



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

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## Committee on the Elimination of Discrimination against Women

### Information received from Germany on follow-up to the concluding observations on its ninth periodic report\*

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



## Follow-up information on the concluding observations (CEDAW/C/DEU/CO/9)

### A. Information relating to paragraph 38

1. The protection and rights of women and girls working in prostitution are of key importance to the Federal Government. Forced prostitution and trafficking in human beings for the purpose of sexual exploitation are grave violations of human rights that are combated in Germany with every means available under the rule of law. Among other projects, there are current plans for improving the data situation and conducting quality analyses on the “lover boy method”, where perpetrators pretend to be in a romantic relationship with (mostly) girls and young women with the intention of forcing them into prostitution (Decision by the Conference of Equality and Women’s Affairs Ministers and Senators of the *Länder* in the Federal Republic of Germany (GFMK) of 25 June 2020 “Die „Loverboy -Methode“: das Dunkelfeld erhellen - sexueller Ausbeutung vorbeugen” (The loverboy method: shedding light on unreported cases – preventing sexual exploitation).

2. Prostitution that is not subject to coercion, i.e. where people consciously decide to engage in such activity, is legal under the Prostitutes Protection Act (*Prostituierenschutzgesetz*). As legally provided for under section 38 of the Prostitutes Protection Act, the Prostitutes Protection Act has been evaluated since 2022, five years after it entered into force. The former Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) started a Europe-wide tender procedure in August 2021 to select the scientific expert to carry out the evaluation. In consultation with the German *Bundestag*, the contract was awarded to the Criminological Research Institute of Lower Saxony (KFN) in April 2022. KFN is currently working on a scientific study on the effects of the Prostitutes Protection Act. The Federal Government will submit the evaluation report to the *Bundestag* at the latest by 1 July 2025, as is provided for under section 38 of the Prostitutes Protection Act. The decision of whether and how to reform the Prostitutes Protection Act will be based on the evidence gathered through the evaluation.

3. The evaluation aims to analyse the effects of the Act on a scientific basis by including practical expertise. KFN is carrying out a retrospective regulatory impact assessment based on a multi-method research design. The research design is structured around five modules and a total of 18 work packages focusing on empirical, qualitative and quantitative social research by including practical expertise, in particular that of the *Länder*. The study surveyed more than 2,300 prostitutes, among others, and is thus one of the most comprehensive scientific field studies of this kind worldwide. It focuses on persons between the age of 18 and 21.

4. In addition, the Federal Government funded five pilot projects between 2021 and 2024 to help people exit prostitution, which have been scientifically monitored by *InterVal GmbH* between 2023 and 2025. The projects particularly tested different digital strategies to address the current development in the digital space. Practical guidance for exit counselling was published in 2024 that was based on the findings from these projects. A final report will be published in 2025.

5. Moreover, the National Action Plan to Prevent and Combat Trafficking in Human Beings and to Protect Affected Persons, which the Federal Government adopted on 11 December 2024, stipulates that the nationwide exit counselling of prostitutes is to be further developed also regarding the prevention of violence in prostitution and forced prostitution. The *Länder* are responsible for organizing and funding the specific counselling and support services. To the extent that it is constitutionally possible, the Federation supports harmonization across Germany,

e.g. through networking projects such as the funded *NetSWork* project, and through structurally established and regular discussions between the Federation and the *Länder* on the Prostitutes Protection Act. These discussions mainly serve to uniformly interpret and implement the Prostitutes Protection Act. In addition, the Federal Government has provided funding to the improvement of quality standards in specialist counselling centres for prostitutes since 2023.

## B. Information relating to paragraph 40

6. The Federal Government underscores that democracy thrives on a plurality of perspectives. These perspectives need to feed into political decision-making processes in the most comprehensive way possible, especially when managing societal transformations.

7. The share of women in the national parliament (*Bundestag*) is 32.4 percent (21st legislative term), the average share of women in *Land* parliaments (*Landtage*) is 33.2 percent, and women make up just over 30 percent of members of local parliaments.

8. The main factor keeping women out of politics is the lack of possibilities to balance a public office and family and work responsibilities, which affects women's representation.

9. In addition, sexual harassment and physical assaults represent a barrier: 40 percent of women politicians report having experienced sexual harassment in politics. Among those under 45 years of age, the share is 60 percent<sup>1</sup>.

10. Important building blocks on the path towards fairer participation also include legal provisions at the level of the *Länder*, such as section 35 subsection 6 of the Municipal Constitution Act of the State of Saxony Anhalt (*Kommunalverfassungsgesetz des Landes Sachsen-Anhalt*) (<https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-KomVerGST2014rahmen>), which provide for the assumption of costs for legal proceedings in case of assaults on local office holders.

11. The *Länder* have also implemented seminal projects and measures to increase the share of women in elected decision-making bodies at local level, such as the Local Politics Needs Women campaign (*Kommunalpolitik braucht Frauen*) launched by Rhineland-Palatinate or the publication of guidance on family-friendly and gender-equitable committee work (*Handreichung zur familienfreundlichen und geschlechtergerechten Gremienarbeit*) and the implementation of various projects and publications to motivate and support female candidates in the Free State of Saxony.

12. Notable successes have already been achieved with the Municipal Action Programme – Getting More Women into Politics (*Aktionsprogramm Kommune – Frauen in die Politik*) and the Helene Weber College/Helene Weber Prize. The Helene Weber College provided funding particularly to enable politically active women to network across party lines. The aim was to network female office holders and politically interested women at local, *Land* and federal level. Moreover, the equal opportunities officers were strengthened and greater focus was placed on local gender equality issues. In addition, the College offered mentoring programmes in which experienced female politicians provided guidance and support to talents. Training focused on practical topics such as election campaign strategies, rhetoric, negotiating techniques and dealing with resistance, especially hate and violence in political work.

<sup>1</sup> [https://www.eaf-berlin.de/fileadmin/eaf/Publikationen/Dokumente/2022\\_EAF\\_Berlin\\_Lukoschat\\_Koecher\\_Politische\\_Teilhabe\\_von\\_Frauen\\_Studie.pdf](https://www.eaf-berlin.de/fileadmin/eaf/Publikationen/Dokumente/2022_EAF_Berlin_Lukoschat_Koecher_Politische_Teilhabe_von_Frauen_Studie.pdf).

13. The “Frauen.Vielfalt.Politik” (Women, Diversity, Politics) project has continued the funding since December 2024. It highlights the importance of local gender equality work as a key building block of democracy and social justice.

14. The members of the *Bundestag* in the 21st legislative period will decide on whether, building on the developments of the 20th legislative term, they will draw up constitutional proposals on how an equal representation of women and men can be achieved in the *Bundestag*.

15. In Germany, political parties have constitutional status and enjoy special protection as they participate in the formation of the political will of the people. Due to the constitutional principle of freedom of parties, parties are generally free to draw up lists of candidates as long as the procedure to draw up the list conforms to democratic principles.

16. Changing the related legal rules as proposed by the CEDAW Committee would require an amendment to the Federal Elections Act (*Bundeswahlgesetz*) and possibly the Political Parties Act (*Parteiengesetz*), and may require an amendment to the constitution, for which particularly high thresholds apply.

17. It is not the responsibility of the Federal Government or the federal level in general to inform courts at various government levels specifically of certain matters; this also runs counter to the principle of the separation of powers. In certain cases, the Federal Government may issue comments as part of federal court proceedings. The two judgements that declared the gender quota in electoral law inadmissible were handed down by regional courts, however.

18. Since the introduction of the requirements set out in the Federal Act on Appointment to Bodies (*Bundesgremienbesetzungsgegesetz*, *BGremBG*) and the first statistics prepared as of 31 December 2016, the share of women in supervisory bodies and the essential bodies that are subject to the requirements of the *BGremBG* increased from 40.9 percent to 49 percent (2022). Despite this successful development across all bodies, the aim of equal representation of women and men in bodies designated by the Federation has not yet been achieved in every single body. That is why the Federation will continue its efforts in this regard.

19. Since 2021 (*Second Leadership Positions Act* (*Zweites Führungspositionengesetz*, *FüPoG II*)), men and women must be equally represented in bodies with two or more members to be designated by the Federation. If there is an uneven number of seats in a body, the disparity between women and men may amount to only one seat.

20. Until 2021, this requirement applied only for bodies with three or more members to be designated by the Federation. Here, the legal requirements have already been tightened.

## C. Information relating to paragraph 44 (a)

21. In Germany, there is no general ban on wearing a headscarf, which is why there is no need to amend the Federal Civil Servants Act (*Bundesbeamtengegesetz*). Under the current provision, a prohibition can only be imposed within very narrow limits and depends on the individual case. The provision in the laws on civil servants creates merely the opportunity to restrict or prohibit characteristics of appearance with religious or ideological connotations if they are objectively capable of impairing the trust in the civil servant’s neutral conduct of official duties (section 61 subsection 2 sentence 4 of the Federal Civil Servants Act; section 34 subsection 2 sentence 4 of the Act on the Status of Civil Servants (*Beamtenstatusgegesetz*)). Thus, the laws on civil servants do not contain a general ban, nor does this rule specifically affect only Muslim persons.

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22. In addition, the Federal Government has published a comprehensive diversity strategy, titled *Gemeinsam für mehr Vielfalt in der Bundesverwaltung* (Working together for more diversity in the federal administration). In line with the German Diversity Charter (*Charta der Vielfalt*), diversity includes the following key characteristics: age, disability, ethnicity and nationality, gender, religion and belief, sexual orientation and social background. The actions contained in the strategy aim to help promote a diversity-oriented administrative culture shaped by appreciation, acceptance and non-discrimination, increase diversity in the federal administration and make the public service a more attractive employer for all parts of society<sup>2</sup>.

#### **D. Information relating to paragraph 46 (a)**

23. The Federal Government places a special focus on health concerns of migrant women with no or unverified residence status. Overall, this is a complex matter, and the Federal Government continues to examine how to resolve it. The provision set out in section 87 of the Residence Act (*Aufenthaltsgesetz*) is included in this examination.

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<sup>2</sup> [https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/oeffentlicher-dienst/BMI25019-Diversitaetsstrategie.pdf?\\_\\_blob=publicationFile&v=6](https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/oeffentlicher-dienst/BMI25019-Diversitaetsstrategie.pdf?__blob=publicationFile&v=6).