



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

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

**Twenty-second session**

**Summary record of the 464th meeting**

Held at Headquarters, New York, on Tuesday, 1 February 2000, at 10.30 a.m.

*Chairperson:* Ms. González

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*The meeting was called to order at 11.05 a.m.*

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

*Second, third and fourth periodic reports of Germany (CEDAW/C/DEU/2-3 and 4)*

1. *The Chairperson invited the members of the delegation of Germany to take places at the Committee table.*

2. **Ms. Niehuis** (Germany) said that the transition to democracy had entailed painful adjustments for people in the eastern part of the country, particularly women. Considerable progress had been made in restructuring the economy, and labour and social policy measures had helped to soften the effects of those radical changes for women in the new *Länder*, improving women's prospects for employment and decreasing unemployment. Equal rights offices had been set up, and the obligation to establish such offices had been incorporated into most municipal and local legislation. Since reunification, the subject of violence against women was no longer taboo in the eastern part of the country, and shelters for victims of violence had been established with assistance from the Government. Furthermore, a pluralistic structure for women's associations had been created.

3. In December 1999, the Government had signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the ratification process would commence in 2000. The European Court of Justice had recently ruled that the constitutional ban on the bearing of arms by women violated the European Union directive on equal treatment of men and women at work. The Government was assessing the impact of that decision as it related to Germany's reservation to article 7 (b) of the Convention and as it affected new job opportunities for women in the armed forces.

4. German women were better educated than ever before and represented over 40 per cent of all employed persons. Sixty per cent of German women in the old *Länder* and about 75 per cent in the new *Länder* were working. Their presence in the labour force was nonetheless still unequal to that of men. Women held 90 per cent of all part-time jobs, and women had greater difficulty than men in finding jobs and places in job-training programmes. Women's work, moreover,

was concentrated in a few occupations, and paid less. In addition, women with the same qualifications as men were often ranked lower than men in the business hierarchy.

5. Since the change of Government in Germany in September 1998, new priorities had been set for equal rights policies. Particular emphasis had been placed on the federal "Women and Work" programme, which aimed to improve the use of women's skills in all sectors of society, and to introduce gender mainstreaming. That principle would be incorporated into the government rules of procedure and training measures would be elaborated to facilitate its application.

6. The Act on the Advancement of Women and the Federal Bodies Act, both of which had entered into force in 1994, had been insufficiently binding and had consequently failed to have the desired impact. Women with equal qualifications were still under-represented in the Federal Administration, especially at higher levels, and filled only about 12 per cent of the seats in the most important bodies influencing federal policy. Accordingly, the Government intended to submit a draft bill to parliament designed to improve equal opportunities for men and women in the Federal Administration.

7. That legislation would accord preferential treatment to women with equal qualifications in areas where women were under-represented, using a flexible quota approach; strengthen the powers of the equal rights commissioners; improve the framework for reconciling family and career; improve equal rights plans (which would include ensuring that the proportion of women in jobs was retained in the event of layoffs); establish that equal opportunity was a management responsibility; and ensure that language used in regulations and proceedings placed men and women on an equal footing. An amendment to the Federal Bodies Act would stipulate that, if women were under-represented on a federal body, vacancies should be filled only by women.

8. The under-representation of women in management positions was cause for serious concern. The Government, which had formerly relied on voluntary action to improve the situation of women working in the private sector, was now supporting awards for exemplary firms and planned to establish an advice and information centre with emphasis on small

and medium-sized businesses and to formulate equal opportunity regulations. It had established an expert group made up of researchers, representatives of social partners and politicians to develop ideas. It also intended to link the award of public contracts to firms that took suitable steps to improve the position of women in working life.

9. Although European and German law had long reflected the policy of equal pay for equal work, in practice there were considerable differences in the amount of pay received by men and women. Those differences did not result from direct wage discrimination, but arose from hidden causes, often difficult to establish. The Government had no means of regulating wage issues, which were the responsibility of the parties to collective agreements. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth planned to submit a report on equal pay and the economic situation of women to the Parliament, which would examine and publicize the causes of wage discrimination.

10. Since four out of five employed women worked in service occupations, they were in a good position to benefit from the structural shift in the labour market to a service and information society. Only suitably qualified women would, however, be able to benefit from an increase in employment in the information industry, and although more women than men had completed vocational training programmes, most were concentrated in 10 non-technical occupations. Women, thus far represented less than 25 per cent of students enrolled in computer courses at the university level, most of them in engineering rather than information science. The Government, convinced that change was necessary, was focusing on creating opportunities for women in the information technologies.

11. A programme to reduce youth unemployment endeavoured to promote the participation of young women, particularly in future-oriented occupations. One such initiative on the information age, conducted in cooperation with major companies, aimed to promote the training of women in information technologies and to demonstrate that women could succeed in digital fields. Another such initiative supported the establishment of a women's technology competence centre. The Government was also supporting a nationwide campaign entitled "women on the web", jointly sponsored by a popular women's magazine.

12. Women represented over 25 per cent of Germany's self-employed population, and self-employment was opening up new career prospects. The "Women and Work" programme, designed to assist women in launching their own businesses, included a loan programme that provided start-up funds; a programme designed to help women to continue to take over or to retain small and medium-sized businesses; and a competence centre for women entrepreneurs.

13. Since women held a small percentage of professorships in Germany, the Government was taking special measures, in cooperation with the *Länder*, to promote the advancement of women in the teaching and research professions. It also intended to incorporate the principle of gender equal opportunity into all measures and programmes in science and research, to link contract awards and budget allocations to the promotion of equal opportunities in higher education, and to increase the number of women holding management positions in the sciences.

14. The trend towards increased flexibility in the workplace, which afforded fewer opportunities for full-time, social security-based employment, might increasingly force women into jobs that did not pay them enough to live on. Accordingly, the Ministry for Family Affairs, Senior Citizens, Women and Youth had sponsored a project to analyse the extent to which home-based work improved the general conditions for reconciling family and career. On the other hand, greater flexibility at the workplace provided a tremendous opportunity to redistribute "gainful work" and "reproductive work" between the sexes.

15. In that connection, the "Women and Work" would permit mothers and fathers to take parental leave in turn as well as simultaneously, facilitating part-time work during child-raising and guaranteeing parents the right to return to full-time positions at the end of such leave. The federal Government was also going to establish an informal working group with the *Länder* participation to draw up proposals for improving the childcare situation. In addition, a special campaign would be launched to convince men to accept an equal share of family work and child-rearing duties.

16. Despite amendments to existing laws on violence against women, there had not been any appreciable and sustained reduction in such violence in German society. The federal Government had therefore drawn up a comprehensive Action Plan to Combat Violence

against Women. All authorities and non-governmental organizations were involved in the implementation of the Plan, which also applied to areas falling within the jurisdiction of the *Länder* and the municipalities. The Action Plan focused on prevention, legislation, cooperation among institutions, networking of assistance services, work with offenders, awareness-raising between the experts and the public at large and international cooperation. Specifically, special information for parents on child-rearing without violence would be published; teaching aids would be developed for schools on the subject of violence against girls and women; and special projects for boys would be promoted in which the stereotyped role models of young men were challenged. The special situation of disabled women and girls, older women and foreign women and girls would also be taken into account, with funding from the federal Government.

17. Action was pending on a bill to strengthen the protection of women who were victims of violence and on proposals to amend the Civil Code to establish the right of every child to a violence-free upbringing and amend section 19 of the Aliens Act to reduce the waiting period for foreign spouses and reformulate the hardship clause.

18. The federal Ministry for Family Affairs, Senior Citizens, Women and Youth had set up a nationwide working group on trafficking in women with the participation of various federal and *Länder* ministries, the Federal Criminal Police Office and specialized advisory services for women. Local and/or *Länder* bodies cooperated in intervention projects against domestic violence. The federal Government also supported the work undertaken by networks of services helping women who experienced or were threatened by violence.

19. While creating and expanding the network of shelters and counselling centres for women, the federal Government planned to support measures aimed at altering the behavioural patterns of perpetrators of violence by making it mandatory for them to participate in social training courses. The federal Government also supported the steps taken by the *Länder* to increase the awareness of individual professional groups responsible for the application of existing laws.

20. The Government also played an active role in international efforts to combat violence against women.

In June 1999, under the Presidency of Germany, the Council of Youth Ministers of the European Union had adopted the Daphne Programme, which targeted violence against children, young people and women. The programme would make funds available to non-governmental organizations until 2003 to promote their work in the prevention of violence. Germany was also actively involved in the negotiations on a United Nations convention against organized transnational crime and, in that context, attached special importance to the optional protocol on trafficking in human beings.

21. The federal Government had recently commissioned the first comprehensive study of the health situation of women in Germany. Its results would be published at the end of the current year and would be used as a point of reference for the establishment of gender-specific health reporting. In November 1999, the drug Mifegyne (RU486) had been approved for use in Germany, offering women an alternative to abortion. Furthermore, the law on abortion was based on a concept of protection of life that focused on counselling for the pregnant woman and left the final decision to her. A wide variety of pregnancy conflict-counselling services were available in Germany funded by religious and secular organizations.

22. Noting that women in rural areas were increasingly bearing the brunt of structural change, she said that the federal Government, in compliance with article 14 of the Convention, was supporting pilot projects to promote structural change and offer rural women alternative means of earning a living in future-oriented occupations. The Government was also striving to promote the integration of foreign women and girls in Germany, although the gender aspect had thus far played only a very minor role in studies of the situation of foreign families. However, a representative study of the living situation and social integration of foreign women and girls would soon be undertaken. Moreover, the new law on nationality had come into force on 1 January 2000 and it substantially improved the situation of foreign women and their children.

23. **The Chairperson** said that the high quality of the second, third and fourth periodic reports of Germany and the calibre of the delegation reflected the Government's readiness to apply the provisions of the Convention. She had been particularly gratified to learn that Germany intended to ratify the Optional Protocol to the Convention and the amendment to article 20,

paragraph 1, and that the Government would reconsider the reservation to article 7, paragraph (b).

24. **Ms. Corti** said that the Government was to be commended for providing a comprehensive picture of its equal rights policy. She noted with satisfaction that it had established a dense and well-organized network of institutions to implement that policy, and had ensured that those institutions had sufficient resources to discharge their mandates effectively.

25. The amendment to article 3, paragraph 2, of the Basic Law, under which the State was obligated to promote de facto equality between men and women and to remedy existing disadvantages, was an important step towards more effective implementation of the Convention and the constitutional provisions on equal rights. She had been encouraged in that connection by the recent increase in women's representation in parliament and in the Government as a result of the application of temporary special measures in accordance with article 4, paragraph 1, of the Convention.

26. Another positive development had been the adoption of the Act on the Promotion of Women and the Reconciliation of Family and Career in the Federal Administration and Federal Courts and the appointment in all federal agencies with at least 200 employees of commissioners for women's affairs to monitor the Act's enforcement. She also welcomed the amendments to the Act on the Protection of Working Mothers, particularly the decision to compensate small businesses for the costs of maternity protection. Other measures, she was gratified to note, included the Government's efforts to promote employment for young women in so-called future-oriented industries.

27. She had been surprised, however, that no explicit link was made in the reports or the responses to the list of issues and questions between the Government's equal rights policy and the provisions of the Convention, although the implementation of the Beijing Declaration and Platform for Action was rightly highlighted. Another problem was the failure to place women's rights in the broader context of human rights. The Government should also have drawn more extensively on the Committee's general recommendations in formulating its programmes and strategies, particularly General Recommendation No. 19 on violence against women.

28. Reconciliation of family and career was a new and positive concept. However, the reports stated that gender stereotypes remained deeply rooted in German society and she was therefore concerned that few men would take advantage of family-friendly employment practices, leaving the burden of child-raising and household management entirely on the shoulders of women. Given the persistence of gender stereotypes, there was a need for a mechanism to coordinate initiatives for their elimination.

29. She wished to have more information on the response of women in the new federal *Länder* to the Government's equal rights policy and on the results of the Government's efforts to integrate foreigners, who numbered 7.4 million, into German society.

30. In the fourth periodic report, child prostitution and child pornography had been emphasized unduly at the risk of overshadowing the problem of sexual exploitation of women, which was one of the most fundamental violations of their human rights. The legislation on prostitution seemed somewhat anomalous since, if she understood correctly, prostitution itself was not criminalized, but the conclusion of a contract between a prostitute and a customer was illegal. The current arrangements whereby prostitutes were required to pay taxes without being automatically entitled to health insurance and social benefits were unfair.

31. She was concerned that the practice of deporting trafficked persons would deter foreign women who were victims of sexual exploitation from seeking assistance. She urged the Government to grant trafficked women the right to reside in Germany on humanitarian grounds and to establish a nationwide network of trained counsellors and interpreters to assist victims of trafficking. The information on measures to combat violence against girls and women should have been presented under article 5, rather than article 6 of the Convention.

32. Turning to Germany's policy on asylum-seekers, she noted that a broad interpretation of the law allowed many applicants to stay, but she would like to know how the claims to asylum on grounds that their spouses would be persecuted if they returned to their home were generally received and whether women were generally offered such protection as part of a family unit or in their own right as well.

33. The ambitious “Women and Work” programme promoted equal pay for equal work, not necessarily for the same work. She wondered whether that had become labour policy and whether any efforts had been made to extend affirmative action for women into the private sector. In the light of the high unemployment rate and recently announced budget cuts, it would be interesting to know how the Government planned to achieve the ambitious goals set in the programme.

34. Finally the Government should make wider use of the Convention and should involve the rich network of non-governmental organizations in its dissemination at all levels, especially to make women aware that an international instrument supported their Government’s policy.

35. **Ms. Ferrer Gomez** said that she saw a contradiction in the fact that the “Women and Work” programme, which was intended to eliminate discrimination against women in the job market, would promote flexible hours and part-time work, which were themselves a source of discrimination and salary inequality for women in that women were the main beneficiaries of that flexibility and they forfeited coverage under social security. She agreed that it would take a great deal of effort to eliminate entrenched stereotypes of “women’s jobs” as opposed to “men’s jobs”. With 90 per cent of women working part-time and four out of five women in the service sector, it would be difficult to ensure the implementation of the provisions of the Convention regarding equal access to jobs and salaries. She would be interested to hear the results of the pilot project on flexi-time and on the reintegration of women in the job market. The situation of retired women, female heads of household and single mothers was of special concern, as they ran the greatest risk of ending up in poverty.

36. On the subject of violence against women, she pointed out that in future gender-disaggregated statistics on the number of women who had been victims of acts of racism and xenophobia would be useful. She would like to hear a description of the youth education and police training programme being offered on racism and xenophobia, the number of persons who had received such training and any mechanism for dealing with complaints from victims of those attitudes. Statistics to support the reported lack of discrimination against immigrant women would also be helpful.

37. **Ms. Cartwright** asked how the objectives of the Equal Rights Act of 1994 had been translated into reality and if members of the legal profession and the judiciary had been educated about how it should be implemented. In the light of the provision of the Optional Protocol to the Convention requiring that domestic remedies must be exhausted before the Convention could be activated, it would be of great interest to the Committee to know how those domestic remedies were framed under German law.

38. With regard to violence against women and sexual violence, she asked for more information on support provided by the courts to women who gave evidence in such cases. In instances of family violence, further information was needed on immediate protections offered to women victims and whether they had the option of remaining in the family home. The results of the pilot project on violence against older women, an issue which was being acknowledged more openly, and the measures in place to protect them, would also be of interest. Society as a whole must be educated to reject such forms of violence, lawyers, judges, police officers and health-care professionals should be pressured to change their mindset and approach the defence of the victims of such acts from a perspective of women’s human rights.

39. On the subject of trafficking in women, she found that the current policy of arrest and deportation of trafficking victims was inappropriate. The emphasis should be changed and they should receive generous emotional and financial support, along with adequate housing and health care for the time they had to remain in the country to give evidence against the perpetrators of such crimes. They should continue to receive support after they returned home to prevent them from being victimized again. Unless they received such support and were enabled to testify, impunity for perpetrators would continue to prevail.

*The meeting rose at 1.05 p.m.*