



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

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## Committee on the Elimination of Discrimination against Women

Forty-third session

19 January-6 February 2009

### Concluding observations of the Committee on the Elimination of Discrimination against Women

#### Germany

1. The Committee considered the sixth periodic report of Germany (CEDAW/C/DEU/6) at its 879th and 880th meetings, on 2 February 2009 (see CEDAW/C/SR.879 and 880). The Committee's list of issues and questions is contained in CEDAW/C/DEU/Q/6, and the responses of the Government of Germany are contained in CEDAW/C/DEU/Q/6/Add.1.

#### Introduction

2. The Committee commends the State party for the submission of its sixth periodic report, which followed the Committee's guidelines for the preparation of periodic reports and took into account the Committee's previous concluding observations. The Committee also commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee commends the State party for its delegation, headed by the Director-General of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, which included representatives of various Government ministries. The Committee expresses its appreciation for the frank, open and constructive dialogue held between the delegation and the members of the Committee.

4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental human rights and women's organizations in the implementation of the Convention but regrets that they were not consulted in the preparation of the State party's report.



**Positive aspects**

5. The Committee commends the State party for the adoption of the General Equal Treatment Act of 18 August 2006 aimed at preventing and eliminating discrimination and which also includes a new definition of the concept of direct and indirect discrimination, as well as of harassment and sexual harassment.<sup>1</sup>

6. The Committee welcomes the entry into force on 1 January 2007 of an income-related parental allowance system introducing non-transferable parental leave for fathers, along with an awareness-raising campaign aimed at convincing fathers to take an active part in raising their children.

7. The Committee notes with satisfaction the entry into force of the Child Day Care Expansion Act of January 2005, which calls for action by the Länder (state) and communal governments to raise the availability of childcare in terms of quantity and quality to a level comparable with the rest of Western Europe.

8. The Committee welcomes the State party's adoption in 2007 of the second plan of action to combat violence against women and the legislative developments to combat violence against women and trafficking since the consideration of its last periodic report in 2004, including:

(a) The ratification on 14 June 2006 of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(b) The adoption of the Residence Act, in force since 1 January 2005, which provides for the granting of refugee status to persons claiming fear of gender-specific persecution in their country of origin;

(c) The introduction of a new offence — stalking — in the penal code, in effect since 31 March 2007;

(d) The 19 February 2005 amendment to the penal code creating broader and more uniform penal provisions against trafficking in human beings and drawing a distinction between trafficking for the purpose of sexual exploitation and for the purpose of exploitation of labour.

9. The Committee notes with appreciation that the sixth periodic report of the State party had been discussed in the Bundestag (Parliament).

10. The Committee congratulates the State party for integrating a gender dimension into its development cooperation programmes and promoting women's human rights within that framework.

**Principal areas of concern and recommendations**

**11. The Committee recalls the State party's obligation to implement systematically and continuously all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and**

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<sup>1</sup> The purpose of this Act is to prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation. See section 1 of this Act, online resources of the Federal Anti-Discrimination Agency, [www.antidiskriminierungsstelle.de](http://www.antidiskriminierungsstelle.de).

the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Bundestag and to the judiciary, so as to ensure their full implementation.

#### **Parliaments**

12. While reaffirming that the Federal Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and all Länder and municipalities. The Committee invites the State party to encourage the federal, Länder and municipal parliaments, in line with their procedures where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and of the State party's next reporting process under the Convention.

#### **Previous concluding observations**

13. The Committee regrets that some of the concerns it expressed and the recommendations it made after its consideration of the State party's fifth report (CEDAW/C/DEU/5) have been insufficiently addressed, for instance those regarding the situation of women in the labour market and the wage discrimination women face, the visibility of the Convention, the underrepresentation of women in the higher echelons of several sectors of public life and the lack of a clear understanding of "temporary special measures".

14. **The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented, as well as the concerns contained in the present concluding observations.**

#### **Accountability of the Federal Government**

15. While the Committee is cognizant of the existence of the complex federal, Länder and municipal structures for the advancement of women in the State party, it underlines that the Federal Government is responsible for ensuring the implementation of the Convention at all levels and providing leadership to the Länder and municipal governments in that context. The Committee notes that the Länder are often responsible for the implementation of measures adopted at the federal level and regrets the lack of information in the State party's report on effective implementation measures taken in the Länder.

16. **The Committee recommends that the State party ensure, through the effective coordination of the structures at all levels and in all areas, that uniformity of results in the implementation of the Convention is achieved throughout the State party's territory. The Committee recommends that the State party provide in its next report a comprehensive picture offering a synthesis of all policies and measures applied at the federal, Länder and municipal levels.**

**Anti-discrimination legislation**

17. The Committee notes the broader scope of the General Equal Treatment Act of 2006, which covers all forms of discrimination on various grounds, including sex, in the workplace and in certain business transactions and is no longer limited to labour law but also pertains to other areas of law. The Committee regrets, however, that no aspects of the domestic and private spheres are covered by the Act and that it does not provide for a reversal of the burden of proof in discrimination cases.

**18. The Committee calls upon the State party to carefully monitor the implementation of the General Equal Treatment Act of 2006 and to take appropriate measures to ensure that the broad scope of the Act is effectively used to eliminate discrimination against women in all areas covered by the Convention. The Committee recommends that the State party consider the possibility of amending the General Equal Treatment Act in order for it to apply to appropriate aspects of the domestic and private sphere and to reverse the burden of proof in order to ease the enforcement of women's rights to equality.**

19. The Committee notes with satisfaction the establishment in 2006 of the Federal Anti-Discrimination Agency, which is responsible for the implementation of the General Equal Treatment Act of 2006 and is mandated to support people in enforcing their right to non-discrimination. While welcoming the fact that the Agency can provide legal advice and request information on alleged discrimination cases from private and public actors, the Committee regrets that the Agency is not empowered to file anti-discrimination suits and that it lacks the authority to conduct further inquiries or the possibility to sanction if necessary information is withheld. In addition it expresses concern at the scarcity of the Agency's human and financial resources. The Committee notes with concern that the appointment process whereby the Federal Minister for Family Affairs, Senior Citizens, Women and Youth appoints the head of the Agency, whose term of office is tied to the term of the Bundestag, may have an impact on its independence.

**20. The Committee calls upon the State party to provide the Federal Anti-Discrimination Agency with adequate human and financial resources to enable it to effectively fulfil its mandate in promoting equality, including gender equality. It recommends that the State party consider broadening the scope of the mandate of the Agency and endow it with additional investigative and sanction powers. In order to enhance the Agency's independence and transparency, the Committee recommends that the State party consider designing a different appointment procedure for the Agency's head, for example by the Bundestag or the Federal President, and that the term of office be fixed at a certain number of years.**

**Visibility of the Convention and its Optional Protocol**

21. The Committee takes note of the efforts made by the State party to increase the visibility of the Convention but remains 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 regularly used as the legal basis for measures, including legislation, aimed at the elimination of discrimination against women and the promotion of gender equality in the State party. The Committee is further concerned that the provisions of the Convention

have not been used in court proceedings, which may indicate a lack of awareness of the Convention among the judiciary and the legal profession.

**22. The Committee urges the State party to place greater emphasis, in its efforts to eliminate discrimination against women, on the Convention as a legally binding and directly applicable human rights instrument. It also calls upon the State party to take proactive measures to enhance awareness of the Convention and its Optional Protocol at all levels — federal, Länder and municipal — in particular among the judiciary and the legal profession, political parties, Parliament and Government officials, including law enforcement officials, as well as the general public, in order to strengthen the use of the Convention in the development and implementation of all legislation, policies and programmes aimed at the practical realization of the principle of equality between women and men. The Committee encourages the State party to systematically promote knowledge and understanding of the Convention and its Optional Protocol and to promote gender equality through its training programmes. It further requests the State party to ensure that the Convention and its Optional Protocol, as well as the Committee’s general recommendations and the views adopted on individual communications and enquiries, are made an integral part of educational curricula, including legal education and training of the judiciary.**

#### **Gender mainstreaming and gender budgeting**

23. The Committee takes note of the difficulties faced by the State party in implementing its gender mainstreaming policy but regrets that those difficulties resulted in a shift from its gender mainstreaming policy during the reporting period. In particular, the Committee is concerned that the working structure coordinating the implementation of the gender mainstreaming policy across ministries has been dismantled. The Committee is further concerned that, despite the declaration of intent on gender budgeting in 2004 and 2007, including the published feasibility study, no steps have been taken to implement gender budgeting in the federal budget.

**24. The Committee recommends that the State party revert to the integrated approach to gender mainstreaming that was noted with appreciation in the Committee’s previous concluding observations (A/59/38 (Part I), para. 378). The Committee calls upon the State party to introduce effective monitoring and accountability mechanisms in the context of its system for gender mainstreaming and to include sanctions for non-compliance in such mechanisms. The Committee also recommends that the State party introduce a gender-budgeting approach, in conformity with its declaration of intent, encompassing all ministries and requiring each of them to carry out a gender-equality assessment of its specialized budget area and report thereon in its budget proposals. In that regard, the Committee calls upon the State party to draw on the experience of some Länder in successfully implementing such a gender-budgeting policy.**

#### **Temporary special measures**

25. The Committee reiterates the concern expressed in the previous concluding observations (A/59/38 (Part I), para. 398) 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, which is aimed at accelerating the achievement of de facto equality of women within a specific time frame, as clarified by the Committee in general recommendation No. 25.

**26. The Committee draws the State party’s attention to the fact that a purely formal or programmatic approach is not sufficient to achieve women’s de facto equality with men and that the application of temporary special measures is part of a necessary strategy towards the accelerated achievement of substantive gender equality, with special emphasis in the areas of employment, in both the public and private spheres, and participation in public life. It urges the State party to establish concrete goals, such as quotas and timetables, to accelerate the achievement of substantive equality between women and men under relevant areas of the Convention.**

### **Stereotypes**

27. While welcoming the State party’s efforts to address stereotypical attitudes and behaviours that discriminate against women and perpetuate inequality between women and men, the Committee is concerned about the persistence of pervasive stereotypical and traditional attitudes towards women which threaten to undermine their rights. The Committee notes that this persistence is reflected in the disadvantaged position of women in a number of areas, including in the labour market and in access to decision-making positions, in their study and professional choices, and in the low participation of men in parental leave. The Committee is concerned that stereotypical attitudes are particularly prevalent in the media, where women and men, as well as migrants, are often depicted in a stereotyped manner. It is also concerned at the persistence of sexist advertising and at the inadequacy of the German Advertising Council set up by the advertising industry to receive and consider complaints related to sexist advertising.

**28. The Committee calls upon the State party to further enhance its efforts and to take proactive and sustained measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, through awareness-raising and educational campaigns, as well as to eliminate stereotypical images of migrant women, with the aim of integrating them into society. The Committee notes that the Constitution of the State party prohibits the Federal Government from requiring the media to transmit a positive image of women but recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and tasks considered suitable for women and men, as required by article 5 of the Convention. In that regard, the Committee calls upon the State party to draw on the recommendations made at the eighteenth Conference of Equality and Women Länder Ministers and Senators in October 2008, in particular on the proposal of ensuring gender equality among the bodies responsible for programming, and scheduling a week of programming on the subject. The Committee urges the State party to establish an independent monitoring institution in charge of pre-screening advertising, as well as receiving and investigating complaints of sexist advertising.**

### **Reconciliation of family and work life**

29. The Committee welcomes the State party's legislative and policy efforts and other measures to improve the reconciliation of family and work life. The Committee is concerned, however, that domestic and family responsibilities are still primarily borne by women, many of whom interrupt their careers or engage in part-time jobs to meet family responsibilities. The Committee takes note of the information provided by the delegation that an amendment of the tax system reducing the negative aspects of taxation of married couples ("splitting") was introduced in January 2009 and hopes that this amendment will alleviate the negative incentive of the previous tax system on the participation of women in the labour market. The Committee notes with concern that the lack of childcare places in the State party, particularly for the 0 to 3 age group, their unequal quality and lack of flexibility, and the lack of afterschool programmes may constitute an impediment to women's participation in the labour market.

**30. The Committee encourages the State party to step up its efforts to assist women and men in striking a balance between family and employment responsibilities, inter alia through further awareness-raising and education initiatives for both women and men on adequate sharing of care of children and domestic tasks, as well as by ensuring that part-time employment is not taken up almost exclusively by women. The Committee urges the State party to step up its efforts to improve the availability, affordability and quality of care places for school-age children in order to facilitate the re-entry of women into the labour market. It also recommends that the State party assess the current legal provisions on the taxation of married couples ("splitting") and their impact on the perpetuation of stereotypical expectations for married women.**

### **Political participation and participation in public life**

31. The Committee welcomes the election in September 2005 of the first female Chancellor and the appointment of six female ministers in the Federal Cabinet. The Committee remains concerned, however, that despite the Federal Equality Act providing for equal opportunity in the Federal Administration and in research institutes funded by the Federal Government, the State party stands only third to last in the participation of women in leadership positions in public service when compared with other European Union countries. The Committee expresses further concern at the low percentage of women in high-ranking posts in the diplomatic service, the justice system and academia, where the presence of women as they move up the academic ladder has been declining and where in 2007 they held only 16.2 per cent of professorships. The Committee also expresses concern about the lack of information on the presence of immigrant women in decision-making positions in a country where immigrants account for a large percentage of the population.

**32. The Committee recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts, particularly in academia, and encourages the State party to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, in order to accelerate the realization of women's de facto equality with men in all areas. It also recommends that the State party further include in its gender-equality**

**legislation provisions to mandate the use of temporary special measures, including goals or quotas, enhanced by a system of incentives, in both the public and private sectors. The Committee requests the State party to monitor developments with regard to the participation of women in top management positions, with a view to further supporting such participation through legislative or policy initiatives, and to ensure that the representation of women in political and public bodies reflects the full diversity of the population. It further requests the State party to provide information on results achieved, including relevant disaggregated statistical data.**

#### **Education**

33. While noting the State party's efforts to address stereotyping in the choice of academic and vocational fields, the Committee expresses concern about the prevailing existence of such stereotyped choices, despite the numerous initiatives undertaken by the State party in that regard.

**34. The Committee encourages the State party to strengthen its programme aimed at diversifying academic and vocational choices for girls and boys and to take further measures to encourage girls to choose non-traditional fields of education. In addition, the Committee calls upon the State party to closely monitor the situation of refugee and asylum-seeking girls, especially undocumented ones, at all educational levels and to continue to address the difficulties they experience in the school system.**

#### **Participation of women in the labour market**

35. The Committee is concerned that the 2006 General Equal Treatment Act does not fully cover discrimination in all fields of the labour market, for example in the termination of employment contracts.

**36. The Committee urges the State party to amend the General Equal Treatment Act in order for it to fully comply with the Convention.**

37. While acknowledging the initiatives taken by the State party to foster the employment of women and the resulting growth in the participation of women in the labour market, the Committee is concerned that this growth has not resulted in an increase in women's share of the overall volume of gainful employment but rather in an increase in part-time employment. The Committee notes with concern that women are concentrated in part-time, fixed-term and low-paid jobs and that few women have reached high-level posts in management, private companies and work councils, despite the agreement to promote equality between women and men in the private sector. The Committee is concerned about some negative impact on women of the Fourth Law for Modern Services in the Labour Market, which entered into force on 1 January 2005, namely the increase of financial dependence of unemployed women on husbands or partners resulting from the introduction of "needs units" and the proportional increase of women whose access to benefits has been denied. The Committee is further concerned at the difficulties experienced by immigrant women and women with disabilities regarding their integration and participation in the labour market. While noting the adoption of measures aimed at the reconciliation of family and work life, the Committee remains concerned that less than 10 per cent of parental leave is taken by fathers. The Committee wishes to draw the State party's attention to the disadvantaged situation of women who



interrupt their careers for family reasons and the related consequences on retirement and old-age pensions. The Committee expresses further concern at the 2007 Pension Reform Act, which raised the age of retirement to 67 years and as a result of which only 2.48 per cent of women meet the requirement of 45 years of contributing to the pension fund without incurring a loss in benefits.

**38. The Committee emphasizes that realization of women's de facto equality with men in the labour market, including in the private sector, so as to achieve compliance with article 11 of the Convention is an obligation of the State party under the Convention. The Committee calls upon the State party to adopt policies and to take all necessary measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 with time-bound targets, to eliminate occupational segregation, both horizontal and vertical. The Committee calls upon the State party to assess the impact on women of the Fourth Law for Modern Services in the Labour Market and to undertake corrective measures, including the review of the "needs unit" construct. It encourages the State party to mainstream the issues of immigrant women, who may suffer multiple discrimination, and women with disabilities into its employment policies and programmes. The Committee also recommends that the State party continue its efforts to ensure reconciliation of family and professional responsibilities and for the promotion of equal sharing of domestic and family tasks between women and men, including by increasing the incentives for men to use their right to parental leave. The Committee calls on the State party to examine ways to review the current pension system so as to increase the percentage of women eligible for full benefits. It invites the State party to include, in its next periodic report, information on the extent of use and impact of temporary special measures in the private sector and on measures taken to improve the situation of women in the labour market and the impact of those measures.**

#### **Pay gap**

39. The Committee notes with concern the long-standing pay gap between women and men, with women earning 78 per cent of what men earn despite the prohibition on pay discrimination that has been anchored in constitutional law since 1949. The Committee notes that job evaluation systems do not use the same criteria for male and female employees and are therefore not designed to exclude gender-based discrimination. The Committee expresses further concern that the non-interference of the Government in wage agreements guaranteed in the Basic Law (principle of autonomy) and the low representation of women in collective bargaining negotiations might obstruct efforts of the State party to end wage discrimination, and that there is no Government strategy to address the issue.

**40. The Committee urges the State party to take proactive concrete measures to narrow and close the wage gap between women and men. In particular, the Committee calls upon the State party to ensure that non-discriminatory job evaluations and job assignment systems are put in place and implemented. It also invites the State party to consider enacting an equality act for the private sector, with the establishment of a gender-based definition of pay in wage agreements and company pay structures, or amending the General Equal Treatment Act to that effect.**

**Violence against women**

41. The Committee commends the State party for the range of efforts, including recent legislative initiatives, to eliminate violence against women since the submission of its previous periodic report. It remains concerned, however, at the high prevalence of violence against women and girls, as demonstrated by the studies on women's experience with violence in Germany, including migrant women, showing that some 40 per cent of women had experienced physical or sexual violence or both since the age of 16 and that women from Turkish and Russian migrant backgrounds experienced physical and sexual violence with a level of frequency — and gravity for Turkish migrant women — clearly above the average for the female population of Germany. The Committee is also concerned at the inadequate impact of the Protection against Violence Act of 2002 on persistent and extremely violent perpetrators and on migrant women married for less than two years. The Committee is also concerned that acts of domestic violence may not be taken into account in child custody or visitation cases.

**42. In accordance with its general recommendation No. 19, the Committee urges the State party to ensure that comprehensive measures are in place to address all forms of violence against women. The Committee calls upon the State party to ensure the effective implementation of the 2007 action plan on violence, to study and analyse all types of violence against women, particularly those that result in murders of women, and to continue implementing policies to prevent such violence, provide protection, support and services to the victims, and punish and rehabilitate offenders. The State party is also urged to implement legislation requiring that convictions for acts of domestic violence be taken into account in child custody or visitation decisions.**

43. The Committee is concerned at the lack of sustained funding of shelters for women and non-residential counselling centres and at the lack of free access to shelters regardless of income for all women and children in all Länder. It regrets that some Länder are unable to offer secured housing in shelters to all women victims of violence, or equipped shelters for women with special needs, such as women with disabilities.

**44. The Committee urges the State party to take the necessary measures to ensure greater cooperation between the Federal Government, the Länder and the municipalities to monitor the provision of social services with a view to ensuring the availability of a sufficient number of shelters equipped to accommodate women with special needs, such as women with disabilities, throughout the territory of the State party and making sure that such shelters are adequately financed and open for all, regardless of the victim's financial resources.**

45. The Committee welcomes the increased efforts of Germany in compiling sex-disaggregated statistics and in shedding light on the number and ages of asylum-seeking and refugee women and girls but regrets the lack of statistical information on cases of female genital mutilation on women and girls living in Germany, on violence against women in institutions and on homicide of women in the context of domestic violence.

**46. The Committee calls upon the State party to establish a method of collecting comprehensive statistical data disaggregated by sex, age, type of**

**violence and the relationship of the perpetrator to the victim. The Committee urges the State party to provide statistical information in its next periodic report on the number of cases of female genital mutilation on women and girls living in Germany.**

#### **Trafficking**

47. While welcoming the decrease in the number of people reported as victims of trafficking for sexual exploitation, the Committee notes with concern the reported growing number of women subject to trafficking for labour exploitation in Germany and the lack of data on trafficking for purposes other than sexual exploitation.

**48. The Committee urges the State party to take all appropriate measures to suppress all forms of trafficking in women. The Committee requests the State party to provide in its next report comprehensive information and data about all forms of trafficking in women and girls, as well as information on the impact of measures taken and results achieved.**

#### **Exploitation of prostitution**

49. The Committee takes note of the results of the evaluation of the effects of the 2002 Prostitution Act and expresses concern that the Act has succeeded in realizing the intended goals only to a very limited extent. In particular, the Committee regrets that the Act has not been able to improve the social security of prostitutes and the working conditions in terms of health and hygiene, nor has it reduced prostitution-related crime.

**50. The Committee requests the State party to provide information on the measures taken to follow up on the results of the evaluation of the Prostitution Act and to provide data on the exploitation of women and on prostitution, including clandestine prostitution, in its next periodic report. The State party is encouraged to continue formulating strategies and programmes to prevent women from entering prostitution and to establish programmes of rehabilitation and support for women and girls who wish to leave prostitution, including by providing information on, and support in relation to, alternative livelihood options.**

51. The Committee expresses concern that the scandal that came to light in 2004 of German soldiers serving in the North Atlantic Treaty Organization Kosovo Force taking part in forced prostitution resulted neither in charges brought nor sanctions taken against the perpetrators nor in greater gender-awareness training for German troops. Taking note of the information provided by the delegation that a project for the implementation of Security Council resolution 1325 (2000) on women and peace and security is scheduled for 2009, the Committee wishes to draw the State party's attention to its commitment to include information on the protection, rights and the particular needs of women in national training programmes for military and civilian police personnel in preparation for deployment.

**52. The Committee recommends that the State party take all appropriate measures to ensure that complaints lodged against its troops abroad are resolved expeditiously, in order to avoid any possible inference of impunity. The Committee calls upon the State party to provide awareness-raising training for military forces and civilian police personnel on forced prostitution and to**

**establish a strict code of conduct, together with a strict monitoring system. The Committee further recommends that the State party envisage launching a national action plan to implement Security Council resolution 1325 (2000).**

### **Health**

53. The Committee welcomes the existence of a number of measures and information material targeted at women but regrets that not all programmes, policies and activities are aimed at promoting the inclusion of gender and diversity perspectives in health reporting. In addition, the Committee notes with concern the low percentage of women in high-level positions in all fields of health care. While welcoming the plan of action to combat HIV/AIDS, the Committee expresses its concern at the continuous increase in the number of new infections since 2004. The Committee notes that not all reproductive health treatments are available in the State party, which might lead women to seek such treatment in countries where health standards are not met. The Committee regrets the lack of data provided in the State party's report on access to health services for migrants, asylum-seekers and refugee women, as well as on the incidence of abortion, disaggregated by age and ethnic group.

**54. The Committee calls upon the State party to continue its efforts to improve health services and to integrate a gender perspective into all health sector programmes, services and reforms, in line with the Committee's general recommendation No. 24, so that all women and men in every part of the territory have equal access to appropriate and adequate health services. The Committee further recommends that the State party ensure the presence of a proportionate percentage of women in decision-making positions in order to better take into account women's needs and perspectives. It further calls upon the State party to ensure the effective implementation of the HIV/AIDS plan of action and to provide detailed statistical and analytical information about women and HIV/AIDS in the next report. In addition, the Committee recommends that the State party address the concerns raised by civil society about reproductive treatments. The Committee requests the State party to provide disaggregated data on access to health services for migrant, asylum-seeker and refugee women and on the incidence of abortion in Germany in its next periodic report.**

### **Economic consequences of divorce**

55. The Committee is concerned that the State party's current legislation on the distribution of property upon divorce and on maintenance does not adequately address gender-based economic disparities between spouses resulting from the existing sex segregation in the labour market and from women's greater share in unpaid work. The Committee notes with concern the self-reliance policy underpinning the maintenance legislation in force since 1 January 2008, which provides for the termination of alimony rights to the custodial parent when the child reaches three years of age. The Committee further notes that the new maintenance legislation does not offer adequate redress to women.

**56. The Committee calls upon the State party to undertake research on the economic consequences of divorce on both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis**

of their full-time and uninterrupted career pattern. The Committee recommends that the State party review its current legislation in light of the outcome of the research and include such information in its next periodic report. In view of the still insufficient provision of childcare facilities in the State party, the Committee recommends that the State party amend the new maintenance legislation so as to take into account the difficult situation of divorced women with children.

#### **Vulnerable groups of women**

57. The Committee expresses concern at reports received on the lack of penal institutions for girls and their detention in high security women's prisons despite the low security risk they often pose. The Committee notes that the detention of juveniles in adult prisons, often located in remote areas, may impair their right to education and the visiting rights of their families. It notes with further concern the reported insufficiency of facilities and programmes for physical and psychological recovery and social reintegration of girls.

58. **The Committee recommends that the State party ensure full implementation of juvenile justice standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the "Riyadh Guidelines"), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the "Havana Rules") and the Vienna Guidelines for Action on Children in the Criminal Justice System. The Committee urges the State party to take all necessary measures to ensure that persons, including girls below 18, are deprived of liberty only as a last resort and, when in custody, are in any case separated from adults. It further calls upon the State party to ensure that girls in prison are provided with a full programme of educational activities, including physical education, and that adequate gender and child-sensitive recovery and social reintegration measures are applied.**

59. While noting the measures taken with the aim of enhancing the integration of immigrant, refugee and minority women into German society and of including such women in the labour market, the Committee continues to be concerned that they may be subject to multiple forms of discrimination with respect to education, health, employment and social and political participation. The Committee notes that the 2007 action plan on violence recognizes women of immigrant or foreign origin as a particularly vulnerable group requiring special protection, but it remains concerned at the violence and discrimination on the grounds of sex that such women face in their own communities.

60. **The Committee urges the State party to intensify its efforts to eliminate discrimination against immigrant, refugee, asylum-seeker and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against such women, both within their communities and in society at large, to combat violence against them, and to increase their awareness of the availability of social services and legal remedies as well as familiarize them with their rights to gender equality and non-discrimination. The Committee also urges the State party to take effective measures to integrate them into the German labour market. In addition, the Committee**

**calls upon the State party to conduct regular and comprehensive studies on discrimination against immigrant, refugee, asylum-seeker and minority women, to collect statistics on their employment, education and health situation and on all forms of violence that they may experience and to submit such information in its next periodic report.**

#### **Cooperation with non-governmental organizations**

61. The Committee notes with satisfaction the cooperation of the State party with civil society organizations, particularly women's organizations, which is mostly achieved through Government cooperation with such organizations on specific programmes and projects. The Committee regrets, however, that the call for dialogue by non-governmental organizations of intersexual and transsexual people has not been favourably entertained by the State party.

**62. The Committee requests the State party to enter into dialogue with non-governmental organizations of intersexual and transsexual people in order to better understand their claims and to take effective action to protect their human rights.**

#### **Follow-up to the Beijing Declaration and Platform for Action**

**63. The Committee urges the State party, in implementing its obligations under the Convention, to continue to utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

#### **Millennium Development Goals**

**64. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and for the explicit reflection of the provisions of the Convention in all efforts aimed at achieving the Goals and requests the State party to include information thereon in its next periodic report.**

#### **Ratification of other treaties**

**65. The Committee notes that States' adherence to the nine major international human rights instruments<sup>2</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Germany to consider ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and**

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<sup>2</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

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**Members of Their Families, the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.**

**Dissemination of concluding observations**

66. The Committee requests the wide dissemination in Germany of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and men and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

**Follow-up to concluding observations**

67. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 40 and 62.

**Date of next report**

68. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit a combined seventh and eighth periodic report in September 2014.