



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

Distr.: General
25 May 2023

Original: English

**Committee on the Elimination of Discrimination
against Women
Eighty-fifth session**

Summary record of the 1975th meeting

Held at the Palais des Nations, Geneva, on Thursday, 11 May 2023, at 10 a.m.

Chair: Ms. Peláez Narváez

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(*continued*)

Ninth periodic report of Germany

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention
(continued)

Ninth periodic report of Germany (CEDAW/C/DEU/9; CEDAW/C/DEU/QPR/9)

1. **The Chair**, welcoming the delegation of Germany to the meeting, explained that additional members of the delegation would be participating via video link.
2. **Ms. Gottstein** (Germany) said that recent developments in the State party included the election of a new Government. It had proclaimed a decade of gender equality; it was also the first German Government to enshrine the implementation of the Convention in its initial political coalition agreement. There was broad support for those initiatives, as reflected by the membership of the delegation, which included representatives of various federal ministries, the *Länder*, the Federal Statistics Office and, for the first time, a parliamentarian who was a member of the Parliamentary Committee on Family Affairs, Senior Citizens, Women and Youth. The State party was working to make the Convention better known, for example by publishing a handbook on the Convention and by providing nearly €1 million in funding over three years for a civil society project with broad participation under the title “CEDAW Alliance Germany”. The Federal Government had in April 2023 held a forum with civil society organizations to discuss the alternative reports that they had been submitted to the Committee.
3. Implementation of the Convention required strong institutional mechanisms. While the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth was the central authority for gender equality policy, gender mainstreaming had been made mandatory for all federal ministries. The Ministry had established the Federal Foundation for Gender Equality, which was due to become operational in 2023 and would collect data to help close gaps and facilitate the transfer of knowledge. The Government had also strengthened the independence of the Federal Anti-Discrimination Agency and was considering a comprehensive reform of the General Act on Equal Treatment to improve its scope of application. In accordance with the coalition agreement, the Government also intended to launch an effective gender equality check for all federal legislation and policies, including gender-sensitive regulatory impact assessments.
4. During the lockdown declared in response to the coronavirus disease (COVID-19) pandemic, many families had been adversely affected in economic terms. In February 2022, 21 per cent of fathers and 43 per cent of mothers had reported that their finances had worsened; it had been mothers who had assumed the lion’s share of childcare duties during the lockdown, which had resulted in an increase in the gender gap in working hours. Nevertheless, most families had not permanently reverted to traditional roles. In the context of the current crises, with conflicts overseas and the Russian war of aggression in Ukraine, the influx of some 1 million Ukrainian refugees and the rising cost of living, the Government had not lost sight of the need to protect women and girls from violence, both within Germany and elsewhere. The Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development had in March 2023 presented their respective strategies for an expressly feminist foreign and development policy.
5. Measures had been taken to support the well-being and integration of refugees and to help families weather the storm of inflation, for example through relief packages, children’s benefits and other allowances. The Government was working to introduce a basic child assistance programme that would address structural child poverty.
6. Women, girls and marginalized groups were particularly seriously affected by the climate crisis, especially in the countries of the global South, where they faced the effects of extreme weather. Better use of their know-how as adjustment experts and crisis managers must be made to address climate change. Gender equality was a precondition for sustainable development and was embedded in the German sustainability strategy, and an expert commission had recently been appointed to ensure that gender was taken into account in the country’s ecological transformation.

7. The gender pay gap remained a problem, and the Government planned to improve the Act to Promote Transparency in Wage Structures in the light of the Pay Transparency Directive of the European Union. It also aimed to improve the gender responsiveness of the tax system. The Government hoped to reform the tax classes, as married women currently accounted for 90 per cent of taxpayers in the most unfavourable tax class – married couples with one partner in the tax class with the lowest taxation – resulting in the income of many women being taxed at a relatively higher rate than that of the often higher-earning spouses. The reform was aimed at helping women earn higher net incomes, thus ensuring that they would have greater financial independence and be better motivated to take on gainful employment.

8. A new Act on the Equal Participation of Women and Men in the Private and Public Sector had been adopted in 2021, with the aim of introducing mandatory requirements for businesses and public service organizations. The federal Government had adopted an action plan to achieve equal representation in the country's main federal government bodies by 2025. Over and above the family benefits that gave financial relief to parents after the birth of a child, the federal Government wanted to introduce a two-week fully paid leave of absence for mothers' partners after the birth of a child and was considering a fundamental reform of family caregiver leave.

9. The Government also wished to reappraise the legal situation in respect of sexual and reproductive self-determination. Three government ministries had appointed a commission to examine how abortions could be regulated without the use of criminal law and how to legalize egg donations and altruistic surrogacy. The Government was drafting legislation to give every pregnant woman access to counselling and to protect women who used abortion services against harassment. It was committed to quickly adopting a set of measures to improve protection and counselling services in cases of violence against women, including domestic violence. Germany was committed to the unconditional implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and intended to improve the institutional basis for its implementation. Its reservations to the Convention had not been renewed.

10. The Government had introduced draft legislation requiring gender-specific motives for crimes to be taken into account in sentencing and was stepping up efforts to combat human trafficking and protect its victims. In November 2022, monitoring units had been established for gender-based violence and for human trafficking.

11. The authorities believed that gender equality policy played a crucial role in eliminating stereotypes and that they must be based on an intersectional approach. The Government had therefore established posts of federal commissioners on subjects such as gender diversity and the rights of Sinti and Roma people.

12. **Ms. Rudolf** (German Institute for Human Rights) said that a number of the recommendations issued by the Committee after its consideration of the last State party report of Germany had been taken up in the Government's coalition agreement, but that some issues had become contentious even within the coalition. The Committee's new round of recommendations would thus have a much-needed impact.

13. The German Institute for Human Rights had been designated as the national rapporteur mechanism on the implementation of the Istanbul Convention and the Council of Europe Convention on Action against Trafficking in Human Beings. It would thus collect available data on the basis of indicators it had developed and by assessing legislative and judicial developments. The Government would hopefully soon make the mechanism permanent and would provide it with a legal basis.

14. She welcomed the new Government's intentions to close protection gaps in the General Act on Equal Treatment, which was long overdue, and to ensure reliable and permanent funding for support services for women victims of gender-based violence. Debates about the costs of such services might limit the ability to take the necessary action. The Committee was requested to remind the federal and *Länder* governments of their joint obligation under the Convention to ensure that victims had access to counselling, shelters and support.

15. She called on the federal and state governments to immediately start discussions with relevant stakeholders with a view to creating independent monitoring authorities, as described in article 16 (3) of the Convention on the Rights of Persons with Disabilities.

16. The German Institute for Human Rights considered that it was necessary, in the light of the termination of the State party's reservations to the Istanbul Convention, to enact laws entitling migrant women victims of domestic violence to residence permits, independently of their spouses, and to take steps so that domestic violence was taken into account in judicial proceedings concerning custody and visitation rights. She appreciated the fact that the Government intended to improve support for survivors of human trafficking, including by granting foreign victims the right to stay in the country for rest and recovery. She called on the Government to introduce a safe legal basis for live-in care workers, with ambulant care services, support for relatives, advisory services and complaint mechanisms.

Articles 1–6

17. **Ms. Ameline** said that she wished to know whether the State party intended to ratify the various International Labour Organization (ILO) conventions relating to the rights of migrant workers. She would welcome clarification of what constituted unequal treatment in law, particularly as it related to freedom of religion or belief. She wondered whether the Convention was explicitly invoked by the courts at the *Land* level, whether national law contained provisions that addressed intersecting forms of discrimination faced by women migrant workers and whether the mandate of the German Institute for Human Rights could be expanded to include monitoring of the implementation of the Convention.

18. It would be interesting to learn whether measures would be taken to harmonize the different laws in force in the *Länder*. The delegation might explain whether information and communications technology companies were required to ensure respect for human rights throughout the value chains of their products and services. It might also describe any measures being taken to protect women human rights defenders against acts of racism and gender-based violence. Lastly, she wished to know what was being done to ensure that children's consent was always sought in connection with decisions relating to gender and self-identification.

19. **A representative of Germany** said that the Coalition Agreement of 2017 provided for the strengthening of the Federal Anti-Discrimination Agency and the allocation of a new budget to it. A bill providing for amendments to the General Act on Equal Treatment had been submitted to the Bundestag, which would vote on it shortly. The Federal Equality Act would be amended to enhance the scope of the protection that it provided but it was not possible to provide a time frame for the adoption of the amended Act.

20. **A representative of Germany** said that State employees were subject to restrictions on the wearing of religious symbols. Those restrictions applied only if the religious symbols in question were believed to undermine trust in a public service.

21. **A representative of Germany** said that many rulings by the national courts contained references to the Convention. For instance, the Constitutional Court had invoked the Convention in a decision relating to the protection of minors against forced marriage. Agencies had been established to monitor trafficking in persons and the implementation of the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

22. **A representative of Germany** said that the Act on Corporate Due Diligence Obligations in Supply Chains did not apply to value chains. The development of a law applying to value chains was under discussion but it was not known when such a law might be adopted.

23. **Ms. Gottstein** (Germany) said that the Federal Ministry of Justice and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth had jointly developed a bill that, if adopted, would allow transgender persons to have the official record of their gender and name changed under a simple procedure. Children under 18 years of age were required to obtain their parents' permission to legally change their gender identity. If their parents refused, the children could challenge their decision before a court.

24. The federal Government had established an alliance against sexism, made up of government officials and civil society stakeholders, that would make efforts to combat intersecting forms of discrimination. Certain aspects of anti-discrimination law fell under the jurisdiction of the *Länder*. Some *Länder*, including the Berlin *Land*, had adopted their own anti-discrimination laws, which applied to areas of policy for which the *Länder* were responsible, including education and policing.

25. **Ms. Hacker** said that she wished to know whether the new amendments to the General Act on Equal Treatment addressed gender equality in the private sector and in religious institutions. She wondered whether the bill on the self-identification of transgender persons addressed the protection of biological women's right to privacy and their right to take part in sporting events without having to compete against biological males.

26. **A representative of Germany** said that the new amendments to the General Act on Equal Treatment applied to the right to housing and other areas. She was unable to say whether it applied to the private sector in general or to religious institutions.

27. **Ms. Gottstein** (Germany) said that the bill on the self-identification of transgender persons stated that the governing bodies of the various sports were responsible for establishing the terms on which transgender athletes could compete in events. Private establishments, such as gyms and saunas, would be responsible for deciding what access transgender persons could have to their services. The bill did not conflict with the General Act on Equal Treatment, under which no person could be refused entry to an establishment solely on the basis of his or her sex.

28. **Ms. Morsy** said that she wished to know whether the State party considered the Gender Equality Strategy to have been a success to date. She wondered what system was used to monitor and evaluate the Strategy, whether non-governmental organizations and civil society had participated in its design, which organization was primarily responsible for implementing it and whether the Federal Foundation for Gender Equality was involved in its implementation. She would be grateful for information on any lessons learned from the review of the Strategy conducted in 2021 and on the achievements of the Foundation to date.

29. The delegation might describe any measures being taken to combat gender-based discrimination and to provide the Federal Anti-Discrimination Agency with the authority to initiate legal action and launch investigations. The Committee would be interested to hear about any links that existed between the Division for Gender Equality of the Ministry for Family Affairs, Senior Citizens, Women and Youth, the Gender Equality Atlas, the Federal Foundation for Gender Equality and the Federal Anti-discrimination Agency. It would be interesting to know whether any formal consultation processes took place at the interministerial level to promote gender mainstreaming.

30. The Committee would be grateful for information on the intersecting forms of discrimination faced by disadvantaged and marginalized women and girls and on any legislative or other measures being taken to address the structural factors underlying persistent inequalities based on race, ethnicity and religion. The Committee would appreciate details of any action being taken to ensure that Muslim women and girls who wore headscarves were not discriminated against in any area of life. She wondered how many complaints had been received from Muslim women who had experienced discrimination because they wore a headscarf.

31. She would welcome information on any steps being taken to implement and assess gender mainstreaming measures and gender-sensitive budgeting. She was curious to know what percentage of government programmes were aimed at promoting gender equality. The State party might consider basing all its budget objectives on human rights conventions and on qualitative and quantitative indicators and benchmarks.

32. She wondered whether affirmation action was taken, and gender quotas were applied, in areas such as academia, the military and the judiciary. She would be grateful to learn about any temporary special measures being taken to ensure substantive equality between women and men, especially in relation to employment and women's participation in political and public life. She wondered how the State party saw to it that Muslim women who wore

headscarves had equal access to the labour market, including decision-making positions, and were able to participate in public life on an equal footing with other citizens.

33. **A representative of Germany** said that the Government was considering how best to monitor the Gender Equality Strategy with a view to determining whether the quantitative goals established for the Strategy were being met. The German Sustainability Strategy, which concerned the implementation of the Sustainable Development Goals, included a range of indicators relating to equality issues, including the economic equality of women. That Strategy was regularly monitored by the federal Government. Plans were in place to strengthen the laws implemented to promote gender equality and ensure that any measures taken in that regard applied to every area of life and were subject to monitoring. Article 2 of the Constitution not only prohibited gender-based discrimination but also established the positive obligation to promote gender equality. For that reason, both the positive and the negative effects of temporary special measures were assessed.

34. With regard to gender budgeting, every federal agency was required to determine what impact its budgets would have on gender equality. The 2017 Coalition Agreement established that the gender budgeting measures already in place at the federal level must be subjected to further analysis of their impact on gender equality. Efforts were currently being made to determine whether the various measures being taken to promote gender equality were compatible with the Sustainable Development Goals.

35. **Ms. Gottstein** (Germany) said that the Federal Anti-Discrimination Agency was an independent body that had certain administrative connections with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth but did not report to the Ministry or to any other federal government agency. The Ombudsman responsible for combating discrimination considered all forms of discrimination, including gender discrimination. The Federal Anti-Discrimination Agency was not currently empowered to launch investigations into reports of discrimination. However, the European Union was developing draft directives on equality bodies and anti-discrimination law that would require member States to grant their equality bodies some investigative powers.

36. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth was currently holding discussions with the *Länder*, representatives of Muslim women and other stakeholders to determine what approach should be taken to the wearing of headscarves by Muslim women working in the public sector. A considerable number of complaints had been received from Muslim women whose applications for a teaching position had been turned down simply because they wore a headscarf. The federal Government was unable to establish a general rule on the issue as education fell within the purview of the *Länder*. Laws on the wearing of headscarves currently varied from one *Land* to another. In general, any further changes relating to the issue were more likely to arise from court decisions than from the adoption of new legislation.

37. **A representative of Germany** said that all *Länder* currently allowed women teachers to wear headscarves. The Berlin *Land* had been required to change its regulations on the wearing of headscarves by teachers in order to comply with a federal Labour Court ruling that prohibited the *Land* from banning them outright. The *Land* had filed an appeal against the ruling with the Constitutional Court but the appeal had been rejected. As a result, schools in Berlin were now permitted to ban headscarves only if they believed that the wearing of a headscarf by a teacher would undermine the peaceful order of the school.

38. **A representative of Germany** said that it had not been possible to reach an agreement on the establishment of gender parity within the Electoral Commission of the Bundestag. Some political parties, including the Green Party, had been in favour of mandatory parity but other parties had opposed it and the proposal had not received majority support. An as yet unpublished report would state that part of the coalition Government recommended that a law on parity should be adopted within the Electoral Commission and that discussions on the issue should continue.

39. **Ms. Gottstein** (Germany) said that two attempts had been made to adopt laws on electoral parity in the *Länder* but they had been blocked by the courts. The federal Government was working with the different *Länder* and with local women's associations to encourage more women to participate in politics at the municipal level. Women's political

participation was generally lower in rural areas than in cities. A network awarded prizes to women who stood for election, which raised public awareness of the issue of women's participation.

40. **A representative of Germany** said that, in 2008, a programme had been established to increase the number of women academics who held professorships in universities. Since then, a total of €500 million had been allocated to the programme and around 850 women had benefited from it.

41. **Ms. Hacker** said that she wished to know whether the programme to increase the number of women professors applied to all academic subjects or only to science, technology, engineering and mathematics. She would welcome statistical data on the number of women occupying senior positions in the military and any measures being taken to increase that number.

42. **A representative of Germany** said that the professorship programme was implemented for all academic subjects. Under the programme, universities received rewards when they appointed a woman to a professorship for the first time. A number of other programmes had been established to increase the number of women working in science, technology, engineering and mathematics, including in academia.

43. **Ms. de Silva de Alwis** said that German courts had universal jurisdiction over crimes against humanity, including those involving conflict-related sexual violence. Under the Code of Crimes against International Law, a German court had brought charges against members of the Democratic Forces for the Liberation of Rwanda. Unfortunately, all the charges concerning conflict-related sexual violence had been dismissed. In view of that situation, she wished to know how the State party would see to it that perpetrators of conflict-related sexual violence were prosecuted under the Code of Crimes against International Law. More generally, she wondered whether investigations by the German authorities into conflict-related sexual violence would adopt a gender perspective to make it more likely that the perpetrators were successfully prosecuted. The Committee would be interested to know whether the Office of the Federal Prosecutor and the Federal Police would receive the resources and training required for them to identify sexualized violence against women and minority groups.

44. The Committee was curious to know whether the Act on Corporate Due Diligence Obligations in Supply Chains covered sexual harassment and sexual abuse in global supply chains. She wondered how many reports of hate-motivated gender crimes had been received and whether any charges had been brought against the perpetrators.

45. The Committee wished to know whether judges and law enforcement officers would receive training on implementing the amendments to the Criminal Code providing for aggravated penalties for offences motivated by the victim's gender or sexual orientation. It would also be interested to hear what protection was afforded to victims participating in trials and whether greater use would be made of video links to ensure that victims did not have to appear in court with the perpetrators of the offences against them.

46. Given that the German Advertising Standards Council lacked enforcement powers, she wondered how the State party addressed racial and gender stereotypes in the media, especially stereotypical depictions of migrant women as being incompatible with German ideals of femininity. She asked what was being done to review artificial intelligence systems before they were launched on the market in order to ensure that they would not be used in ways that violated women's rights. The delegation might describe any regulations in place to protect women against abusive uses of technology.

47. **Ms. Dettmeijer-Vermeulen** said that she would welcome information on the status of the national action plan to combat trafficking in persons and the associated independent monitoring unit. She wondered whether the monitoring unit would collect data on trafficking at the federal level and whether the national action plan would facilitate the coordination of measures to combat that offence in the *Länder*. It would be interesting to learn whether judges and law enforcement officers were trained to deal with cases of trafficking in persons and, if so, whether that training was repeated regularly. The Committee also wished to know whether any judges or prosecutors had been trained to specialize in cases of trafficking and

whether sufficient efforts were being made to police the online procurement and sale of victims of trafficking and sexual services.

48. She would be interested to hear whether the national action plan to combat trafficking in persons would lead to the establishment of a federal agency for identifying victims of trafficking and whether efforts would be made to harmonize the proceedings conducted in the *Länder* and the measures that they took to protect victims. Would steps be taken to ensure that the courts routinely considered the question of compensation for victims in proceedings relating to trafficking?

49. She would appreciate details of any measures being taken to address the fact that, according to the disaggregated data available, investigations into trafficking in persons varied considerably from *Land to Land*. The delegation might explain whether there would be fewer such discrepancies when the national action plan was implemented and whether victims of trafficking had been identified among the women fleeing the conflict in Ukraine.

50. She wished to know whether the Youth Protection Act, which increased protection for children against online grooming and sex trafficking, was being implemented in all the *Länder*, whether the effectiveness of the Act would be evaluated and whether specific measures were being taken to tackle the use of so-called lover boys, or young men who coerced vulnerable girls into sex trafficking. The Committee would be interested to hear whether the State party planned to review the age at which women were legally permitted to become sex workers, whether it would assess the impact of the Prostitution Protection Act and, if so, whether that assessment would take account of reports that buyers of sex were not deterred by the fact that some sex workers were trafficked.

51. She wondered whether the Act had reduced the stigma attached to sex work, whether sex workers could open bank accounts, whether there were exit programmes in all the *Länder* and whether the assessment of the Prostitution Protection Act would consider the factors affecting the number of reported cases of trafficking in each *Länder*, which included differences in the demand for sexual services and the control measures implemented by specialized police officers. In view of the fact that the State party had legalized prostitution, did it take on the additional obligation to investigate reports of trafficking and ensure the availability of sufficient numbers of police officers specialized in combating that offence?

52. **A representative of Germany** said that the Office of the Federal Prosecutor had a number of specialized units that dealt with crimes against humanity. The Government acknowledged that there were gaps in the data on sexual violence. In order to address that problem, legislative measures would be taken to provide for the mandatory collection of data on the perpetrators and victims of acts of sexual violence. The Government was considering whether to establish regulations on the support provided to child victims of sexual violence and grievous bodily harm, whether the existing support mechanisms could be strengthened and whether judicial proceedings relating to such cases could be expedited. Victims of sexual violence and grievous bodily harm were entitled to free legal assistance.

53. Interviews with victims were recorded in order to reduce victims' exposure to the perpetrators of the offences committed against them. Legislative measures would be taken to ensure that the gender perspective was taken into account at a very early stage of proceedings for certain offences and that due consideration was given to the risks faced by women when they left their partners. Training programmes on domestic violence were organized by the *Länder* and by the German Judicial Academy.

54. **A representative of Germany** said that the Act on Corporate Due Diligence Obligations in Supply Chains was based on 11 ILO conventions and the International Covenant on Economic, Social and Cultural Rights. The criteria used to determine whether a due diligence obligation had been met were drawn from the ILO conventions and must be taken into account by any German business that worked with foreign supply chains. An expert committee was responsible for assessing compliance with the Act. The actions set out in the Act that constituted human rights violations included financial and sexual exploitation, gender-based violence and discrimination in the workplace. The Act also took into account the employment-related provisions of the Covenant.

55. **Ms. Gottstein** (Germany) said that the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth had produced a report on equality and digitalization, which had demonstrated the need for minimizing the risks of digitalization for marginalized groups, including women. However, digital technologies could also be used to promote equality and there were examples of algorithms developed using a gender-sensitive approach that helped to break negative stereotypes. Her country consistently raised the risks of digitalization for women during negotiations at the European level, including with regard to the social protection of women working in the platform economy.

56. **A representative of Germany** said that a government agency had been tasked with collecting and processing data on human trafficking. That agency would use data from the federal Government, the *Länder* and civil society organizations to identify gaps in the current approach to that phenomenon. Although the national action plan to combat human trafficking was a federal initiative, structures for cooperation between federal and *Länder*-level agencies on that issue were in place, including a working group. The federal Government led those efforts, but the *Länder* were directly involved. Responsibility for combating human trafficking was shared between several ministries as it was a cross-cutting issue. The use of the Internet by human traffickers had been the focus of police training courses over the preceding two years.

57. Following the outbreak of the war in Ukraine, there had been a mass influx of refugees into her country. In response, existing structures had been strengthened with further resources. In addition, a hotline had been established for Ukrainian women and other materials had been provided in Ukrainian, particularly at arrival points. The federal Government had worked with the *Länder* and civil society organizations in that regard. Assessments of the response had been positive and there had been very few suspected cases of trafficking in Ukrainian women and children.

58. **A representative of Germany** said that specialized training on human trafficking was provided at the *Land* level to police and prosecutors. In North Rhine-Westphalia police and prosecutors had been trained on how to cooperate on that issue. There were also training programmes that focused specifically on exploitation and human trafficking at border crossings. Her Government was aware that human trafficking was an issue and an interministerial approach was being developed to address it.

59. A policy paper on online violence had been issued and there were plans to introduce more extensive digital platform regulations to cover such violence. Participation from non-governmental organizations was being sought and training was provided to law enforcement officers.

60. **A representative of Germany** said that there were regular training programmes for the Federal Criminal Police Office on human trafficking. Under the law, victims of human trafficking had a special right to remain in the country. In accordance with the coalition agreement reached by the current Government, victims of trafficking were entitled to remain in Germany regardless of whether they came forward in criminal proceedings. If they did not wish to participate in such proceedings, they were granted the right to stay for three months.

61. **Ms. Gottstein** (Germany) said that a study was being undertaken by a research institute into the effectiveness of the Prostitutes Protection Act. The study, which would be completed in 2025, would also examine the issue of clients of sex work. The aim was to provide an evidence base for further action.

62. Since August 2021, five pilot projects to help woman transition out of sex work had been running in several regions. They would run for three years and aimed to test innovative ways and means to help former sex workers find other forms of employment. A study of the projects would be conducted to help to identify gaps in the protection system and inform future programmes. If successful, the pilot projects would be continued beyond the initial period of three years.

63. **A representative of Germany** said that the Federal Ministry for Migration and Refugees handled asylum requests and was training its decision makers in human trafficking issues. The participation in asylum cases of a human trafficking ombudsman was mandatory.

Victims were referred to specialized support services with which the Ministry cooperated closely.

64. **Ms. de Silva de Alwis** said that she would like to know how the State party might change its due diligence rules for corporate responsibility to tackle algorithmic bias. Further data on female genital mutilation and femicide would be useful, as well as an indication of how the State party was addressing femicide.

65. **Ms. Hacker** said that she would like the delegation to comment on reports that there were not enough shelters for victims of domestic violence. She wondered whether electronic bracelets were used to monitor male perpetrators of domestic violence and whether there were any rehabilitation programmes in place for those men.

66. It would be useful to have an estimate of how many unregistered sex workers were present in the State party.

67. **Ms. Dettmeijer-Vermeulen** said that the delegation was invited to comment on reports that the reflection period for victims of human trafficking was not systematically offered to all victims before they had decided whether they wanted to work with the police.

68. Given that the vast majority of the victims of lover boys were around the age of 18 years or so, she wondered whether the State party would take that into consideration and raise the legal age to be able to make the decision whether to engage in sex work. Further information would be welcome regarding how the police were addressing the use of the Internet by perpetrators of human trafficking to find victims to exploit and clients for sex work.

69. **Ms. Manalo** said that she would like to hear more about foreign affairs and development policy in the State party.

70. **Ms. Leinarte** said that, given that knowingly buying sex from victims of trafficking was criminalized under article 232 of the Criminal Code, she wished to know how many such clients had been brought before the courts since the introduction of that provision.

71. **A representative of Germany** said that female genital mutilation was punishable under the Criminal Code.

72. In the past, femicide had been approached differently by different courts depending on whether an intent to murder had been found. More stringent rules for assessing the motivations behind domestic violence, intimate partner violence and femicide had therefore been introduced and degrading treatment of the victim was now considered to be an aggravating circumstance.

73. The legislation on human trafficking had been assessed by the same research institute that was reviewing the Prostitutes Protection Act. That assessment had revealed the human trafficking legislation to be less than effective. A more holistic approach was needed and would be developed following the assessment of the legislation on sex work. The approach would be aligned with European Union requirements.

74. **A representative of Germany** said that under the legislation on residency the period of reflection for victims of human trafficking, during which they could consider whether they wanted to work with the police, was three months.

75. **A representative of Germany** said that, in 2020, the Ministry of Health had changed the regulations for midwives to add special considerations for women who had been subjected to female genital mutilation. The tenth revision of the International Statistical Classification of Diseases and Related Health Problems, which contained a code on female genital mutilation, was used to help guide treatment for those affected.

Articles 7–9

76. **Ms. Mikko** said that the Committee would be interested to hear more about how a gender equality check for laws would work in practice. She would like to learn about the obstacles to achieving gender parity in the Bundestag. It was her understanding that some *Länder* had introduced parity laws making it mandatory to have equal numbers of men and women on the lists of candidates for *Land* elections, but those laws had been found to be unconstitutional by courts in some areas. She wished to know more about the current legal situation regarding parity laws. What legislative measures had been taken at the federal level to ensure the equal representation of women in political leadership?

The meeting rose at 1 p.m.