reform, in force since 1 January 2005, led to a simplification of the housing allowance system. Housing allowances are not provided to the recipients of transfer payments (for example unemployment assistance, social assistance, basic protection in old age and in case of reduced earning capacity), and members of the unit sharing their need, for whom housing costs are already taken into account within the framework of the transfer payment in question. This consideration does not put the recipients of transfer payments at a disadvantage. Housing assistance has been focussed especially on gainfully employed people with low incomes, since the reform, and on the recipients of unemployment assistance and pensioners, along with their families.

Single parents with children under the age of 12 (mainly women) may receive higher housing assistance benefits than comparable households under certain conditions as a result of a special income deduction to which they are entitled. Moreover, housing assistance is characterised by a high degree of family friendliness. This is, on the one hand, a result of the fact that child benefits are not taken into consideration in determining income and, on the other hand, a consequence of the structure of the formula used to calculate the level of housing allowances (with increasing household size the housing allowance also increases).

### **13.3 Equality of Women and Men in Cultural Life**

Although it is, in the meantime, undisputed that women play an essential role in determining and shaping cultural life, their potential and achievements in various social, scientific and artistic areas must still be made more visible. Initial progress has been made in past years in terms of establishing the equal participation of women in the world of art and culture, particularly through support provided for exhibitions, research, conferences and symposiums dealing with the living and earning situations of female artists. In order to enhance this progress, emphasis has been placed on targeting the support for certain events and organisations.

In 2002, a hearing on the situation of women in film professions was supported, along with a “Female Directors’ Guide” (*Regisseurinnen-Guide*) that was compiled in its wake. Support was also provided for the “European Female Conductors’ Reader” (*Europäische Dirigentinnen Reader*) along with the Rheinsberg Forum of female authors. In 2005, a hearing took place on the topic of “Theatre Women in Leading Positions” (*Theaterfrauen in Spitzenpositionen*), which provided an opportunity to establish networks among women in theatre and for them to formulate the deficits that need to be dealt with.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, in conjunction with female artists initiatives and associations, has already awarded the Gabriele Münter Prize, dedicated to women over 40 years of age, for the fifth time (in January 2007 it was awarded to Leni Hoffmann).

The Women’s Media Tower (*FrauenMediaTurm*), which is financed by the federal government, is an archive of the modern women’s movement in Germany, which is digitally archiving material on the modern women’s movement in order to make it available via the Internet. It has been received with great interest all over the world and is regularly consulted by researchers and interested women.

### 13.4 The Integration of Female Migrants

Women play a major role in integration. Through women, the integration process of the entire family is influenced.

Within the framework of integration courses, which comprise a German language course and an orientation course to provide information on the legal system, culture and the history of Germany, additional courses are offered specifically for women (for more information see Part B on the Recommendations 30/31). Since 1985, federal funding has also been provided for additional measures specifically in order to better prepare women for their role as a bridge between their families and society in the integration process. These courses for foreign women and girls (women's courses) combine various aspects of programmes designed specifically for women. In order to improve the coordination of the federal government's promotion measures, the women's courses were restructured in 2005. The main target groups at this point are women who are especially in need of integration, and are educationally disadvantaged.

The Women's Courses are intended to promote the integration of women by improving their self-confidence and skills, and by directing them towards other services offering aid in the integration process in an attempt to lead them a step further. These include the standard integration course and an initial migrant counselling session, which the women are motivated to attend. The women's courses are a preliminary step before the actual integration courses; they offer support on an easily accessible level and introduce the participants to employment perspectives and counselling on topics related to individual living situations.

Another programme financed by the federal government that plays a unique role in terms of reaching female migrants is the "Integration through Sports" programme operated by the German Olympic Sports Federation. Particularly the so-called "open sports opportunities", i.e. low-threshold opportunities to participate that do not involve an obligation to immediately join a sports club, offer young women and girls the chance to engage in sports in a group. The contacts that result from these sporting activities can facilitate the process of integration into society.

On 14 July 2006, the Federal Chancellor invited men and women active in the social and political contexts to an "Integration Summit". The participants agreed to draft a National Integration Plan within a year, and to participate in one of a number of working groups to prepare for it, in which they were to consider the needs of a broad cross-section of women and girls with migrant backgrounds. In addition, a working group was established to deal solely with the topic of "Improving the Living Situations of Women and Girls, Realising Equality" (*Lebenssituation von Frauen und Mädchen verbessern, Gleichberechtigung verwirklichen*). The National Integration Plan will be presented by the Federal Chancellor at a subsequent Integration Summit in July 2007.

## Article 14: Equality of Women and Men in Rural Areas

### 14.1 The Situation in Rural Regions

In recent years it has become obvious that the demographic transition and structural transformations in rural regions have led to major changes in the living situations of people in these regions. These changes have often resulted in parts of the infrastructure in rural regions being closed down. This especially affects women, because of their activities within the family.

However, this structural transition also represents an opportunity for women, for example in founding business of their own to offer services that may help to maintain certain elements of the infrastructure. The diversity of modern living situations is also reflected in changes in activities related to founding businesses. Thus, there are various types of business being founded, some of which provide supplemental or part-time income for women and men in stable forms of permanent employment, or in preliminary phases before full-time employment is pursued. The highest growth rates are found here among personal and business services, even if some of the businesses that were founded have not been able to survive in the market over time.

The coalition agreement between the governing parties in Germany, dated 11 November 2005, stipulates that measures are to be taken to ensure and expand upon the creation of added value and jobs in rural areas. The federal government presented a national strategy for rural development, in order to ensure that suitable living conditions can be preserved in rural areas.

As in other industrial nations, the number of people employed in agriculture in Germany has been declining for many years. While in 1950, one in four employees within the earlier borders of the Federal Republic of Germany was employed in agriculture; today the figure is only one in one hundred. The number of farms with 2 or more hectares of agricultural land within the earlier borders of the Federal Republic declined during the same period from 1.3 million to roughly 359,300. In 2003, there were roughly 388,100 farms with 2 or more hectares of agricultural land. At the same time, domestic agriculture fills nearly 90 per cent of the domestic demand for foodstuffs.

The proportion of women among the 1.3 million people employed on farms (in total) was roughly 38 per cent, i.e. roughly 498,000 women worked in agriculture.

Roughly 94 per cent of all farms in Germany were individually owned and operated, the vast majority of them by families. Of the family members that were employed full-time on these farms, 16.9 per cent were female; among the family members who were employed part-time, the proportion was 46.5 per cent. In 2003, roughly 320,700 women, or 39 per cent of all of the employed family members, were involved in farming activities. These women performed roughly 31 per cent of the work that needed to be done on farms. However, only 9 per cent of the independent farms were owned by women. In the new Länder the proportion was roughly 19 per cent.

These figures clearly illustrate that without the work of women, very few farms could survive.

## 14.2. Specific Promotion of Women and Men in Rural Areas

Women and men have the same right to exercise influence on determining the shape of rural development. They have the right to the same access to agricultural credits and loans, to marketing facilities and suitable technology, as well as to equal treatment within the framework of land and agricultural reforms, and in rural relocation measures.

The federal government promotes the equality of women and men in rural areas in diverse ways.

The Federal-Länder Joint Task for the Improvement of Agricultural Structures and Coastal Protection (*Bund-Länder-Gemeinschaftsaufgabe Verbesserung der Agrarstruktur und des Küstenschutzes*) serves to ensure that agriculture and forestry continue to be able to operate effectively, are capable of meeting future demands, and are able to compete within the common market of the European Union. Within the framework of the Joint Task, the political principle of gender mainstreaming is expressly anchored.

The federal government provides support for the special role that women play in agriculture and rural areas through model programmes, projects and funding measures. Hence, within the framework of a multi-year model programme, a special measure of the type described in Article 4 of the Convention, strategies for optimising gender mainstreaming within the framework of regional counselling were examined.

In order to develop new ideas and concepts on how employment options for rural women can be made more secure and new ones created, the federal government supports a project called “IT Rural Women” (*IT Landfrauen*). The goal is to help rural women become familiar with the Internet, to reduce any barriers to access that may exist, and to encourage women to offer their services via the Internet. At the same time, the project was intended as a measure to counteract the digital divide between urban and rural areas and between women and men.

In the first part, which was completed in 2005, the project contributed to the equal participation of women in rural regions in the possibilities for development and other opportunities that the information society offers; at the same time alternative concepts for opening up new opportunities in the economies and labour markets of rural regions were also tested. This was particularly important to the extent that public authorities offer an ever greater array of services online.

The second part of the project continued to focus on the labour market and approaches to employment policy. It was possible to develop innovative instruments, which can support rural women in their entrepreneurial activities, as well as in their involvement in other activities, by making use of new media. In the LandPortal, in which women who are active as entrepreneurs can post their virtual business cards, one finds rural services such as vacation and leisure options, farm stands and farm cafés. Rural women can post their own content on the Internet in order to advertise their products or services. This should help to develop and, above all, to preserve rural areas as attractive places to live and work.

## **Article 15: Equality of Women and Men before the Law, in their Legal Capacity and Right to Choose a Residence and Domicile**

As was explained in the first report, women and men have the same rights in these contexts.

## **Article 16: Equality of Women and Men in Marriage and Family Relations**

### **16.1 Registered Partnership Act and Registered Partnership Name Act**

The Act Amending the Law Regarding the Determination of Family Names in Marriages and Registered Partnerships, dated 6 February 2005, makes it possible for spouses and registered partners to take on a married or registered partnership name that one of the parties had previously taken on in a previous marriage or registered partnership. Previously, in the case of divorce and remarriage, only birth names could be used as married names, and women were prevented from continuing to use the name that they had taken as a married name, in a previous marriage, as the married name in the new marriage; now the act on marriage and registered partnership names has liberalised these regulations.

With the Act to Revise the Registered Partnership Act, dated 15 December 2004 (Law Gazette I, p. 3396), in force since 1 January 2005, further forms of discrimination against homosexual partners were abolished. The goal of the act is to bring the laws governing registered partnerships more into line with similar provisions pertaining to married partners, particularly with a view to regulating maintenance payments, matrimonial property, the grounds for suspension, by introducing a process of distributing pension claims, survivors' maintenance in the statutory insurance system, allowing registered partners to adopt stepchildren.

### **16.2 Forced Marriages**

Forced marriage represents a grave violation of human rights, and must not be tolerated. The coalition agreement between the SPD, CDU and CSU, dated 11 November 2005, includes provisions for the prevention of forced marriages and the examination of all measures suited to furthering this end. In order to prevent and combat forced marriage, the legal status of the victims should be improved, the support, counselling and specific measures available to aid them, as well as those for the purpose of prevention, shall be expanded. The federal government is currently examining how this agreement can be best implemented, and how that can serve to create a greater awareness of the punishable nature of such behaviour.

In the wake of the 37th Amendment to the Penal Code, dated 11 February 2005, forced marriage was already expressly determined to be a very serious case of coercion, which was subject to prosecution (punishable by imprisonment from 6 months to 5 years).

Whether additional amendments are needed to prevent forced marriage and to protect the victims – for example with regard to the right of residence – is currently being examined by the federal government.

There are neither reliable qualitative nor quantitative analyses available on this much discussed topic. The victims are, according to information from special counselling services, primarily girls and young

women between the ages of 16 and 21 from families with migration backgrounds, whereby it is not strictly a problem related to Islamic cultures, and men can also be found among the victims.

In order to improve the situation with regard to the data, and to promote scientific research on the topic, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has commissioned a study to evaluate the practical experience of people working in the field of forced marriage. In addition, a reader on the topic compiled in cooperation with the German Institute for Human Rights (*Deutsches Institut für Menschenrechte*) is scheduled for completion by summer 2007. The reader will present interim findings based on the evaluation of practices employed by counselling agencies. In addition, other contributions will deal with the phenomenon and causes of forced marriage, aspects of the gender dimension, the legal framework conditions, and to address possibilities of prevention and intervention.

Various bodies are currently at work on measures to prevent forced marriage and to provide support for its victims. On 19 June 2006, a hearing on the subject of forced marriage took place in the Bundestag at which experts were invited to give testimony. Diverse recommendations were made regarding legal amendments, while at the same time better preventive measures and aid projects were called for to support the victims. More research on the topic was also called for. The Bundestag will consider these recommendations.

The topic of forced marriage will also be discussed within the follow-up process of the Integration Summit. It is expected that many of the active participants will draft recommendations and agree to voluntary commitments. Some of the Länder also finance activities to promote research and prevention of forced marriage and to support the victims.

### **16.3 Equal Distribution of Surplus and Maintenance Rights**

The federal government is continually undertaking efforts to further the development of laws pertaining to marriage and the family. Currently, consideration is being given to a number of issues, including the regulation of the equal distribution of surplus, which is viewed as matrimonial property under matrimonial property law.

The equal distribution of surplus is based on the concept that what was earned and saved during the course of a marriage should be divided when the marriage, in which the property was held, ends (for example through divorce). As women are often not as extensively involved in gainful employment, and achieve lower incomes, the equal distribution of the surplus is often of greater importance to women. New means of distributing property in a manner that will more justly compensate the interests of both spouses will be examined, in order to prevent highly questionable property transfers in conjunction with divorces. The need for changes with regard to the consideration given to negative original assets (Article 1374 of the Civil Code), the alteration of the reference date (Article 1378 para. 2; Article 1384 of the Civil Code), more extensive rights to information concerning the assets of the other spouse, as well as a practical option for ensuring that the claim to an equal distribution of surplus can be maintained during the divorce process shall also be examined.



The law on maintenance shall also be reformed during the current legislative period. The draft foresees amendments to the law regarding maintenance payments after the divorce, as well as maintenance payments for children. In future, divorced spouses shall be obligated to pursue gainful employment after a divorce to a greater extent than is currently the case. The possibility of limiting claims to maintenance, both in terms of the level of payment and with regard to the period during which payment is due, are to be extended. The standard of living achieved during the marriage shall no longer be the decisive factor, but rather only one of many indicators for determining whether gainful employment must be pursued after the divorce, and if so in what form. Contractual agreements forfeiting the payment of maintenance shall only be acceptable in cases where it can be ascertained that both parties have been made aware of the consequences of the agreement (required form of agreements regarding maintenance after divorce). The overriding goal of this reform is to adapt the maintenance law to the changing expectations placed on partnerships and family relations and to today's realities.

## **Part B**

### **Response to the Concluding Comments by the Committee on the Elimination of Discrimination against Women on the Fifth Periodic Report**

The Committee for the Elimination of Discrimination against Women reviewed the Fifth Periodic Report by the Federal Republic of Germany (CEDAW/C/DEU/5) during its 30<sup>th</sup> session from 12 to 30 January 2004. Along with the positive aspects, which were presented particularly in the Paragraphs 14 to 19, the Committee also cited existing problem areas in the Paragraphs 20 to 43 and made its recommendations.

#### **Re. Paragraphs 20 and 21**

*The Committee is concerned about the continuation of pervasive stereotypical and conservative views of the role and responsibilities of women and men. It is also concerned that women are sometimes depicted by the media and in advertising as sex objects and in traditional roles.*

*The Committee recommends that policies be strengthened and programmes implemented, including awareness-raising and educational campaigns directed at women and men, and specifically at media and advertising agencies, to help ensure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. It also recommends that the media be encouraged to project a positive image of women and that concerted efforts be made to change men's and society's perception of women as sex objects.*

The federal government employs various measures to combat stereotypical role models and conservative views regarding the roles and responsibilities of women and men. The elimination of role stereotypes is an important goal for the federal government on the way to a society based on gender equality and partnership.

Some of these measures, which were described more extensively in the appropriate passages in Part A of this report, will serve as examples in the following. The explanations found under Article 11, in

particular, contain further measures, such as to the reconciliation of family and work life for mothers and fathers.

### **Combating Stereotypes in Educational Policy**

In 2005, “Girls’ Day” was staged for the fifth time by the federal government in cooperation with business and industry, as well as special interest organisations from the economic sector. Roughly 127,000 schoolgirls in forms 5-10 took part in nearly 7000 events and had an opportunity to become familiar with vocations that are atypical for girls. Since its initiation in 2001, half a million girls have participated in “Girls’ Day”. In 2006, a total of 7,085 partners in the event provided places for 121,681 interested girls.

In addition, the federal government has also staged such events as special computer camps for girls within the context of the “2006 - Year of Information Technology”, demonstrating clearly that it devotes continuing attention to overcoming traditional stereotypes in terms of interests and vocational choices.

In February 2005, the federal government began developing a pilot project called “New Paths for Boys” (*Neue Pfade für Jungs*), which supports the expansion of boys’ vocational selection spectrum, strengthens their social competence, and contributes to more flexible male role expectations. It is conceived of as both a networking project and service office; and focuses on the efforts of national initiatives and projects that offer boys specific help in planning for their vocations and their lives. A Service Office and a website serve as a platform for dialogue and networking, and support boys who are involved in voluntary activities in schools, youth social work, and vocational guidance in implementing measures for boys.

Through voluntary social work, the boys gain new insight, learn to be reliable, experience being accepted, and their self-confidence grows. These goals are also pursued by the project, begun on 1 April 2005 by the national organisation of the *Paritätisches Bildungswerk* (jointly operated non-profit educational organisation), called “Social Boys” (*Soziale Jungs*). This project is part of a **Model Programme for Intergenerational Voluntary Service** (*Modellprogramm Generationsübergreifende Freiwilligendienste*) initiated by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. Boys between the ages of 13 and 16 years of age are supported by mentors in three different cities: Frankfurt a.M., Potsdam and Saarbrücken. Each of the voluntary senior sponsors is responsible for a small group of boys, for which the sponsor serves as a regular contact. They act as mediaries between the social facilities, the boys for whom they are responsible, teachers and parents.

The schoolboys enter into an agreement with a social facility at which they make a commitment to work as a volunteer, regularly and reliably, for a whole year. Their service encompasses tasks such as caring for, accompanying and supporting older people, children or disabled people, playing games with them, reading to them, undertaking leisure activities, helping them with computers, or running small errands.

From the perspective of the facilities where the boys offer help as volunteers, their deployment is seen as a source of enrichment. This is true both of the support they provide for teachers and social workers in day-to-day routines, and of their help in caring for children, senior citizens and disabled people. A positive relationship is soon established between the staff members and the boys, and they are accepted as an integral element in the facilities.

Male role models are still relatively rare in the field of social services, and boys can play an especially important role in children's daycare facilities. The voluntary service is seen as a means of grooming the next generation of employees and as an "investment in the future". The experience the boys gain by participating in the project can also greatly benefit them in terms of vocational orientation, for example by awakening an interest in social or pedagogical professions. The certificate they receive for volunteering, as well as the entry in their school records, can improve their chances of being accepted when applying for work experience, civilian service or vocational training positions.

Participants in the project include a network of facilities offering help for senior citizens and disabled people, national charitable organisations, schools, other large interest groups and initiatives, as well as communal governments and volunteer agencies; they all work together to increase the recognition of voluntary involvement. The goal, in addition to establishing and increasing voluntary social involvement in the population, is to awaken an interest on the part of young men, in particular, for social and pedagogical professions, in order to promote a better gender balance and more male involvement in the field of social services. Further information is available under [www.sozialejungs.paritaet.org/](http://www.sozialejungs.paritaet.org/).

### **Combating Stereotypes in Family Policy and Family Law**

The federal government's family policy promotes relationships between men and women marked by equality and partnership. The parental allowance, for example, counteracts a gender-specific division of labour within the family, as at least two of the months are reserved for the other parent. It is oriented on how young parents who want to reconcile family and work life as fathers who want to be active in raising the children and mothers who want to work really live. Through the new programme designed for companies, called "Success Factor Family. Companies Gain", the federal government promotes a family-friendlier working environment in close cooperation with the business community and makes it possible for fathers, in particular, to participate actively in caring for children.

The implementation of the principle of equality between women and men has long been anchored in marriage and family law. Currently, marriage law assumes that there is agreement between the partners and does not assign gender-specific roles or responsibilities.

The married couple is also free to choose a common married name, whether they choose to take on the woman's name, or the man's name, or they prefer to refrain from taking a common married name altogether. The Act Amending the Law regarding the Determination of Family Names in Marriages and Registered Partnerships, dated 6 February 2005, made it possible for spouses and registered homosexual partners to take on a common married or registered partnership name that one of the

parties had previously taken on in a previous marriage or registered partnership (cf. Article 16 para. 16.1).

### **Combating Stereotypical Role Models in the Media**

As was already explained in the Fifth CEDAW Report (answer to question 23), Germany's democratic constitution prohibits the federal government from requiring the media to transmit a positive image of women. Within the framework of its possibilities, the federal and Länder governments do, however, contribute to raising awareness with the objective of eliminating role stereotypes. This takes place, in part, through its representatives, and by positively featuring gender-differentiated reports in the media.

In this context, the Social Ministry of Lower Saxony awards the Juliane Bartel Prize for a differentiated image of women in the media with the goal of visibly presenting the entire sphere of modern women's experience, in its full reality and complexity. It recognises authors whose contributions show a fair and equal image of women in their diverse roles, or as figures who are capable of - and willing - to take action.

The government of Hesse awards the Elisabeth Selbert Prize for journalists who promote equal rights and the dignity of women. In awarding the prize, the Land honours the memory of the Hessian lawyer Elisabeth Selbert, who successfully fought to ensure that the principle of equality was anchored in the Basic Law.

The League of Women Journalists in Germany (*Deutsche Journalistinnenbund*) conducted a study in March 2005 within the context of the "Global Media Monitoring Project", for which the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provided support; the study analysed 10 German newspapers, 12 television and 8 radio programmes from public and private broadcasting companies. The assessments showed that reporting in the media is still dominated by men around the age of 60. As the group most frequently represented, men of this age still account for 42 per cent.

The fact that within this age pyramid the average female television moderator has become younger (they are, as a rule, now not older than 34), was already observed in the "Global Media Monitoring Project" in 2000. A finding from the earlier survey was, by contrast, not duplicated: There is less of a focus on women as victims of war, violence and crime than was the case a few years ago. Men are affected by such events to the same extent without any sign of differentiation. The number of men found as victims of accidents or catastrophes was even somewhat larger than the number of women.

On television, the number of female moderators in political programmes has increased. The entertainment industry also features, a number of older, female police detectives who can be found on television as "strong women in strong roles".

Since 2002, the League of Women Journalists has been awarding a Young Journalists' Award. It recognises the work of a young female journalist or one just beginning to work in the field, who has contributed to overcoming traditional gender stereotypes and presenting a differentiated and gender-

adequate depiction of women in the media.

According to information from the German Advertising Council (*Deutscher Werberat*) the number of complaints related to sexist advertising is on the decline. In 2004, 347 complaints were registered and dealt with, in 2005, by contrast, the number was only 216.

### **Re. Paragraphs 22 and 23**

*While acknowledging that a comprehensive plan of action has been implemented and noting that the results of a survey on violence against women are expected to become available later in 2004, the Committee regrets the limited data and information available with regard to the scope of violence against women, including domestic violence, the nature of the violence and the age and ethnicity of victims.*

*The Committee urges the State party to provide in its next periodic report data and information on the nature and scope of violence against women, including within the family and any new forms of violence against women, including migrant women. The Committee also encourages the State party to continue its efforts to implement policies, plans and programmes aimed at combating violence against women.*

Data and information on the type and extent of violence against women are available in the meantime. The cases of prosecution under the Violence Protection Act have been recorded separately in family court statistics since 1 January 2003, and are available in the form of monthly summaries of court activities stemming from the prosecution of cases under the Protection Against Violence Act in local courts. Since 1 January 2004, the separate registration of cases prosecuted under the Violence Prevention Act in civil court statistics has also been required. However, there is no differentiation as to whether cases prosecuted under the Protection Against Violence Act resulted from complaints lodged against a woman or a man. The age and ethnic background of the victims are also not separately registered. For the year 2004, for example, 7,371 measures for protection against violence and stalking, according to Article 1 of the Protection Against Violence Act were, ordered throughout the country, and 3392 home allocations according to Article 2 of the Protection Against Violence Act. In 2005 there was an increase in the number of measures ordered to protect victims against violence and stalking to 8238, along with 3488 home allocations. In addition, there were 7,073 civil cases heard before local and Land courts in 2004, and 275 cases brought to initial prosecution on the level of the Land courts; in 2005 there were 9,681 local court and 350 court cases initially prosecuted in Land courts under the Protection Against Violence Act.

Furthermore, the federal government conducted a representative study of violence against women in Germany ("Living Situation, Security and Health of Women in Germany" - *Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland*), the results of which are now available and can be provided (discussed under Article 5).

The Committee also encouraged the continuation of efforts to implement policies, plans and programmes aimed at combating violence against women. The federal government complied with this

recommendation by continuing its Plan of Action against Domestic Violence. In this conjunction, the legislative efforts to improve the criminal prosecution of the perpetrators of what is called “stalking” should be mentioned: In addition to the instruments that already exist, the protection of stalking victims will be further improved by classifying “stalking” as a criminal offence under the Criminal Code. Furthermore, measures will also be adopted to overcome the lack of sentencing and to optimise existing regulations.

Furthermore, the Act Introducing Optional Preventive Detention, dated 21 August 2002 and the Extended Preventive Detention Act, dated 23 July 2004 (Law Gazette 1, p. 1838), should be noted. These new rules are intended to increase the security of the entire population, especially women and girls, against violence and sexual predators, who can often only be recognised, in terms of the danger they represent, during the incarceration period.

In order to avoid redundancy here, we refer you to Article 5, where information is provided on the type and extent of violence against women in families, and other areas, along with information on violence against migrant women.

In order to improve the data situation with regard to the consequences of violence on health, as well as on the care available to women affected by it, by including a view of the situation of migrants, a study was commissioned in 2006 entitled “Health – Violence – Migration” (*Gesundheit – Gewalt – Migration*). It is a secondary analysis of existing, extensive and differentiated data from the previously mentioned, representative women’s study “Life Situation, Security and Health of Women in Germany”.

Within the framework of a representative study of violence against women in Germany, additional interviews with 500 migrant women were conducted. The results indicate that migrant women in Germany experience violence at a higher rate, and that the violence they suffer is more often connected with injury than is the case for German women. Refugee women seem to experience violence with even more frequency. The results from these additional interviews cannot be considered representative, because of the small size of the sample, yet they still mirror the tendency to be effected by violence. The reasons for the higher rate of violence against migrant women must therefore be studied more closely, in order to provide appropriate aid to this target group.

Data on the experience of criminality and violence among older women are still scarce. A study called “Criminality and Violence in the Lives of Older People” (*Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland*) was commissioned in order to shed light on this issue, while detailed consideration is to be given to the relative level at which men and women are affected in keeping with gender mainstreaming methods. The subject of the study is the everyday context in which older women and older men live, as well as how they become victims within the context of close – and, at least for the affected person, important – social relationships. This study shall include a view to the importance of certain areas of life that were too little considered in earlier surveys; one of these is the increasingly important area of domestic care for older people. An interim report on the study, which is to be completed by the end of 2007, is already available, and can be viewed on the Internet site of the

Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.  
([www.bmfsfj.de/Kategorien/Forschungsnetz/forschungsberichte,did=81120.html](http://www.bmfsfj.de/Kategorien/Forschungsnetz/forschungsberichte,did=81120.html))

The federal government's Second Plan of Action to Combat Violence against Women is based on the structure of the First Plan of Action, and its results, and focuses on the following issues:

- for the **target group of children who are (also) affected by domestic violence**, appropriate prevention measures, intervention, help and support
- for the **target group of migrant women who are affected by various forms of violence** appropriate prevention measures, intervention and low-threshold help and support
- additional research in the area of **disabled women**; for the members of this target group who are affected, measures for prevention, rectification, help and support (for example by installing commissioners of women's affairs at facilities for disabled people),
- for **women affected by violence of all ages and ethnic backgrounds**, an improvement in the low threshold sources of help and support
- for the **most endangered target group, women in the process of separation**, an improvement in legal and actual protection
- for the **target group of professionals working in the field of health and justice**. measures for qualification and awareness,
- for those in the **immediate social context**, measures for greater awareness and information to provide more certainty in taking action,
- for the **target group of violent men**, the further development of so-called perpetrator programmes, especially by including elements that remind these men of their responsibilities in their roles as fathers, and modules for men with migrant backgrounds.
- With these measures, the **target group of affected women with and without migrant backgrounds** and their **(also) affected children** are addressed.

## Re. Paragraphs 24 and 25

*While noting the agreement to promote the equal opportunities of women and men in private industry, the Committee expresses its concern at the high level of long-term unemployment of women, the increase in the number of women in part-time work and in low-paid and low-skilled jobs, the continuing wage discrimination women face and the discrepancy between their qualifications and occupational status. The Committee is also concerned that notwithstanding the adoption of new regulations in the Child-raising Benefits Act, men seem to continue to resist taking parental leave.*

*The Committee calls upon the State party to intensify its efforts to increase women's de facto equal opportunities in the labour market, including their access to full-time employment, inter alia, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to promote "equal pay for work of equal value". The Committee recommends that the State party continue to monitor the impact of regulations on part-time work and on parental leave and increase incentives, as necessary, so as to counteract the*

*possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits, and to encourage fathers to make greater use of parental leave.*

### **Part-Time Employment**

As far as the growth in the number of women working part-time and the effects of the provisions regarding part-time employment are concerned, the following should be noted: The provisions on part-time employment in the Act on Part-Time and Fixed-Term Employment have contributed to the growth in employment, as well as to equality between men and women, and the reconciliation of family and work life, despite the unfavourable labour market.

According to a study on the Act on Part-Time and Fixed-Term Employment, over 70 per cent of the interviewed female and male employees who had reduced their working hours indicated that the reduction in working hours had made it easier to reconcile family and work life (Report by the Federal Government dated 13 September 2005, to the German Bundesrat on the Effects of the Act on Part-Time and Fixed-Term Employment (*Wirkungen des Teilzeit und Befristungsgesetz*), BR-Drs. 683/05). The entitlement to part-time employment regulated by the Act has, in the case of many women, contributed to their being able to avoid discrimination that, in the past, would have resulted from a longer break in employment during the family phase.

### **Employment Promotion Act**

The legislative has anchored the double strategy of promoting gender equality and specific measures to promote women in the Employment Promotion Act in accordance with the EU guidelines on employment policy. In every Employment Agency, as well as in the regional directions of the Federal Employment Agency, a Commissioner for Equal Opportunities in the Labour Market monitors the adherence to these provisions, and provides impulses for initiatives in questions of equality policy. Thus, the Commissioners for Equal Opportunities in the Labour Market have agreed to focus their work, in 2006, on the improvement of information and counselling for people returning to work, and on more intensive counselling for employers on how to “Keep and Recruit Qualified Employees” (*Halten und Gewinnen von qualifizierten Mitarbeiterinnen und Mitarbeitern*). A provision in the Second Book of the Social Code that refers to Article 8 of the Third Book of the Social Code (Promotion of Women), which regulates the basic support for employment seekers, ensures the corresponding consideration of women in re-integration measures according to Book Two of the Social Code.

As a rule, the counselling, referral and promotion measures provided under to the Employment Promotion Act are aimed at integration into full-time employment. However, the sectoral transition and the varying concepts concerning the organisation of the workflow and the deployment of personnel make it increasingly necessary to structure working hours more flexibly. The federal government’s goal of better reconciliation between private and work life is taken into account in the regulations to ensure part-time and family-compatible options and measures in actively promote employment (Article 8a of the Third Book of the Social Code) in the new Part-Time Employment Privilege in Article 12 para. 4, Book Three of the Social Code. The latter allows people to limit the



hours they are willing to work to a part-time basis, without forfeiting their claims to allowances in lieu of wages (detailed information can be found under 11.6).

### **Balance between Family and Work Life**

An essential precondition that must be fulfilled in order for those involved in raising children are to be able to participate equally in gainful employment, particularly on a fulltime basis, is the establishment and expansion of an adequate system of childcare throughout Germany. The Child-Day-Care-Expansion Act is intended to improve the necessary framework conditions by providing daycare for an additional 230,000 children, particularly children under three years of age, by 2010. As a result of the merger of the systems of unemployment assistance and social assistance, the communal governments now have financial resources totalling 2.5 billion euros per year at their disposal, of which 1.5 billion euros are to be invested in the expansion of childcare options for children under three years of age (cf. 11.10).

More information can be found in the detailed discussion of the “Local Alliances for the Family” under 11.9. Local Alliances for the Family, as a national initiative, supports coalitions that give impulses for family-friendly measures and their implementation on a local level. Decisive changes in living conditions for families are made on a local level, in the community, in the workplace, and in the neighbourhood. Joint action promises new, creative solutions in this context, as well as a concentration of resources. Communal policy makers and administrators, businessmen, business organisations, unions, charitable and non-profit organisations, churches, special interest organisations, clubs and initiatives are all suitable partners for the Local Alliances for the Family.

Creating a balance between the family and work life, along with the necessary childcare options, are very important issues and a central concern of most of the Alliances. For example, Local Alliances for the Family establish flexible childcare options or help to coordinate transportation schedules, opening times, working hours and childcare hours with the daily routines of families. In this context, institutions or people active in gender equality policy (for example community equal opportunity commissioners and counselling agencies for women or women’s initiatives) often see the “Local Alliance for the Family” initiative as a source of new impulses and partners.

### **Parental Leave**

Concerning fathers taking parental leave, it can be noted that the proportion of fathers taking parental leave since the amendment to the Act on the Granting of Child-Raising Allowances and Child-Raising Leave, on 1 January 2001, has increased from roughly 2.5 per cent to 5 per cent. This was one of the findings in the Report on the Effects of Articles 15 and 16 in the Act on the Granting of Child-Raising Allowances and Child-Raising Leave (parental leave and part-time employment during parental leave). In view of the low increase, to only 5 per cent, the federal government considered it necessary to adopt measures to further increase the number of fathers who took parental leave.

Hence, on 1 January 2004 additional amendments regulating parental leave in the Act on the Granting of Child-Raising Allowances and Child-Raising Leave came into effect: each parent’s leave is viewed

separately, i.e. when part of the leave is postponed by one of the parents, the postponed period is not calculated against the period of leave to which the other parent is entitled. Each parent is entitled to take their own parental leave in two segments. With the agreement of the employer, it is even possible to divide the leave into further segments. In cases of multiple births, and with children born in short succession, the parents also have three years for each child, up to the end of the child's third year of life, when a postponement is applied for. This means that as much as 12 months parental leave can be postponed until the time when the child is between three and eight years of age, and that this is also possible for each of the children in these cases. If a mother takes parental leave subsequent to a holiday leave directly after her maternal protection period, the period of holiday leave is taken into consideration in the two year term during which the remainder of the parental leave must be determined, that means that she must make a decision concerning a postponement by the end of the child's second year.

Furthermore, on 1 January 2007 parental allowances were introduced, which can be collected for 14 months. In this context, two months of the allowance to which parents are entitled are reserved for the parent, who has not been home caring for the child, provided that this parent takes over the role of caring for the child in this period and reduces his or her working hours for this purpose. It is flanked by a campaign that attempts to convince fathers to take an active part in raising their children. In the coalitions with business and industry the concept of "partner months" plays an important role, as in addition to willingness on the part of the fathers, it is key that employers are willing to support young men in the role as active family fathers.

### **Re. Paragraphs 26 and 27**

*The Committee is concerned that the Convention has not received the same degree of visibility and importance as regional legal instruments, particularly European Union directives, and is therefore not cited regularly as the legal basis for measures, including legislation, for the elimination of discrimination against women and the advancement of women in the State party.*

*The Committee urges the State party to place greater emphasis on the Convention as a legally binding human rights instrument in its efforts to achieve the goal of gender equality. It also urges the State party to take proactive measures to enhance awareness of the convention, in particular among parliamentarians, the judiciary and the legal profession at both the Federal level and the level of the Länder.*

The Fifth CEDAW Periodic Report and the Concluding Comments were posted on the website of the Foreign Office and of the Federal Ministry for Family Affairs, Seniors Citizens, Women and Youth on 25 February 2004. The report was also discussed in the German Bundestag, just as this report will also be submitted to the Bundestag. This contributes to the awareness level of the Convention is being continuously increased among members of parliament.

The Federal Ministry for Family Affairs, Seniors Citizens, Women and Youth has also drafted and published brochures on the Convention and on the Supplementary Protocols. They are also available to the courts.

The federal government will devote more attention to ensuring that references to the Convention are included in the corresponding draft legislation. In drafting a General Equal Treatment Act, the federal government expressly cited the Women's Rights Convention as one of the grounds for the law in its explanation of the need for such an act.

### **Re. Paragraphs 28 and 29**

*The Committee expresses concern that some aspects of the Federal Government's reform policy, Agenda 2010, might have a particularly negative impact on women.*

*The Committee recommends that the State party studies and carefully monitors the impact of its economic and social reforms on women at all stages of planning, implementation and evaluation, so as to introduce changes where necessary to counteract possible negative effects.*

The labour market reforms are currently the subject of an evaluation study. In this conjunction, the aspect of gender-specific effects has been accorded great importance. A first interim report by the federal government from January 2006 on the effects of the implementation of the recommendations of the commission for "Modern Services in the Labour Market" (Hartz I to III) is already available (*Bundestagsdrucksache* 16/505). The final report will cover the entire evaluation period including 2006. On the basis of this report, conclusions will be drawn regarding active labour market policy in 2007, which will take the results of the evaluation into account.

The evaluation of the effects of the Fourth Law for Modern Services in the Labour Market (Hartz IV) will be undertaken separately. To this end, the Federal Ministry of Labour and Social Affairs has prepared a separate research project under the title "Assessment of the Second Book of the Social Code – Implementation from the Perspective of Equality Policy". Numerous impulses from the participants (including the Federal Employment Agency, Länder, communal interest organisations, social partners and women's organisations) contributed to its conception. The commission for the project was the subject of a Europe-wide tender procedure in the first half of 2006. The first results are expected in 2007.

### **Re. Paragraphs 30 and 31**

*The Committee is concerned about the situation of migrant and minority women, including Sinti and Roma women, who suffer from multiple forms of discrimination based on sex, ethnic or religious background and race, and at the vulnerability of some of these women to trafficking and sexual exploitation. The Committee regrets the lack of specific information provided in the reports with regard to their access to health, employment and education, as well as various forms of violence committed against them and, in particular, data and information about forced marriages. The Committee is also concerned about the situation of some foreign women domestic workers in the households of diplomats.*

*The Committee urges the State party to take effective measures to eliminate discrimination against migrant and minority women, both in society at large and within their communities and to respect and*

*promote their human rights, through effective and proactive measures, including awareness-raising programmes. The Committee recommends that the State party continue to undertake research on the situation of migrant and minority women and girls, and to provide the Committee with adequate data and information on their situation in the next periodic report, including in regard to trafficking and sexual exploitation, and on prevention and rehabilitation measures targeted at these groups. The Committee also recommends that the State party intensify efforts to protect the human rights of foreign women domestic workers in diplomatic households.*

## **Migrant Women**

Up until now there has been a lack of reliable data for the development of sustainable, well-tailored measures and concepts to improve the situation of migrant women. In December 2004, two studies were presented, which were commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. Within the framework of the study called “Living many Worlds – The Living Situation of Girls and Young Women with Greek, Italian, Yugoslavian, Turkish, and Repatriate Backgrounds” (*Viele Welten leben, Lebenslagen von Mädchen und jungen Frauen mit griechischem, italienischem, jugoslawischem, türkischem und Aussiedlerhintergrund*), 950 girls and unmarried young women between the ages of 15 and 21 with Turkish, Greek, Italian, former Yugoslavian (mainly Serbian and Bosnian) backgrounds, as well as repatriates from countries in the former Soviet Union, were interviewed. This study provided differentiated data on the topics of

- migration biographies and the social framework conditions of growing up,
- the role and the meaning of the family,
- school and vocational training, multilingualism and linguistic milieu,
- expectations concerning partnership, raising children and gender roles, body consciousness and sexuality,
- ethnicity and psychological stability,
- religiousness and participation in organised leisure activities and help in crisis situations.

The study called “The Forgotten Wives of the Migrant Generation” dealt, for the first time, with the living situations of older migrant women living alone, and attempted grasp and portray the diversity of this group. Interviews, based on set guidelines, were conducted with migrant women from the five countries from which most foreign labour had been recruited to work in West and East Germany in the past. Using a life situation approach, the study was able to consider the highly faceted aspects of the living situations of the interview partners in their reciprocal effects on each other, as well as the way subjective patterns of behaviour and interpretation have formed within the grid of individual resources, as well as the objective social and structural framework conditions and inequalities.

In order to increase the participation of migrant women in the labour market, the federal government has also begun, or is planning, a number of projects. These include support measures for the self-organisation and empowerment of women with migrant backgrounds, as well as establishing a forum for dialogue with Muslim women’s representatives and the women’s affairs spokespeople from

Islamic umbrella organisations. Furthermore, in order to support better integration into the labour market, a mentoring project for upper-level schoolgirls and students with migrant backgrounds is also being promoted.

This is also true of the establishment of a separate heading for women with migrant backgrounds on the Internet portal for working women: [www.frauenmachenkarriere.de](http://www.frauenmachenkarriere.de) under the title “Diversity wins”, which is promoted by the federal government.

### **Protection against Discrimination**

Protection against discrimination has been greatly improved through the General Equal Treatment Act, which applies to the characteristics of sex, race and ethnic background, religion and beliefs, age and sexual identity. People who have been the victims of discrimination can claim damages and apply for injunctions for unjustified discrimination under labour and social laws as well as under civil law. They are supported in the pursuit of justice by the anti-discrimination organisations as well as the Anti-Discrimination Office of the federal government. The anti-discrimination office will commission studies on discrimination, and submit reports and recommendations to the federal government regularly. In doing so, it works closely with various organisations for victims of discrimination as well as non-governmental organisations. These reports, as well as the Anti-Discrimination Office’s public relations work and the federal government’s Commissioner for Migration, Refugees and Integration, will heighten the consciousness in Germany of the situation of migrants, and especially of disabled and older women, as well as of the discrimination to which they are subject.

### **Trafficking in Women and Girls**

With regard to the recommendations on the topic of trafficking in women and girls, we refer to the 37th Amendment to the Penal Code – Articles 180b, 181 of the Penal Code – dated 11 February 2005 (Law Gazette I, p. 239), which came into force on 19 February 2005. With this law, the penal provisions concerning trafficking in human beings were aligned with international provisions, particularly the EU Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings, which came into force on 1 August 2002. The law led to the revision of Articles 180b and 181 of the Criminal Code (Trafficking in Human Beings and Serious Cases of Trafficking in Human Beings), transferred them to section eighteen of the special part of the Criminal Code, “Criminal Offences against Personal Freedom”, and combined with parts of Article 234 of the Criminal Code (Abduction) and thereby created broader and more uniform penal provisions against trafficking in human beings. In this context, the law differentiates between trafficking in human beings for the purpose of sexual exploitation (the new Article 232 of the Criminal Code) and trafficking in human beings for the purpose of exploiting their labour (the new Article 233 of the Criminal Code.). There is also a new provision, Article 233a of the Criminal Code (Aiding the Traffic in Human Beings).

The existing protection of victims of trafficking under the laws pertaining to aliens will be enhanced through the implementation of the Victim Protection Guideline within the framework of the current

law on the implementation of the EU residency and asylum guidelines (for more information see Article 6.4).

### **Forced Marriage**

The previously mentioned 37<sup>th</sup> Amendment to the Criminal Code expanded the measures employed to combat the problem of forced marriage. According to current law, forced marriage is punishable as a form of coercion under Article 240 of the Criminal Code. The law, which was already mentioned, led to the classification of the use of coercion to force a victim to enter into a marriage as a very serious case of coercion under Article 240 para. 4, No. 1 of the Criminal Code. As a rule, it is now punishable by incarceration for a period of six months to five years. The goal in changing this law was, primarily, to increase the awareness of the fact that such behaviour is punishable by law. In addition, the Bundesrat has submitted a draft law to the German Bundestag that would classify it as a separate criminal offence.

### **Foreign Domestic Workers**

With regard to the requested efforts to protect the human rights of foreign domestic workers in diplomatic households, the limitations that result from current international law should be noted. Diplomats and members of their families living within diplomatic households, who are not German citizens, are immune to prosecution as long as they remain within the jurisdiction of the receiving state (Article 31, 39 of the Vienna Convention on Diplomatic Relations - VCDR. Protective measures for persons who reside on the premises of the mission or in diplomats' private residences can only be enforced with the consent of the head of mission, due to the inviolability of the premises (Art. 22 para. 1 and Art. 20 para. 1, VCDR). The only option available to the receiving state is, therefore, to exert political pressure or, as an ultima ratio, to declare a diplomat a persona non grata and undertake efforts to have said diplomat recalled by the sending state. In the sending state, by contrast, the diplomat is subject to full legal sanctions.

The situation for consular employees differs. They can be prosecuted under the conditions of Article 41 (and following) of the Vienna Convention on Consular Relations/VCCR; their family members do not enjoy any privileges. However, consular premises are also considered inviolable according to Article 31 of the Vienna Convention.

The Foreign Office has, however, adopted a number of measures since the last periodic report, exhausting all available legal options with the goal of enhancing the rights of private domestic workers in diplomatic households:

1. The embassy (not only the employer) must officially ensure (verbal note) that minimum standards in terms of labour laws and social regulations are adhered to.
2. The Foreign Office has set a minimum wage. The Embassy must provide official assurance that this wage will be paid.
3. Private domestic workers will be informed of their rights by the foreign mission before entering the country. Specific inquiry will be made as to monthly wages.

4. In individual cases, interviews will be conducted with private domestic employees concerning their working conditions.

In 2005, these measures, which were developed in cooperation with “Ban Ying”, non-governmental organisation specialising in combating problems in this area, were adopted. Since then, no further cases of exploitation have become public.

### **Re. Paragraphs 32 and 33**

*While appreciating that women’s participation in political life has exceeded the critical threshold of 30 per cent, the Committee is concerned that women are underrepresented in the higher echelons of several other sectors of public life, particularly in the civil service, the diplomatic service, science and research and academia.*

The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to remove existing obstacles and, where necessary, to implement temporary special measures, as provided for in Article 4 para.1 of the Convention.

### **Public Administration/Federal Administration**

According to figures from the Federal Statistical Office from March 2004, women held 39 per cent of the leadership positions in public administration. Hence, there is still a need to act within the context of public administration in order to increase the number of women with leadership responsibilities. The Federal Equality Act, which came into force on 5 December 2001, contains legal provisions for the federal administration aimed at realising this goal. It specifically foresees the preferential consideration of women, while weighing individual cases, in areas in which they are underrepresented and under provision of equal qualification, ability and achievement. Disadvantages for women are expressly prohibited in job interviews, the contents of job interviews, and in selection process, where they may represent an indirect form of discrimination. These measures will only have an effect on leadership positions in the mid-term.

All federal ministries are obliged by to the Federal Equality Act to draw up their own equality plans. In accordance with the legal provisions, these plans foresee measures to increase the percentage of women in areas in which they are underrepresented, within the framework of concrete goals, and according to a gradual time plan, under the provision of equal qualifications. These equality plans, which are to be drawn up for four years, are to be adjusted to correspond with current developments after two years. In doing so, an explanation must be provided – just as in the ensuing equality plans – as to why the objectives that were not achieved cannot or could not be achieved to the extent foreseen, and through which supplementary measures this is to be counteracted.

The binding objectives of the equality plans are particularly important in eliminating existing underrepresentation of women in leadership positions. The diverse programmes of personnel development, now in place in all ministries, are aimed at a targeted and evenly distributed promotion

of employees, under consideration of their special needs; hence, they also promote the professional advancement of women.

### **Science and Research**

Women are still underrepresented in science and research, as well as in academia. The proportion of women in these areas has slowly, but continually, increased since 2002 as a result of proactive measures to promote female scientists in all personnel categories. In order to study this development, the Federal-Länder-Commission for Educational Planning and Research Promotion compiles annual statistics on women in leadership positions at universities and at research facilities outside of universities. The proportion of women in leadership positions in facilities outside of universities increased from 5.8 per cent (2002) to 6.7 per cent (2004). In the case of professors, the proportion increased from 11.2 per cent (2002) to 13.6 per cent (2004), and in the case of C4/W3 professors (top pay scale), from 8.0 (2002) to 9.2 per cent. The proportion of women among the junior professors is currently 30 per cent.

The federal government has entered into agreements with institutionally funded research organisations requiring them to apply the principles of the Federal Equality Act, which came into force in 2001. One aspect of this Act is the participation of Equality Commissioners in negotiations to recruit new personnel. An individual case quota was determined in a great many research facilities, according to which women are to be given preference in areas in which they are underrepresented under provision of equal ability, capability and achievement in the field, unless specific reasons against doing so are directly connected with an individual competitor for the same position. In 2003, the Federal Ministry for Education and Research also extended the University and Science Programme (*Hochschul- und Wissenschaftsprogramm*) until 31 December 2006. It includes a Programme for Equal Opportunities for Women in Research and Teaching, which provides 30 million euros annually for measures to specifically further the qualification of female academics for positions as professors. However, naming professors at universities is a right reserved for the universities and the Länder.

### **Foreign Service**

The Foreign Office's first equal opportunities plan has been in effect since 1 January 2004 (duration until 31 December 2007). The key element in this plan is the equality of women and men on all levels and in all fields of the Foreign Service. In this context, concrete goals were agreed to with regard to the areas of hiring and training, promotion as well as the improvement of the reconciliation of family and work life; long-term, as well as special measures of the type described in Article 4 of the Convention, were adopted for the purpose of its implementation. In order to specifically promote women into leadership and high-level positions, concrete measures limited to a certain period of time were introduced. These positions can, however, only be filled if qualified candidates are available. Another important element in promoting the reconciliation of work life and family, as foreseen in the equality plan, is an increase in the number of telecommuting positions, as well as part-time work abroad. In 2006, the first position at the head of division level to include some telecommuting was established. Abroad, pilot projects have contributed to the expansion of part-time employment at foreign missions.



The overall figures for the Foreign Service of the Federal Republic of Germany show that it was possible to increase the proportion of women, which was already high – at a level of 41 per cent in the last periodic report – to a level of 43 per cent (reference date: 24 February 2006), and in high-level service even from 19 per cent to 23 per cent. There was an especially significant increase in the case of domestic leadership positions, reaching a level of 16.9 per cent (reference date: 13 June 2006), as opposed to 6.4 per cent in 2001. Since mid-2006, the Foreign Ministry has even has its first female department head. In leadership positions abroad, the percentage of women was 6.7 per cent (comparable figure for 2001: 9.2 per cent: for 1997: 7.6 per cent: for 1995: 5.2 per cent). This increase in the proportion of women in domestic leadership positions, in conjunction with the Federal Equality Act's promotion policy, will also lead to increases in the proportion of women in leadership positions abroad in coming years, since currently there is a very small reservoir of female candidates with sufficient experience and the appropriate service grades available for such positions.

The proportion of women among those newly recruited for higher diplomatic service has continued to increase rapidly since 2001 and has, in the meantime, reached a level of almost 40 per cent (2002: 31.1 per cent; 2003: 34.1 per cent; 2004: 46.7 per cent; 2005: 37 per cent). In 2006, the proportion of women exceeded the 50 per cent level for the first time with a total of 51.4 per cent.

In the case of Foreign Office employees who are delegated to international organisations – mainly on the level of higher service – there was an especially strong increase in the proportion of women, which reached a level of 16.7 per cent (reference date: 24 February 2006) as opposed to 4.4 per cent in the previous year, and 8 per cent in 2004.

### **Re. Paragraphs 34 and 35**

*The Committee expresses concern that some references to “temporary special measures” in the report of the State party indicate a lack of a clear understanding of article 4, paragraph 1 of the Convention. The Committee recommends that, in preparing its next report, the State party take account of the Committee’s general recommendation 25, on article 4, paragraph 1, of the Convention.*

In consideration of the general recommendation 25, concerning Article 4 para. 1 of the Convention, specific references to “temporary special measures” are made in Part A.

### **Re. Paragraphs 36 and 37**

*While acknowledging that the Act Regulating the Legal Situation of Prostitutes aimed at the improvement of the legal and social protection has come into force, the Committee remains concerned at the exploitation of prostitutes.*

*The Committee recommends that the State party monitor the Act and provide, in its next report, an assessment of its effects. The Committee recommends the implementation of programmes that offer a wide range of alternative means of earning a livelihood, thereby discouraging women from entering into prostitution, as well as rehabilitation programmes to help them. The Committee also recommends*

*the implementation of educational and information programmes on the human rights issues involved in the exploitation of prostitution.*

The federal government submitted a Report on the Effects of the Act Regulating the Legal Situation of Prostitutes (Prostitution Act) on 24 January 2007. The report on the Prostitution Act assesses the indirect and direct effects of the law since it came into force on 1 January 2002. The report is based on the results of three studies that were commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth as a preliminary measure in preparing it. The federal government's report is attached for the Committee.

The Prostitution Act was adopted with the goal of improving the legal and social situation of prostitutes. The legal discrimination that resulted from the previous attitude towards prostitution as an immoral and therefore illegal contractual agreement was to be done away with, prostitutes were to be given more ready access to the social security system through employment options where social security contributions were obligatory, and the working conditions of prostitutes in terms of health and hygiene were to be improved. This law was also tied to the expectation that criminal activities often observed in connection with prostitution would be reduced, and that prostitutes would be more readily able to extricate themselves from prostitution. In the view of the federal government, the Prostitution Act has only succeeded in realising the intended goal to a very limited extent. For details of the federal government's report see Part A / Article 6 / 6.6.

The Prostitution Act focused primarily on the situation of those women and men who voluntarily and legally earn their living through prostitution. In the view of the federal government, however, there is a need for a broader approach to the regulation of prostitution on the whole, particularly one that integrates more decisive measures against trafficking, forced prostitution, and prostitution by minors, as well as the greatest possible protection of prostitutes against violence and exploitation, and which – not lastly by introducing punishment for clients of forced prostitutes – clearly designates the client's responsibility. The federal government has identified a need to act in the Report of the Federal Government on the Effects of the Prostitution Act and defined corresponding priorities for the next steps to be taken (cf. Part A /Article 6 /6.6 as well as the attached report).

Within the framework of gender equality policy, the federal government also sees its duty in counteracting the problematic implications of prostitution from the viewpoint of gender equality policy. Here, it is a question of devoting more attention to the situation of minors involved in prostitution, of prostitutes who work to finance their drug habits, and of migrants without valid residency permits. Empirical findings, which indicate that those employed in this environment are subject to considerable psychological and physical dangers, should also not be overlooked. In addition, the social reality in which many prostitutes find themselves can result in a social and psychological situation in which it is questionable whether they are really able to freely and autonomously decide whether they want to pursue this form of employment or not.

Against this background, it is the goal of the federal government's gender equality policy to provide women and girls, as well as men and boys, involved in prostitution with other options in organising their lives, and to counteract a tendency to slip into dependencies that allow prostitution to appear as a

seemingly lesser evil or acceptable solution. Here it is the task both of state supported aid systems, as well as educational and labour market policy, to present alternatives.

The work of existing, specialised counselling services for prostitutes, with their highly qualified staff, plays a key role in supporting prostitutes who have decided to extricate themselves from their involvement in prostitution. They have the necessary competence and experience in dealing with the multiple problems of prostitutes and are able to establish a connection with the target group within the context of outreach work, in order to offer individual support during the extrication process within the framework of a long-term counselling relationship.

The federal government will examine how prostitutes who want to quit can be better supported by programmes, and other sources of aid, in extricating themselves from prostitution, how — if applicable — model approaches can be supported, and how access to measures to attain qualifications and support can be made more flexible.

The risks, discrimination and problematic implications connected with prostitution can be limited by a free state under the rule of law by attempting to channel “voluntary” prostitution into a white zone and controlling the conditions under which it is practiced through legislation.

As stated in the Report on the Effects of the Prostitution Act, the federal government - in cooperation with the Länder – is planning to examine which instruments available under commercial law can be used to organise the commercial activities connected with sexual services in a manner that ensures that those who work in the field are placed under better legal control, thereby ensured better protection and related criminal activity is deterred. In this context, it is especially important to consider the introduction of mandatory permits for brothels and brothel-like operations, and other operations related to sexual services.

### **Re. Paragraphs 38 and 39**

*While noting that numerous studies and surveys were commissioned following the consideration of the combined second and third periodic report and the fourth periodic report, the Committee expresses concern that it has been provided with few results of outcomes in time for its consideration of the fifth periodic report.*

*The Committee requests the State party to provide in its next report information on the results obtained from such studies and surveys with regard to the impact of laws, policies, plans and programmes aimed at achieving gender equality.*

The results of studies and surveys are presented in the corresponding chapters of Part A.

**Re. Paragraph 42**

*Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.*

The federal government lobbied intensively and successfully for the elimination of gender-specific discrimination of disabled women in conjunction with the United Nations Convention for the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

In addition to its efforts to ensure that the concerns of disabled women were taken into consideration in the joint EU position, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth also organised and financed an international meeting of experts at which the legal background paper entitled “A Contribution of German NGOs of Disabled People” was drafted. The paper served as a basis for discussing different options in connection with the focus on issues related to disabled women at the seventh session of the Ad Hoc Committee on the United Nations Convention. Not least, this paper led to the emergence of widespread support both for an independent article, as well as the integration of the needs of disabled women into the article on the topic of “violence” and “health”. The Convention was adopted by the General Assembly of the United Nations on 13 December 2006. Thus, Article 6 of the Convention on Disabled Persons provides the first international recognition of the fact that disabled women and girls are subject to multiple forms of discrimination. In order to ensure that they have access to equal opportunities, gender-sensitive measures are necessary.

The federal government will sign the Convention on 30 March 2007 and initiate the ratification process as soon as possible.

Since 2001, the Ninth Book of the Social Code has been in force. It explicitly determines that the needs of disabled women are to be considered in measures to promote the self-determination of people with disabilities and their equal participation in society. According to the Ninth Book of the Social Code, the special needs of disabled mothers and fathers in fulfilling their duty to raise their children (as well as the special needs of disabled children) are to be considered in deciding on measures and in implementing measures to facilitate participation. Organisations that represent the interests of disabled women are to be expressly involved in the participation of special interest organisations.

Since 2002, the Disability Discrimination Act has been in force. Among its provisions is the determination that the special needs of disabled women are to be considered in implementing equality between women and men, and in eliminating existing discrimination. Special measures to support the

implementation of equality for disabled women, and to eliminate existing discrimination, are expressly allowed.

In order for these legal provisions to be precisely implemented in practice, the federal government promotes a nationwide network called the “Special Interest Group of Disabled Women – Weibernetz” (*Interessenvertretung behinderter Frauen – Weibernetz*). One of the functions of this interest group is to act as an umbrella organisation with regard to the laws mentioned, as well as international involvement. Hence, the federal government is also involved in a dialogue with this organisation, and supports recommendations for gender sensitive measures that improve the situation of disabled women, especially within the framework of physical therapy programmes.

The United Nations ratified the Convention against Transnational Organised Crime and the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Supplementary Protocol against Smuggling Migrants, which form the basis for preventing, combating and prosecuting transnational organised crime under international law and improves the possibility of dealing with the specific manifestations cited in the Supplementary Protocol. The instruments of ratification for the Convention and the additional protocols were deposited with the United Nations on 14 June 2006. The provisions of both the Convention and the Protocols foresee the thirtieth day after the deposit as the day on which they come into force, i.e. 14 July 2006. The conditions for ratification by the individual states were already fulfilled for the Convention on 16 September 2005.

In 2002 the United Nations Second World Assembly on Ageing in Madrid passed a global plan of action, the Second World Plan on Ageing as well as the International Plan of Action on Ageing 2002. It cites different aspects of demographic change and formulates political responses. It is a fundamental redraft of the First World Plan on Ageing, which the United Nations passed in 1982 based on a decision by the 54th General Assembly at the First World Assembly on Ageing in Vienna.

On the basis of the Second World Ageing Plan, the Economic Commission for Europe, UNECE staged a Ministerial Conference on “The Demographic Challenge” in Berlin in 2002, which was hosted by the Federal Republic of Germany. A Regional Implementation Strategy (RIS) was adopted, which contained ten commitments by the participating countries. They include one hundred differentiated sub-sections. The participating countries have all made an equal commitment to demonstrating perspectives in the lives of older people within the framework of demographic development, and to create framework conditions for them, which will enable people to grow old while remaining adequately involved in society in a dignified and self-determined manner.

The federal government has submitted a National Action Plan (NAP), which is oriented on the commitments of the Regional Implementation Strategy and thereby contributes to the implementation of the Second World Plan on Ageing. It balances recent federal and Länder policies on ageing and outlines future fields of action and strategies; in doing so, it takes account of the positions of German non-governmental organisations and scientific experts to an extent previously unprecedented.

The NAP serves, on the one hand, as a basis for ageing policy in Germany, and, on the other hand, as a statement of the ten commitments of the Regional Implementation Strategy, on which Germany is measured on a European and International level. One of the ten chapters is concerned with the topic of strategy for equality in an ageing society and deals with the equality policy of the Federal Republic of Germany in this context. All of the other chapters, as well as in the formulation of the text, correspond with the principles of gender mainstreaming.

**Note by the Secretariat:** The appendix to the report will be made available to the Committee in the language in which it was received.

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