

24 July 2003

Original: English

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

Pre-session working group for the thirtieth session
12-30 January 2004

**List of issues and questions with regard to the consideration
of periodic reports**

Germany

Introduction

1. The pre-session working group examined the fifth periodic report of Germany (CEDAW/C/DEU/5).

General aspects, legislation and national machinery

2. On page 20, in response to the Committee's request in its last concluding comments to disseminate widely those concluding comments, the report states that "the Committee's request has been complied with. The corresponding material has been made available to the relevant women's and human rights organizations, as well as to the interested public both via the Internet and directly". How have government administrators and politicians been briefed about the concluding comments? Were Parliament and the Council of Ministers informed about the presentation of the report and the concluding comments of the Committee?

3. The report notes the amendment to article 12 (a), paragraph 4 of the Basic Law, which rendered possible the withdrawal of the reservation to article 7 (b); it also notes that women may now volunteer to serve in the German Armed Forces as professional or regular soldiers, and may volunteer for exercises in peacetime and special deployment abroad. Describe the practical effect of the withdrawal of Germany's reservation to article 7 (b), by providing information on the present participation of women in the armed forces and on the participation, if any, of German women in United Nations peace operations.

4. The report states on page 75 that "most of the measures listed in appendix II can be regarded as special measures as defined by art. 4 of the Convention". As article 4 covers "temporary special" measures aimed at accelerating de facto

equality between women and men, how, for example, is the addition to the Basic Law (presumably the call for de facto equality) a special measure? Is there a timetable in place for discontinuing certain measures, and if so, which ones and when? On the other hand, why consider as temporary special measures under article 4.1 some of the measures described that are only aiming at eliminating discrimination?

5. On pages 54 to 57, the report describes the work of the equality commissioners in authorities and public institutions, of the inter-ministerial working group, and of comparable institutions at the level of the Länder. As described, these are mainly responsible for matters relating to equal rights for women in the sphere of work and responsibility of their institutions. From page 58 on, the report covers the implementation of the gender mainstreaming strategy and a series of pilot projects for its practical implementation. However, it is not clear whether the equality commissioners are also responsible for the implementation of this strategy in their respective fields of competence. Is the inter-ministerial steering group described on page 59 of the report the same as the inter-ministerial working group referred to on page 54? Please provide further information about evaluation and monitoring, as well as accountability mechanisms to ensure progress or, as necessary, take corrective action in the implementation of the gender mainstreaming strategy.

6. Within the context of an ageing society, with more older women than older men, and of high structural unemployment with more women unemployed than men, these factors must be taken into account in all the processes of reviewing and clarifying laws and social policies, namely in the areas of labour, health and the welfare system. Please describe to what extent legal and policy changes occurring in these areas are subjected to a gender-impact analysis at the problem definition and formulation stages and whether there is a monitoring system to collect data and information on the impact of such policies, considering the indicators of sex, age and geographical location, namely former West and former East German territories.

7. Gender mainstreaming is clearly recognized in the report as an essential strategy to achieve gender equality. In what way is gender mainstreaming reflected in budgetary policy and allocations? Is the principle of gender budgeting present in policy-making in different areas?

Reconciliation of family and work

8. While considering that the new Act on Part-Time Work and Fixed-Term Employment Contracts, in force since January 2001, enables women and men to better reconcile family and work, the report recognizes that part-time work is still a domain of women as they make up the majority of part-time workers. On page 42, the report notes that “an ever-larger share of women work part-time”. The Committee, in its previous concluding comments, expressed its concern about the link between persistence of stereotypical attitudes and women’s high representation in part-time work. Has there been an improvement in the ratio of women to men working part-time since the entry into force of the Act on Part-Time Work? Has the Act on Part-Time Work in any way helped to improve the balance between men’s and women’s part-time work?

9. On page 108, the report notes that “the special needs of women” are taken into account in public service by means of consistent further development of part-time

working opportunities. On the same page, the report seems to indicate a concern about the high level of women in part-time work, given that 92.8 per cent of all part-time employees in the Federal service are women. Please explain these seeming contradictions. Please explain also the reference to “the special needs of women”.

10. On page 14, the report notes that Parliament has deliberately refrained from complying with the Committee’s proposal to introduce non-transferable child-raising leave for fathers, and notes that a regulation concerning such non-transferable leave is not planned in order to allow young parents greater flexibility in planning their personal parental leave. In practice, it is women who, to an overwhelming extent, take such leave. Has the Government undertaken a study on why fathers are so reluctant to take parental leave? To what extent are economic considerations — men earn, on average, more than women — a major reason for such decisions? What measures, if any, is the Government envisaging to counteract such realities? Considering that the new parental leave has been in force since 1 January 2001, what evaluation is already possible in regard to fathers’ participation?

11. Please provide information about childcare facilities available to workers in Federal service and at Länder level and evolution in this area since the last report.

12. What action is contemplated in response to the findings in the report on the work and income situation of women and men, referred to on pages 41 to 43, that “the increased employment ratio of women has not so far gone hand in hand with an equal division of family work between women and men”? In particular, what measures are being taken to combat existing stereotypes and to encourage men to share domestic and family responsibilities as equal partners?

Women of foreign origin

13. The report states on page 16 that the 2000 Sixth Family Report on the topic of Families of foreign origin in Germany “makes a decisive contribution towards reducing ... stereotypes, in particular those about foreign women”. Please explain how this contribution of the report is now being translated into government policy at different levels, and in different areas. Also discuss the publicity given to the report. Describe any specific results the Government would hope to achieve in reducing stereotypes about foreign women.

14. Please provide specific information and statistics on the situation of women of foreign origin/minority women in Germany, particularly as regards access to childcare, employment, health, education and social services. Please provide a status update on the study on the situation of foreign girls and women mentioned on page 16 of the report. Are any preliminary findings available?

15. Describe the specific impact of the new Aliens Act, which entered into force in October 2000, as compared with the previous situation. How many women requested and how many were granted asylum on the basis of claims of gender-specific persecution, and what kinds of persecution did they claim?

16. The report describes an amendment to the Aliens Act that improves the legal position of foreign spouses in regard to an independent right of residence in the event of dissolution of the marital community. How has this amendment been publicized among foreign women? Are any statistical data available on the number of foreign women who have benefited so far from this amendment?

Employment, rural women

17. The report states on page 37 that:

“the fall in the number of unemployed women has not led to a corresponding increase in the number of women in gainful employment. It is obvious that some women who were registered unemployed have now withdrawn from the labour market in light of the difficult situation on the labour market in the new Federal Länder.”

How does this compare with men’s situation? What measures are being taken to address this situation?

18. The report notes on page 41 that “although the principle of equal pay is clearly entrenched in German law, unequal treatment still exists in the field of pay for men and women”. This is attributed to “many causes which are frequently very much hidden and which are correspondingly difficult to prove”. Following the report on the matter presented to Parliament in April 2002, what measures are being taken to address these “hidden causes”, particularly in regard to non-discriminatory criteria in work evaluation?

19. According to page 40 of the report, an important step towards equality between women and men was taken with the “agreement to promote the equal opportunities of women and men in private industry” on 2 July 2001. A first success check was to take place in 2003. Has this evaluation taken place? If so, with what relevant findings?

20. On page 110 of the report, reference is made to guidelines on equal pay as being prepared. Have these guidelines been published by the Government? Are they binding on partners of collective agreements?

21. On the basis of a report on women and work described on pages 41 to 43, the Federal Government took the stance that the equality of women and men on the labour market “continues to be placed at the centre of its social policy”. To what extent is equality between women and men also a determining factor in the Government’s economic policy?

22. The report, on pages 48 to 50, discusses efforts to enhance the economic well-being of rural women. Describe the overall policy of the Government with regard to rural women. The report discusses several pilot projects that were successfully concluded. How was success measured? Has any follow-up evaluation of these projects been undertaken? For example, how many of the 26 start-ups referred to on page 49 and of the 40 jobs created still exist? Have these start-ups all become self-sustaining?

Women in public life and in the cultural and media fields

23. The report states on page 45 that women are better represented at the managerial level in private radio and television providers than in public broadcasting companies “even though there are no quotas issued there by women’s advancement plans, as opposed to the situation in public law broadcasting”. How does the Government account for this difference in representation? What lessons is

the Government drawing from this fact, and what measures are being taken to replicate this experience successfully elsewhere?

24. On page 18 of the report, it is stated that “the portrayal of women and the treatment of matters related to women in the media plays a major role for the Federal Government”. What specific measures, besides the ones regarding advertising, have been taken to support the role of the media in changing stereotypical attitudes in regard to sex roles?

25. On page 51 of the report, there is information that “in 2002 the highest proportion of women to date in the German Federal Parliament was reached”. What is this proportion? On the other hand, no information is given on the participation of women in the judiciary and in the different levels of the diplomatic service. Please provide such information.

Violence against women

26. The report states on page 77 that, in order to obtain precise data on the extent of violence against women, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth commissioned a representative survey in March 2002. Has the survey been completed? If so, please provide information on the results of the survey and on any policy measures resulting from it.

27. The 1999 Act to Entrench Settlements between Offenders and Victims in Criminal Law (page 80) encourages the criminal justice system to “take the initiative to actively promote” settlements between offenders and victims which, in some cases, may lead to discontinuation of proceedings. Does this Act cover such offences as those perpetrated in the context of domestic violence and other forms of violence against women? Has the Government considered that in such cases it is the imbalance of power — both physical and in many cases psychological and economic — between offender and victim which allows the offence to be perpetrated? What measures are enumerated in the Act, or provided for in administrative regulations, to ensure that victims are not coerced or intimidated into agreeing to settlements with offenders and to monitor and enforce the agreed settlements? Are there any statistics on such settlements, and the areas in which they have been reached?

28. With regard to the Act to Protect Workers against Sexual Harassment at Work mentioned on page 81 of the report and the shortcomings identified as to its implementation, what has been the outcome of the legal research commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth aimed at monitoring the implementation of the Act in company practice as well as by case law? How widely has the Act and women’s access to its protection been publicized in Germany?

Trafficking in women and girls

29. The report states on page 80 that one of the provisions of the Aliens Act, which entered into force on 7 October 2000, is that “if specific facts or other indications suggest that a person obliged to exit [Germany] is affected by trafficking in human beings, on principle a period of at least four weeks is to be set for

voluntary exit. The persons in question may seek advice and assistance from special advice agencies". In the case of women victims of trafficking, please indicate what other forms of protection and assistance are provided for under the Act. Given the possible lengthy process involved in applying for asylum or in appealing a deportation order (if such right to appeal exists), what administrative provisions are made for the extension of the minimum four-week grace period? Provide further information on the special programme that has been developed to protect and care for victims, as referred to on page 18 of the report.

30. Please provide updated information on the progress of the initiative of the national working party on trafficking in women established by the Federal Government in 1997 enumerated on page 91 of the report, as well as on similar bodies established at Länder level.

Education and training

31. With regard to vocational training, the report states on page 29 that

“the market for training places has continued to be characterized by a marked division between men and women. After completing their schooling, most girls and boys choose occupations requiring formal training in which their own gender has a clear majority.”

Besides the initiatives mentioned in the area of information and communication technologies, has the Government considered an approach which would endeavour to make male-dominated areas of vocational training more appealing to women and vice versa through awareness-raising and other gender-awareness strategies?

32. With regard to the University Science Programme (HWP) mentioned on pages 33 and 34 of the report, has the evaluation of the agreed measures scheduled for 2002 taken place? If so, please provide relevant information on the results of the evaluation. Have the Federation and the Länder decided whether to extend the period of the programme to 2006?

33. The report recognizes, on page 33, that the number of women professors remains low, and recalls the goal of increasing the proportion of female professors to 20 per cent by 2005. In line with current trends, will this goal be achieved? In what fields and in which Länder? What measures are envisaged to ensure achievement of the goal?

34. The report covers new developments in the information technology (IT) field, women's increasing access to IT training and occupations, projects such as "Idea IT", and efforts to avoid a gender-specific digital divide. Is IT a regular part of primary/secondary school curricula? If so, at what levels? What employment patterns for women are emerging in the IT sector? Are these replicating gender-stereotypical patterns visible in other sectors? How is the Government bringing its interest in gender equality in the IT field to bear on the global level, in particular in the framework of the World Summit on the Information Society?

Older women

35. On page 21, the report notes that “the age structure of the population has shifted more and more in favour of older people in recent years” and that women have a longer lifespan than men. The report reviews the situation of older women on pages 66 to 69, and notes that the Fourth Report on the Elderly proved that “women become in greater need of long-term care than men as they age” (page 127). Given the health risks and other vulnerabilities faced by older women in Germany, please expand on government policies and initiatives specifically targeting this section of the population, beyond the new regulations on pensions reform that are further developed.

36. Please provide information about the Government’s plans to ensure the well-being of older migrant women in Germany, taking into consideration their vulnerable situations and the need, acknowledged on page 69 of the report, for greater attention in the future.

37. On page 115, the report notes that

“the possibility to take advantage of part-time employment for those approaching retirement age was opened up also for civil servants previously working part-time who had initially been excluded from the arrangement. This arrangement benefits women in particular”.

Explain why this arrangement benefits women in particular. In the light of the discussion, on page 68, about the insufficiency of women’s independent pensions, is this not a contradiction? How can women in such positions acquire sufficient pensionable years of service? Is there pressure — subtle or otherwise — exerted on part-time women civil servants to take early retirement?
