



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

Distr.: General
2 March 2017

English only

**Committee on the Elimination of Discrimination
against Women
Sixty-sixth session**

Summary record of the 1483rd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 21 February 2017, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

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

Combined seventh and eighth periodic reports of Germany (continued)
(CEDAW/C/DEU/7-8; CEDAW/C/DEU/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Germany took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Ferner** (Germany) said that, currently, 37 per cent of members of Parliament were women, up from 34 per cent at the beginning of the electoral term. There were no quotas established by law, but all political parties had binding quotas. Quota levels differed among them, however. In her party, the proportion of women had been 40 per cent at the beginning of the electoral term. Eight government ministries were currently headed by women. Under the Federal Act on Gender Equality, all ministries must have a gender equality plan. The plans had to be made available to all staff within six months of their formulation. A gender equality index allowed for continuous monitoring of progress at all staffing levels. In her ministry, the Federal Ministry of Family Affairs, Senior Citizens and Youth, women made up more than 50 per cent of staff at all levels. Other ministries had made less headway towards gender parity.

3. At the municipal level, only 24 per cent of representatives were women, and the proportion of female mayors was even lower. A nationwide network of female municipal politicians provided coaching and mentoring programmes, wherein more experienced women offered advice and support to women with less experience. Some consideration had been given to instituting a parity law at the municipal level, but discussions on the matter were just getting started.

4. The new Act on the Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector had three pillars. The first applied to about 100 large companies that practised “co-determination”, meaning that the membership of their supervisory boards was split between representatives of staff and management. Under the law, such companies were required to ensure that, by the end of 2020, at least 30 per cent of both staff and management representatives were women. A policy was in place to prevent shareholders from electing only men to fill the management seats on the board. Thus far, the law seemed to be working as intended, as all boards appointed since it had entered into force had met the quota for women members. In companies with federal government involvement, the Government had set a 50 per cent quota for the seats it was entitled to fill. Listed companies or companies that had co-determined supervisory boards could also set their own voluntary goals for the percentage of women on their supervisory and management boards. In companies where there was a fixed quota, such goals tended to be more ambitious. An assessment would be conducted after the 2020 deadline to determine whether further legislative measures were needed to ensure the representation of women on company boards.

5. With regard to women in the judiciary, thanks to the “Women into Red Robes” initiative (red being the colour of the robes worn by the highest-level federal judges), women now made up 40 to 50 per cent of newly appointed judges. Women also comprised 40 to 50 per cent of the staff of the diplomatic service. The current Permanent Representative of Germany to the United Nations and other international organizations in Geneva was a woman; she was the first woman to hold the post. The number of women in high-level diplomatic posts was expected to rise as more young women entered the diplomatic service.

6. **Ms. Pamuk** (Germany) said that the Government placed special emphasis on ensuring gender equality when selecting its diplomatic representatives, especially to the United Nations. Its goal was to increase the proportion of women at all levels, including leadership levels. In the Federal Foreign Office overall, 48 per cent of the staff were women. In high-level positions, 31 per cent were women. Among new recruits to the diplomatic

service, 40 to 50 per cent were women. The number of female ambassadors had increased from 21 to 34. With regard to German staff employed by international organizations, out of 529 at the United Nations, 286 (54 per cent) were women; 48 per cent of the German nationals employed by the United Nations Environment Programme were women, while 39 per cent of those employed by the Organization for Economic Cooperation and Development were women. As to German women in leadership positions in international organizations, notable examples were Helga Schmid, Secretary General of the European Union External Action Service, and Ursula Mueller, recently appointed as Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator in the Office for the Coordination of Humanitarian Affairs. The Government promoted international organization careers for young women through the Junior Professional Officers programme. The proportion of women participating in the programme had risen from around 50 per cent to 66 per cent in 2016.

7. **Ms. Ferner** (Germany) said that the law on dual citizenship had been amended. Whereas, before, persons born in Germany who also had another nationality were obliged to choose one or the other when they were between 18 and 24 years of age, now they could keep both nationalities. With regard to compensation for victims of non-physical violence, unfortunately, she could not respond in the affirmative. The Government had hoped to amend the Victims Compensation Act, but she doubted that it would succeed before the end of the current electoral term.

8. **Ms. Blomeyer** (Germany) said that three expert opinions had been commissioned. One was an evaluation of the statistics on intersex persons and another an evaluation by Humboldt University of the procedure for changing name and gender under the Transsexual Act. The latter expert opinion had recommended that the requirement for transgender persons to obtain expert reports should be abolished and the procedure for legally changing gender status simplified. It was true that obtaining the reports required for a change of name or recording of a change of sex could cost as much as €8,000; legal aid was sometimes available to help cover that expense. The third expert opinion, which concerned gender equality in the law, had examined various transgender issues. The study had been published the previous week and would be discussed by the Interministerial Working Group on Intersexuality/Transsexuality, which would then make recommendations.

9. **Ms. Schulz** said that she hoped that due account would be taken of the expert opinions in future legislation.

Articles 10 to 14

10. **Ms. Halperin-Kaddari** said that, while half of doctoral dissertations in Germany were written by women, only one in three women went on to obtain their qualification to teach in higher education (*Habilitation*) and only one in five professorships was held by a woman. Was the State party considering the introduction of any measures to encourage women to pursue academic careers, such as post-doctoral fellowships to enable them to obtain their teaching credential? Women were also underrepresented in the science, technology, engineering and mathematics fields. She wondered whether the State party was considering special temporary measures or other initiatives to increase women's participation in those areas. She would also like to know whether there had been any assessment of the impact of the training tool launched in 2012 to help eradicate stereotypes based on gender, culture and religion in school textbooks and whether the State party had conducted any reviews to ensure that all textbooks and teaching materials used gender-sensitive language and images. The Committee had been informed that lesbian, gay, bisexual, transgender and intersex children often experienced difficulties resulting from stereotyping and stigmatization, not just in relation to their peers but also their teachers. Were there special programmes to sensitize teachers to the reality of such children? Lastly, she wished to know what measures were in place to ensure that all children of asylum seekers and refugees had access to German language courses.

11. **Mr. Bergby**, noting that there continued to be a wage gap of 21 per cent between women and men, said that the Committee welcomed the bill on wage transparency. However, as the law would apply only to businesses with 200 or more employees, it would not benefit most women, who tended to work in smaller firms. He wondered why a

threshold of 200 employees had been chosen and would like to hear the delegation's views on whether the measures envisaged in the law would be sufficient to ensure salary equality for women. He also wished to know what control mechanisms would be put in place under the law and whether an evaluation of its impact was planned. If so, when would it be carried out? The gap in old-age pensions was even larger than the wage gap, owing in part to differences in the types of jobs performed by men and women and to the fact that women often worked fewer hours than men, a phenomenon that reflected men's limited participation in care activities. He wondered whether there should be an adaptation in the financial system for old-age pensions in order to eliminate the gender gap.

12. Germany had taken on great responsibility by receiving a large number of refugees and asylum seekers and was consequently faced with many challenges, one of which was integrating those who would settle permanently in Germany into the workforce. He would like to know what measures the State party intended to take in order to avoid the potential risk that male refugees would be placed in jobs that were currently held mainly by women, which could make it more difficult for women to find work or move from part-time to full-time employment.

13. **Ms. Nwankwo**, stressing the importance of access to contraceptives in reducing unwanted pregnancies, said that the Committee had received information indicating that health insurance typically covered contraception only if it was medically prescribed and if the woman was under 20 years of age. Otherwise, the cost, which could amount to €300 per year, was borne by women themselves. She understood that the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth was supporting a three-year model project to give low-income women access to contraception and that the Municipality of Munich had a similar initiative. She wished to know how many women, including refugees and asylum seekers, were covered by the model project, whether there were plans to extend it and expand its coverage and whether any other municipalities had followed the example of Munich.

14. According to her information, in order to avoid criminal prosecution, women were required to undergo counselling and then wait three days before having an abortion, and the cost of the procedure was covered by insurance only if the pregnancy was the result of rape or if a doctor had determined that it could endanger the woman's life or her physical or mental health. She would welcome information on any plans to cover abortion services under the health insurance system and to eliminate the three-day waiting period and the requirement for counselling, which the World Health Organization considered medically unnecessary and which the Committee deemed discriminatory. Lastly, she noted that undocumented migrants in Germany had difficulty in obtaining health insurance, which limited migrant women's ability to receive reproductive health services. Moreover, they risked detention and deportation if they sought non-emergency care at public health-care facilities. Did the State party intend to amend section 8 of the Residence Act in order to ensure that undocumented migrant women who sought health care were not reported to immigration authorities? What plans were in place to ensure that migrant women and asylum seekers had access to affordable and high-quality health-care services?

15. **Ms. Ferner** (Germany) said that, prior to the adoption of the Integration Act, language courses had been available only to recognized asylum seekers. Now anyone with good prospects of being allowed to remain in Germany had access to integration courses, which included language instruction and vocational training. Refugees' qualifications were evaluated and they were assisted in obtaining equivalent qualifications in Germany. The federal government tried to ensure that all children could attend school, regardless of their immigration status, but its scope of action was limited, as education was the responsibility of the states (*Länder*). Some states had special welcome classes that provided language instruction before a child was enrolled in regular classes, while others integrated children into regular classes straight away and offered after-school language instruction.

16. The Government recognized that the gender pay gap was still far too large. There were many reasons for the disparity and therefore it could not be remedied with a single measure. The introduction of the minimum wage had reduced the gap by 1 per cent and further reductions were expected after the wage transparency law entered into force. However, many women worked in places where working conditions were governed by a

collective agreement that established a wage lower than the minimum wage. In addition, many women worked part-time, which reduced both their wages and their ability to pursue career development opportunities and rise to positions of leadership. The new law on wage transparency was one step among many being taken to ameliorate the situation. It would require employers to pay women the same amount as men doing comparable jobs and would hold them accountable if they failed to do so. The threshold of 200 employees had been agreed as part of a political compromise reached in the face of stiff resistance to the wage transparency bill. However, the Government intended to undertake studies of the situation in companies with fewer than 200 employees as a basis for further action to narrow the wage gap.

17. Pensions were based on earnings over the entirety of a career. Measures were in place to offset women's loss of earnings and ensure that they did not suffer a corresponding loss of pension benefits as a result of dropping out of the workforce or reducing their hours of employment in order to care for their children. Other measures, such as a solidarity pension or a supplementary pension for low-income pensioners who had worked their entire lives known as a "life-achievement" pension were under discussion, but it was unlikely that any agreement would be reached on them during the current electoral term. The issue would, however, remain on the political agenda.

18. Health insurance paid for contraception for women up to 21 years of age. After that, women had to pay for contraceptives themselves, although there were programmes that enabled low-income women to obtain them for free. The state of Berlin, for example, had such a programme. In her view, Germany had one of the best abortion laws in Europe. While women were required to undergo counselling, the decision as to whether or not to proceed with the abortion was left entirely to them. Low-income women could obtain reimbursement for the cost of an abortion.

19. **Ms. Wittenberg** (Germany) said that the states had taken a number of measures to encourage more girls to study mathematics, information science, natural sciences and technology, including special academies and summer camps, information fairs and career counselling. With regard to measures to promote acceptance of gender and sexual diversity, guidelines for gender education had been adopted in 2016 with a view to eliminating gender stereotypes from academic curricula, textbooks and teaching materials and ensuring that training and continuing education for teachers incorporated a gender dimension. All states had reviewed their curricula in the past few years.

20. **Ms. Heinze** (Germany) said that the impact of the wage transparency law would be evaluated every four years. Labour, management and government would take part in the evaluations.

21. **Ms. Haidar** asked whether any measures were envisaged to address the injustice suffered by divorced women from the former East Germany with respect to pension benefits.

22. **Ms. Ameline** said that some German policies, especially the tax policy, did not seem to favour employment and salary equality between men and women or financial autonomy for women. In her view, a more comprehensive approach to the issue was needed.

23. **Ms. Nwankwo** said that she would appreciate a reply to her questions concerning access to health care for undocumented migrant women and the model project to provide contraceptives to low-income women. She would also like to know what measures the State party intended to take to ensure that sterilization was never performed without the consent of the person concerned and what compensation was available to victims of involuntary sterilization. In addition, she wondered whether the morning-after pill was available without a medical prescription.

24. **Mr. Bergby** said that he would appreciate information on the numbers of women who would and would not be covered by the wage transparency law. He would also like to know if any measures were envisaged to address the potential risk that male immigrants might displace women from the workforce. He had noted the delegation's explanation as to why men could not serve as equal opportunity officers, namely that the officers dealt mainly with discrimination against women and only female employees could vote to elect

them. In his view, restricting the position to women sent the wrong signal. Fighting discrimination against women was not a task for women alone; men also had a responsibility.

25. **Ms. Schulz** asked whether any consideration was being given to providing insurance coverage for abortions in all cases and to reviewing the mandatory counselling requirement and the three-day waiting period. She also wished to know whether the State party intended to revise the General Equal Treatment Act in order to include dismissals within its scope, whether any legislation on recognition of the professional qualifications of migrant workers had been adopted and, if so, whether its effect had been positive. Lastly, she welcomed the State party's intention to enact a law intended to guarantee equal pay for work of equal value, but she was curious as to how equal value would be measured. She understood that German courts had upheld some collective agreements that established discriminatory job classification systems. Would the new wage transparency law provide for a standard classification system that was compulsory for all employers?

26. **Ms. Ferner** (Germany) said that the morning-after pill was available without a prescription. The cost of abortion was covered only for low-income women. Others were required to pay for abortions themselves. That provision was the outcome of a hard-won political compromise, and she was not aware of any plans to change it. Asylum seekers and refugees were entitled to basic health-care services under the Asylum Seekers Benefits Act. All women who were pregnant or severely ill had access to medical care, regardless of their immigration status. Access to other health services, such as dental care, was more limited.

27. The Government had not been able to reach any decision about changing current tax policy, although the matter had been discussed. The persistence of the single-breadwinner model, however, was related not only to policies but also to societal ideas. In particular, women in Germany still tended to see themselves as bad mothers if they worked full time and sent their children to a day-care centre. It was true that collective bargaining agreements did sometimes contain discriminatory provisions. However, collective bargaining was a cherished right in Germany and the federal Government would not interfere with the exercise of that right. The wage transparency law would apply to 14 million workers in companies with 200 or more employees; approximately 6 to 6.5 million of that number were women.

28. **Ms. Icken** (Germany) said that, in addition to Munich, Mecklenburg-Western Pomerania and Berlin had initiatives to facilitate access to contraceptives. The model project had been under way for six months. No target had been set for the numbers of women to be covered. Generally speaking, the results of model projects funded by the federal government were used to amend or revise legislation.

29. **Ms. Hentschel** (Germany) said that the efforts were being made at the state level to promote careers for women in higher education institutions. In the state of Berlin, a special programme for that purpose had existed since 2002. In addition, a government-sponsored funding scheme encouraged universities to set targets for the hiring of women. If they met those targets they received additional funding. As a result, the proportion of professorships held by women had more than doubled, rising from 13.5 to 32 per cent.

30. **Ms. Schulz** said that, while there had been an impressive increase in childcare facilities in the State party, insufficient availability of full-day care and schooling, coupled with disincentives in the tax system, continued to create barriers to full-time employment for women. She would like to know whether the State party intended to continue increasing the number of day-care facilities and when it expected to reach full coverage of children under 1 year of age, between 1 and 3 years and between 3 and 6 years, and full-day schools for children over the age of 6. Did the delegation believe that increasing the availability of full-day childcare was likely to change the traditional division of care work between women and men? If not, what else might be done? She also wished to know whether it might be possible to enact legislation to eliminate the tax incentives that encouraged women to take up low-paid part-time jobs. Lastly, she wondered whether the State party planned to further develop the child benefit supplement (*Kinderzuschlag*) as part of its policy to fight poverty, since that allowance appeared to be a more efficient tool for that purpose than the general child cash benefit (*Kindergeld*).

31. **Ms. Gabr** said that she would be interested to know whether the State party currently had any specific programmes to support rural women, what programmes it planned for the future and what steps it was taking to implement the Committee's general recommendation No. 34 (2016) on the rights of rural women? She wondered what use the State party intended to make of the European Agricultural Fund for Rural Development to benefit rural women in Germany and whether any measures had been taken to encourage women to become or remain farmers. She also wished to know whether there were any specific insurance or pension arrangements for widowed women in rural areas and, in general, how the State party envisaged the future for older women and how it would support them, particularly given that women tended to have smaller pensions than men.

32. She welcomed the action plan for persons with disabilities mentioned by the head of delegation in her opening statement, but would like to know more about how the State party was supporting women with disabilities. The State party was to be commended for what it had done to ensure respect for the human rights of refugees, asylum seekers and migrants, in keeping with international norms and standards and with international humanitarian law. She wondered, however, what might be done to expedite the procedures for recognizing refugees and asylum seekers and finalizing their documents. She wished to highlight the need to facilitate the social integration of migrant women and girls, especially those who were Muslim. She would also like to know whether the State party intended to increase its support for NGOs that assisted migrants.

33. **Ms. Ferner** (Germany) said that the provision of childcare, and full-day facilities in particular, would, of course, be increased to meet demand. The number of women participating in the labour market and the number of children in childcare facilities was growing year on year. Across the country, between 95 and 98 per cent of children aged between 3 and 6 year olds were in kindergarten. There was a legal entitlement to childcare for all children over the age of 1; cases had been brought before the courts to exercise that right when there was a lack of childcare places in a given municipality. The municipalities had to uphold that right and make available sufficient childcare places. The federal government provided financial support for infrastructure and operating costs. Combining work and family life became more difficult when children reached school age, as there were not yet enough full-day school places or schools with after-school childcare services to meet demand. However, the states were, to varying degrees, making efforts to expand full-day options.

34. According to the latest figures, there were currently 17 million employees in the country, of which 3.1 million were in marginal employment, known as mini jobs, which represented a slight decrease. Mini jobs were the only category of employment to have been affected by the introduction of the minimum wage; there were now more employment contracts subject to social insurance contributions. There were no plans to amend tax legislation for the time being. Opinion was divided among legal experts: some were of the view that the tax policy by which the spousal income was jointly assessed — by means of “income splitting” — could not be abolished, because it was required under article 6 of the Basic Law, the country's Constitution, while others believed that abolishing it would not necessitate any constitutional amendment. If the rules were to be changed, the decision would come from the Federal Constitutional Court.

35. The country's rural women's association *Deutscher Landfrauenverband* was a powerful organization that was effective in defending the rights of rural women. The Government endeavoured to support rural women in their activity as farmers. The problem of rural exodus was due to the fact that there were not enough job opportunities for younger people but also that older people sometimes felt that their needs could be better met in urban areas. As there was no representative from the Ministry of Food and Agriculture present at the meeting, her delegation would provide the Committee with additional information on the Government efforts to support rural areas in writing at a later date.

36. Both the farmers' old-age pension provision and the statutory old-age pension insurance were based on contributions, which meant that the pension reflected the entire employment history. As such, the pension system was not set up to compensate for the disadvantages experienced by women in the labour market. It was thus necessary in future to ensure equal levels of employment of women and men so that such disadvantages did not

arise in the first place. As was the case with the mandatory State pension scheme, widows in rural areas were entitled to receive surviving dependants benefits from the old-age insurance for farmers.

37. The federal government had adopted the National Action Plan for Persons with Disabilities in accordance with its obligations under the Convention on the Rights of Persons with Disabilities. The key objective was to ensure participation for persons with disabilities to the extent that they wished and according to their abilities. There was a focus on removing barriers of all kinds, for example in public transportation and public buildings, and enhancing accessibility through the publication of documents in a range of formats and the provision of sign language interpretation services. The states and municipalities had also developed relevant action plans to promote the rights of persons with disabilities.

38. A questionnaire-based procedure for processing claims for asylum had made it possible to approve a large number of applications in a very short time. Now that so many applications had been processed, cases were increasingly being examined on an individual basis, which naturally took a little longer. Civil society was heavily involved in that area; there was a huge number of networks to welcome refugees, which received financial support from the Government. A mentoring programme had been set up by the Ministry of Family Affairs, Senior Citizens, Women and Youth to match locals with refugees and help them settle into their new communities. There was also a smartphone application for that purpose and a range of initiatives developed by civil society and the Federal Volunteers Service.

39. **Ms. Gabr** said that she would be grateful for written information on the action plan for persons with disabilities, specifically the provisions concerning women with disabilities and protection against violence.

40. **Ms. Schulz** asked whether the Government was ready to accept the recommendations made by the German Institute for Human Rights on the situation of women with disabilities in institutional settings. She wondered whether the State party was also making efforts to integrate women with disabilities into areas of the labour market other than sheltered environment and whether the network of women's representatives in institutions was operational and what resources were available to it.

41. **Ms. Ferner** (Germany) said that more information on the National Action Plan for Persons with Disabilities in relation to women with disabilities and the recommendations concerning women with disabilities in institutions would be provided in writing. The Weibernetzwerk association for women and girls with disabilities organized training for staff of institutions on the specific care of women with disabilities and also raised awareness among the women with disabilities themselves of their rights and the support available to them. Efforts were indeed being made to integrate women with disabilities into the mainstream labour market. Sheltered workshops had been set up at a time when it had been almost impossible for persons with intellectual disabilities to be integrated into the mainstream labour market. The situation had changed since then, and there was now a programme of personal assistance for persons with disabilities in mainstream employment. Of course, many companies still had reservations about employing persons with disabilities, but attitudes were changing. A transition period would be required to come up with further solutions, as moving away from sheltered workshops would not necessarily be easy for all persons with disabilities.

42. **Ms. Icken** (Germany) said that there were now 80 women's representatives in sheltered workshops, and Weibernetzwerk was training women's representatives in residential facilities. Realistically, it would take between three and five years for the network to be fully operational.

43. **Mr. Beer** (Germany) said that unfair dismissal was already prohibited under current legislation. The Federal Anti-Discrimination Agency had commissioned an evaluation report that was currently being reviewed; there were no plans to make any amendments to the General Equal Treatment Act until the results of that evaluation were available.

44. **Ms. Hennekes** (Germany) said that, in order to expedite the asylum procedure, in the past year, a number of reception centres had been opened, and there were now

approximately 1,000 case workers who personally interviewed asylum seekers. The goal was to process nearly 450,000 applications by May 2017. With regard to integration, an additional 20,000 teachers had been hired in the past year, and the number of integration courses had also risen substantially. In the first half of 2016 alone, the same number of courses had been run as in the whole of 2015.

Articles 15 and 16

45. **Ms. Halperin-Kaddari** said that she would appreciate more detailed information on the situation of women from former East Germany who had divorced prior to 1991 and had thus been excluded from the pension scheme. The court rulings did not relieve the State of its responsibility towards those women. Would the Government not consider setting up a specific fund to compensate those women for the injustice they had suffered? With regard to the establishment of a compensation fund for intersex persons who had undergone involuntarily surgery, it was disappointing that Germany was not doing more. She would welcome clarification of whether shared custody involving equal time spent between both parents was now the default arrangement. Were there special safety measures to monitor the situation in families in which there had been domestic violence? Were the courts specifically bound by legislation to take into account domestic violence in child custody cases and were there safeguards to ensure that they did not refer couples for mediation in cases of domestic violence? In the light of the statistics on the high poverty risk among single mothers and the large proportion of children who did not receive any or all of the child maintenance to which they were entitled, it was regrettable that the Government had not acted on the Committee's previous recommendation to conduct a study on the economic consequences of divorce on both parents, particularly women. She would be grateful for further information on the amendments to the law on child maintenance mentioned in the opening statement that were aimed at protecting single-parent households in the event that the parent responsible for making maintenance payments failed to do so. She asked whether the legal definition of marital assets to be distributed upon divorce included the husband's future earning capacity and increased human capital.

46. **Ms. Ferner** (Germany), referring to the women who had divorced in former East Germany, said that there were several groups that felt that they had been discriminated against under the pension system. All of those cases had been ruled on by the competent courts at the national level. The law on divorce had been amended in the former West Germany in the 1970s, moving from the principle of fault to that of irreconcilability, under which all pension rights acquired during the marriage were combined and divided in two. For West German couples that had divorced prior to that amendment, the entitlement to maintenance or pension rights had been dependent on who had been at fault. In both cases, it had all depended on whether the women had divorced by the cut-off date. The merging of the two pension systems had been extremely complex, and the matter continued to be discussed, but no agreement had yet been reached in the Government in relation to the establishment of a fund for hardship cases.

47. With regard to the compensation fund for victims of irreversible operations, an interministerial working group was still holding consultations on the matter, and she could therefore not give a definitive answer on that subject.

48. Shared custody did not necessarily mean that the children spent exactly half their time with each parent, but rather that all important decisions concerning the child's upbringing must be taken jointly by the parents. Sole custody could be granted if it was in the child's best interests, for example in cases of violence or abuse. A review was currently being conducted to identify whether joint custody might be counterproductive in some cases. The amendments to the law on maintenance payments would enter into force in July 2017. Further information on the distribution of marital assets would be provided in writing.

49. **Ms. Böke** (Germany) said that parents received support from the Youth Welfare Office in relation to shared custody arrangements, and, if they could not reach an agreement, they could refer the case to the family courts. Domestic violence was, of course, taken into account by the courts in both custody and contact arrangements.

50. **Ms. Ferner** (Germany) said that she wished to thank the Committee for the very interesting discussion, which would spur her country on in its efforts to strengthen women's rights in Germany and around the world.

51. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 5.05 p.m.