



**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

**Summary record of the 880th meeting**

Held at the Palais des Nations, Geneva, on Monday, 2 February 2009, at 10 a.m.

*Chairperson:* Ms. Gabr

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*The meeting was called to order at 10 a.m.*

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

*Sixth periodic report of Germany*  
(CEDAW/C/DEU/6, CEDAW/C/DEU/Q/6,  
CEDAW/C/DEU/Q/6/Add.1)

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

2. **Ms. Welskop-Deffaa** (Germany), from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, provided an update on developments that had taken place since the submission of Germany's sixth periodic report (CEDAW/C/DEU/6). She said that the German economy was already feeling the impact of the global financial crisis. Unemployment was rising, particularly among men, and women were increasingly becoming the family breadwinners. During the period of financial turmoil, it was important to ensure continued funding of infrastructural elements essential to women's policy.

3. As the Convention was not widely known in Germany, her Ministry had produced a new brochure in late 2007 to raise awareness of the Convention, its Optional Protocol and the Committee's general recommendations. The parliamentary committee on human rights had discussed the Convention and, in commemoration of International Women's Day, Parliament had devoted a plenary debate to the Convention and to Germany's sixth periodic report. Germany recognized the importance of alternative reports and would continue its constructive dialogue with representatives of non-governmental organizations (NGOs).

4. The recommendations made by the Committee in 2004 had provided input for policy formulation in many areas, including parental leave for fathers, women's participation in political life, programmes to combat violence against women and many other areas. As for efforts to overcome gender stereotypes, the replacement of child-raising allowances with parental allowances had been successful in increasing the proportion of fathers taking parental leave. An interactive travelling exhibit designed in cooperation with the Federal Employment Agency had encouraged young people to reflect on how they perceived their roles. A new website for boys addressed changing roles

and classroom teaching materials had been prepared on role stereotypes.

5. Her Ministry had also been cooperating with men's organizations that supported equality and a network of such organizations was being established to encourage young men to consider new role models. Civilian service, an alternative to military service, gave young men an opportunity to consider non-stereotypical career choices. In 2007, Germany had initiated an international research project to address questions of the predominant role models of women and men in families and in social legislation.

6. The Committee's general recommendation No. 23 had been used in preparing for the anniversary of "90 Years of Women's Suffrage" in 2009. In 1998, Germany had crossed the critical threshold of 30 per cent for women parliamentarians, and currently had a female chancellor and 6 women ministers out of a total of 14. At the municipal level, women accounted for only 25 per cent of members of administrative bodies, while at the level of mayors and district administrators, the numbers were even lower. A campaign had been launched to encourage women to enter municipal politics. As 86 per cent of women currently involved in municipal politics had previously been active in civil society, the campaign had targeted voluntary associations and federations and formed local coalitions for action.

7. Equal participation of women in working life was a high priority. With the women's employment rate at 64 per cent, Germany had exceeded the objectives of the Lisbon Strategy, but there was still a need to address regional differences, employment for mothers of young children and women's representation at senior levels. Women earned 23 per cent less than men on average and the discrepancy was even greater among university graduates and managers. Recent research studies commissioned by her Ministry had indicated that the main reasons for the pay gap were: horizontal and vertical segregation of the labour market; more frequent interruptions in women's employment for family reasons; and lower pay in typically female professions, partly owing to their different strategy in wage negotiations. Pay inequality was an economic anachronism that increased the risk of poverty.

8. Initiatives to encourage young women and men to cross traditional boundaries in the labour market included the new system of parental allowances, the

expansion of childcare and a programme of action on re-entering the labour market. The second Equal Pay Day would be held in March 2009 in an effort to make pay inequality a central issue in the debate on social policy. A commission appointed by the Federal Government in 2008 to report on equality would submit its first report, in 2010, on equality policy from a life-cycle perspective. The report would include practical recommendations as to how the risks of discrimination in transition situations could be avoided.

9. In 2007 the Government had ratified the Second Action Plan to Combat Violence against Women. The Action Plan included measures in the fields of prevention and regulation, and provision for support and counselling systems for women affected by violence. The Government also supported national networking and European and international cooperation. There were plans to enhance measures to protect migrant women and to give more attention to the problems of women with disabilities.

10. A study based on data from a survey of the living situation, security and health of women in Germany had indicated that the risk of violence against women was high during separation. Its findings should be taken into account when designing policies for divorce proceedings, the funding of women's shelters and intervention projects. A project entitled "Medical Intervention against Violence" was designed to improve the diagnosis, therapy and documentation of health issues resulting from domestic violence.

11. With regard to forced marriage, the provisions of the Action Plan to Combat Violence against Women and the National Integration Plan of the Federal Government were complementary. Forced marriage was certainly not broadly accepted among migrants, but it was important to address the issue and to improve the living situations of migrant women and girls. Many of the suggestions made by her Ministry and by the German Institute of Human Rights had already been implemented. Information materials were provided for local children's and juveniles' agencies, while an online counselling service was available to help girls at risk of or affected by forced marriage. The education system played a key role.

12. A pilot project on exiting prostitution would be launched in the current year. Also in 2009, the Government would allocate 97 million euros to the

Mother and Child Foundation to help pregnant women in crisis situations. A sex education campaign by the Federal Centre for Health Education would offer psychological, social and prenatal diagnostic services, with special attention to migrant women. Despite all the challenges, Germany was making a concerted effort to achieve its goals and the Committee's proposals and recommendations would provide valuable input for future policies.

#### *Articles 1 to 6*

13. **Ms. Šimonović** said that Germany was often praised as an example of best practices because it submitted its report to Parliament and discussed it with the Government and with NGOs. She wondered why no information on women whose gender identity had been reassigned was included in the report, as alternative reports referred to the problems experienced by those women.

14. The German legal system seemed to be in the process of incorporating the Convention piece by piece, and she wondered whether it was fully applicable in the private sector yet. She asked for clarification of the Government's future plans for its agreement with the private sector on promoting equal opportunities.

15. In its previous constructive dialogue with Germany, the Committee had urged the State party to place greater emphasis on the Convention as a legally binding human rights instrument in its efforts to achieve the goal of gender equality and to take measures to enhance awareness of the Convention among members of Parliament, the judiciary and the legal profession. Yet the Convention was still not widely known in Germany. It would be interesting to hear whether there was any specific education for the judiciary in relation to the case law existing under the Optional Protocol.

16. **Ms. Pimentel** asked for information on the situation of intersexuals and transsexuals and what effective policies were in place to enable them to exercise their human rights. Intersexuals should not be forced into a gender category that did not reflect their own gender identity experience and no medical intervention should take place without informed consent. The procedures to be followed for a change of name and legal gender had been criticized, including

the mandatory diagnosis of transsexualism and the need to provide two expert opinions.

17. **Mr. Flinterman** noted that according to the report, the goal of Germany's equality policy was to create equal opportunities for women and men in all areas of life. Yet the report also stated that family policy was a central focus of the political activity of the Federal Government. Those statements seemed contradictory, in view of the traditional concept of the family that prevailed in Germany. He wondered how the Government intended to integrate its gender policy and family policy.

18. The report made many references to the federal constitutional structure of Germany. If one of the Länder did not fully comply with international commitments, he wondered what mechanisms were in place for the Federal Government to remedy the situation. It would be useful if specific information on the legislation and policies of the Länder could be included in the next report, article by article if possible. He asked what action would be taken when the delegation returned to Germany in order to draw attention to its important discussion with the Committee.

19. The Federal Equality Act was a very important step forward, although its provisions were applicable only at the federal level. It would be interesting to know whether the Länder had similar legislation. He asked whether the Government intended to reconsider the scope of the Act and the elements that had been criticized by NGOs, such as the burden of proof provisions.

20. **Ms. Neubauer** said that the report made no mention of the situation of women and girls in prison, although concern had been expressed in alternative reports regarding the number of girls placed in adult prisons. In 2004, the Committee on the Rights of the Child had expressed concern regarding the administration of juvenile justice, yet girls continued to be placed in women's prisons in violation of Germany's Juvenile Criminal Code. As there were only five women's prisons, they were often located far from the girls' families and friends. In addition, girls were apparently living under a regime designed for male prisoners that was inappropriate for girls mostly imprisoned for crimes such as theft, prostitution and drugs-related offences. Many of the girls had been victims of physical and mental violence and were

further traumatized by their prison experience. They were often punished for behaviour that was typical of adolescents and denied the privilege of being able to leave the prison for activities such as attending school or occupational training.

21. She asked whether any analysis had been made of the situation of girls in prison and what proportion of such prisoners were foreign. It would be interesting to hear what efforts had been made or were planned to reduce the number of girls imprisoned. Information should be given on any prevention programmes that addressed the causes of women's and girls' criminality and on any action taken to implement the recommendations of the Committee on the Rights of the Child, including the development of alternatives to juvenile justice processing in accordance with international standards. In addition, she wished to know what action had been taken to ensure that girls were not placed in women's prisons and thus deprived of their rights to visits, education, vocational training or employment, adequate psycho-social and health facilities and gender- and child-sensitive rehabilitation programmes. Apparently, the relevant ministries had not responded to NGO attempts to address those issues.

22. **Ms. Rasekh** commended Germany's efforts to compile disaggregated data on asylum-seeking and refugee women and girls and its adoption of the Second Action Plan to Combat Violence against Women. She also commended the effort to include a provision in section 60 of the German Residence Act making it possible for women threatened by gender-related discrimination to be granted refugee status.

23. She wished to know more about legislation relating to asylum-seekers and refugee women and girls, in particular those who lived in rural areas. It would be useful to receive information on current laws and practices in different Länder concerning women's access to shelters, as apparently asylum-seekers facing domestic violence were not allowed by law to move to a shelter in a different city. Information should be provided on the accommodation arrangements, including safety and security provisions, for female asylum-seekers in reception centres and refugee hostels. She asked whether a monitoring system was in place to ensure that such women were in secure and appropriate accommodation.

24. **Ms. Neubauer** said that no clear picture had been given of any changes or improvements in institutional

structures. She understood the role of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, but it was not clear what the coordination mechanism was or what kind of structures existed in other ministries to address the gender equality perspective in their policymaking and implementation. According to alternative sources, the original coordinating mechanism for gender mainstreaming that had been established at the federal level in 2005 no longer existed.

25. There was also very little information on how institutional mechanisms were organized at the level of the Länder. She asked whether they had equality ministries, how they cooperated with other policy sectors and how the mechanisms operated at the local level. It would also be useful to know how responsibilities were shared between the policymaking and implementation mechanisms at the federal and state levels.

26. It had been surprising to read that gender mainstreaming had been rejected because less than 10 per cent of the general public knew what it meant. Gender mainstreaming was a strategy or working method to be applied by policymakers and did not require support from the public. The gender perspective had to be integrated into all levels and stages of policymaking.

27. **Ms. Welskop-Deffaa** (Germany) clarified that there had been no difficulty with gender mainstreaming as a method but that there had been resistance to the term itself, as the English term had been used rather than a translation. The German media had made erroneous associations with the term and had presented it as an ideology. When a German term had been introduced to replace it, it had been made clear that women's policy was aimed at both sexes and that equality was only possible when both women and men were taken into account. With that clarification, resistance had lessened and the method was now broadly supported.

28. The Conference of Länder Equality and Women's Ministers and Senators was in a new phase of increased cooperation. In 2009 work would begin on a joint gender atlas, a new form of collaboration which would bring together different levels of the federal system, including the municipal gender equality commissioners.

29. The integration of family policy and equality policy was a very important issue for Germany. Great progress had been made in the last few years to overcome their apparent contradiction. Family policy, with the parental leave and allowances and the expansion of childcare, was now seen as supportive of the aims of equality policy.

30. With regard to the issue of transsexuals, the German media had gradually changed its reporting on that issue over the last few years. Transsexuals were no longer presented as abnormal individuals but were viewed as members of a minority group facing a special challenge.

31. **Ms. Augstein** (Germany) said that in principle the Convention was reflected in German law. A legal seminar with lawyers' associations would be needed to work out which of the Convention's provisions had not yet been included.

32. The Convention and the Optional Protocol had already become more visible over the past few years. The Federal Constitutional Court had referred to the Convention in a ruling clarifying that the State was responsible for ensuring substantive equality, rather than just legal equality. A number of decisions from other courts had also referred to the Convention and for the first time a court had accepted statistical evidence as proof that a woman had not been promoted because of gender discrimination. Courts did not usually make references to international treaties, partly because judges assumed that their provisions were all included in the Basic Law, but that attitude was changing. It was important for lawyers to refer to the Convention and other treaties, so that judges would be obliged to address them.

33. Family and equality policy were two sides of the same coin. Further work was certainly needed, but the central issue of equality policy had always been to make family life and work compatible, which was now also seen as an issue of family policy. The harmonization efforts would continue.

34. The Federal Government had the authority to oblige the Länder to apply the provisions of the Convention if necessary, but in practice other methods would be preferred. The Länder had their own constitutions and laws, and they all had equality acts in the area of administration, although their provisions were not identical. The General Equal Treatment Act applied at the level of the Länder, so no special law

was needed in that respect. Only three of the Länder had anti-discrimination agencies at present, but they would all have them within five years. Her delegation was certainly willing to include information on all 16 Länder in the report, but it would be a huge task. She would consult with the Committee to see what level of detail was required.

35. Germany was willing to reconsider the scope of the General Equal Treatment Act, in particular with regard to the public sector and the burden of proof provisions, as the Act was still new and not yet in its final form. The European Commission was currently taking infringement procedures against Germany with regard to some of the Act's provisions, so some changes might be needed. Germany considered its burden of proof provisions to be sufficient to conform with European legislation. Under article 3 of the Basic Law, the private sector was obliged to observe gender equality in all of its activities.

36. She would communicate with the Ministry of Justice to obtain information on the juvenile justice system. Efforts were being made to provide alternatives to prison such as girls' homes, and there were already fewer girls placed in prisons. She was concerned to hear that NGOs had received no response on that issue and would certainly look into the matter.

37. On the subject of shelters, there were some difficulties with regard to residence regulations when a woman wished to be accommodated in a shelter in a different area. However, most women's shelters would not turn women away because of residence or other status issues. Help was provided first and other issues were dealt with later. Most Länder were tolerant about such matters.

38. Each of the Länder had a women's ministry or equal treatment ministry and the municipalities had women's commissioners, which were linked in a federal association. Good working relations had been built up in recent years.

39. The gender mainstreaming strategy had been implemented over an eight-year period, and manuals and guidelines for action had been issued to support it. Whenever a new law was drafted, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth had provided input on the gender perspective as part of the impact assessment. However that method had not led to much progress, for a number of reasons. The top-down approach to gender mainstreaming in the

ministries had meant that the process had to begin again with each change of Government. In addition, gender mainstreaming did not define any equality objectives, and ministries had been left to define them in their respective areas, which had not worked well. The focus on instruments had led to many debates on laws that had little to do with gender. Meanwhile, major legislative reforms had been adopted without consideration of the gender perspective because the reforms had been initiated by new decision-making bodies rather than by individual ministries.

40. As Germany's first approach had not been successful, the ministries would need to reach a new agreement on content and objectives. After looking at the examples of Austria, the Netherlands and other States, Germany had decided to draw up master plans that defined objectives in specific policy areas rather than reviewing individual acts and regulations to see whether equality had been taken into account. Germany was not abolishing gender mainstreaming but trying to find the most effective strategy for advancing the gender perspective.

41. **Mr. Tetzlaff** (Germany) said that the Transsexuals Act governed the change of name and legal gender for transsexuals. The Federal Ministry of the Interior was in contact with the advocacy groups of the transsexuals and was aware of the problems with the relevant procedures. An amendment was to be prepared in 2009 and the shadow report of the association Human Rights and Transsexuality would be taken into account in the discussions.

42. Asylum-seekers' rights to benefits were covered by a federal law that was implemented by the Länder. The law contained detailed provisions on entitlements to benefits such as food, accommodation and medical care. Medical treatment was decided on a case-by-case basis and included services for pregnancy and childbirth, but did not include treatment that was long term or not medically required, as asylum-seekers were assumed to be in the country for a limited period. Efforts were made to ensure that asylum procedures were completed rapidly. The Länder were responsible for implementation of the law and some of the initial problems had been resolved. No difficulties had been reported recently.

43. The area of residence of asylum-seekers was restricted by a constitutional provision to ensure that they were equally distributed throughout the Länder

and did not overburden individual local administrations. A 2007 ruling of the European Court of Human Rights had confirmed the legality of that provision. Asylum-seekers were of course given permission to leave the assigned residence area if they would otherwise suffer undue hardship, as in the case of women threatened with violence.

44. Women's shelters were supported and financed by the Länder and municipalities and women threatened by violence were accepted regardless of their residence status. Their status would be considered at a later stage and if the shelter had been chosen for security reasons, the costs would be covered by the Asylum-Seekers' Benefits Act.

45. **Ms. Hayashi** said that the Committee had expressed concern in its previous concluding observations that women were underrepresented at the higher levels of public life and had recommended that Germany adopt proactive measures to remove existing obstacles and, where necessary, to implement temporary special measures. It had also called on Germany to intensify efforts to increase women's access to full-time employment, inter alia, through the use of temporary special measures. The report indicated that there had been progress in women's representation in public life, but that there was still strong vertical segregation and change was slow. The General Equal Treatment Act allowed for gender-specific measures when they were designed to compensate for existing discrimination. She asked for clarification of the Government's position with regard to quotas for women in senior positions in the private sector.

46. She was interested to hear the State party's own assessment of special temporary measures and their impact and whether those measures were responsible for the increase in women in the diplomatic service. She asked whether there was any special target group of women or area in which such measures would be applied. If the State party was not satisfied with the results of the temporary special measures, it would be interesting to know what had been the main obstacles to their implementation.

47. The variety of temporary special measures was interesting. NGOs had reported that some Länder, including Berlin, gave preference in procurement contracts to private entities that had quotas or positive action programmes. The Länder were sometimes more

active than the Federal Government and it would be useful to receive information on other measures taken at the local level to promote gender equality.

48. Finally, she drew attention to general recommendation No. 25, which indicated that temporary special measures were not exceptions to equal treatment but rather part of the necessary strategy towards achieving substantive equality. As the State party seemed to use a different definition of temporary special measures, it might wish to reconsider them from the point of view of that general recommendation.

49. **The Chairperson**, speaking as a member of the Committee, appreciated the serious efforts made to eradicate stereotypes. Yet despite the higher proportion of men taking parental leave, most fathers had taken only two months leave, apparently fearing that taking more would be viewed in a pejorative light. The fact that women accounted for 83 per cent of part-time workers could also be seen as a continuation of the same stereotype. It was important to take positive measures to combat such stereotypes, especially in view of the financial crisis. She wondered if a comprehensive strategy was planned.

50. Some of the difficulties facing immigrant women could be tackled through a discussion of their own culture. In the case of Muslim women, Islamic teachings on women's rights could be used to show that the practice of forced marriage was unacceptable. References to those teachings could also be used to combat stereotypical views of Muslims that had a negative impact on their integration into German society.

51. **Ms. Hayashi** asked whether the restrictions on area of residence applied to women refugees. According to the shadow report, the issue of violence against women by strangers had been receiving less attention, despite its serious consequences such as post-traumatic stress disorder. The Federal Government had adopted an Action Plan for the Protection of Children and Young People from Sexual Violence and Exploitation in 2002, but the relevant working group had not met since 2007. She wondered whether the State party intended to ensure that the Action Plan was implemented and also asked how the State party planned to train specialists, including medical doctors, nurses, psychologists and legal officials, for work with victims of violence, including rape victims.

52. **Ms. Šimonović** said she wished to hear more about measures to protect women working in the private sector, as provided for in article 2 of the Convention. The State party had the obligation to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

53. Many efforts were being made in the area of combating violence against women: the Violence Protection Act; the legislative amendment to the Criminal Code establishing stalking as a criminal offence; and the Victims' Rights Act. The challenge was to connect all the different areas and harmonize them. For example, abusive fathers were sometimes granted visitation rights by courts without any measures being taken to prevent future violence. She wished to know whether there were plans to review that area and whether breach of a protection order was considered a criminal offence.

54. The Federal Government had the obligation to provide sufficient shelters for all victims of violence, although the Länder and municipal governments were responsible for access to them. She asked whether there were any problems with access to shelters for women or girls with disabilities.

55. The report did not provide statistics on women killed by an intimate partner, but such specific data could be very useful for designing preventive measures. Data should be disaggregated by gender, the type of violence and the relationship between perpetrator and victim. She wondered whether Germany had any data on the number of incidents, conviction rates and the number of protection orders issued.

56. **Ms. Chutikul** welcomed Germany's ratification of the Palermo Convention in 2006, the amendment of the Criminal Code to conform to the Council of Europe Convention on Action against Trafficking in Human Beings, amendments to the Migration Act and the Residence Act, and the reform of provisions protecting victims' rights. Some aspects of implementation remained a cause for concern. Data should be collected on trafficking, disaggregated by purpose, including labour, and by age, gender and country of origin. It would be useful to know how many trafficking cases had been reported and prosecuted and how many residence permits had been issued by gender and type of permit. Such information could be used to monitor

progress and to help design new strategies. The granting of temporary residence permits should not be conditional on a victim's cooperation in the prosecution process, but should be seen as a measure to protect the victim's human rights. She had heard from alternative reports that victims of trafficking could be recognized as such from their passports or identity documents, which gave rise to additional stigmatization.

57. The provision of training or employment for victims who were waiting for the prosecution process to be completed was also important. In some countries they could be granted an extended residence permit. She wondered how many such cases there had been in Germany and whether there were any differences in the treatment given to women from the European Union and other nationals who were victims of trafficking.

58. She asked whether the shelters and other services provided were the same for migrant workers, refugees, trafficking victims, and victims of violence and other abuse. It was important to understand that different kinds of trauma resulted in different assistance needs. NGOs had reported that the federal and state governments were not providing sufficient resources for protective measures.

59. Trafficking for the purposes of forced marriage or exploitative labour was a relatively recent phenomenon and she wondered whether any study of the subject had been undertaken. There were reports that even some foreign domestic workers in diplomatic households were vulnerable, in addition to workers in restaurants, au pairs and women working in the entertainment industry. The results of a study could be used to design appropriate measures to combat trafficking.

60. It would be useful to know what kinds of action had been taken in the area of bilateral and multilateral collaboration with countries of origin, particularly for strengthening trafficking prevention in those countries. The report did not state whether extraterritorial jurisdiction of crimes related to trafficking of women and girls had been extended to the countries of origin.

61. **Mr. Flinterman** asked whether an appropriate way of penalizing clients in cases of forced prostitution had been found. He also requested information on the impact of the Convention on situations abroad. Some German troops stationed in Macedonia and Kosovo had reportedly been involved in forced prostitution. He wished to know what action had been taken and

whether any awareness campaigns were conducted for soldiers sent abroad on peace missions.

62. The Committee attached great importance to Security Council resolution 1325 (2000) on the role of women in the context of armed conflict and post-conflict situations. He asked why Germany did not have an action plan to implement that resolution.

63. **Ms. Welskop-Deffaa** (Germany) said that the Federal Government strongly supported implementation of Security Council resolution 1325 (2000) and was currently in contact with the Netherlands, a State which had been very active in that area, in order to learn from its experience. A recent high-level discussion between her Ministry and the Federal Ministry of Defence had focused on that issue and action would be taken in 2009, although it might not be called an action plan.

64. An evaluation of women's representation in leadership positions in different areas had recently been conducted in order to develop more intelligent policy measures. In an international comparison, the situation of German women was quite positive in politics at the federal level, owing to the combination of proportional representation and the voluntary quotas adopted by all major political parties, including all those represented in Parliament. In other areas, Germany was somewhere in the middle of the international ranking. A 2001 agreement signed by the Chancellor and high-level representatives of the private sector had focused on women in leadership positions but few companies were making use of that agreement. Results were slow, but the situation was reviewed every two years and talks with the private sector continued. Few women were in leadership positions in the civil service, where Germany had been ranked in third last place among European Union countries, despite the Federal Equality Act and various special measures. There had been some successes in the past few years: women had recently been appointed for the first time as director generals in the Federal Foreign Office and the Federal Ministry of the Interior. However, the proportion of women among director generals was still only 15 per cent and there were very few women directors and heads of divisions and units. Special remedial measures were planned.

65. Parental leave in connection with parental allowances could be considered special measures. The parental allowance was paid for 14 months rather than 12 on the condition that both parents were involved,

with each partner taking at least two months of leave from their job. Many men now made use of parental leave.

66. With regard to efforts to eradicate stereotypes, various instruments were being combined to complement and support each other. The fact that many young men had made use of parental leave for part-time work had contributed to combating the stereotypical view of part-time work as an option for women in low-paid jobs. An annual prize was awarded for father of the year and another prize was awarded for women who had shown special commitment in communal politics, especially in areas non-typical for women.

67. **Ms. Augstein** (Germany) said that temporary special measures had been introduced through both primary and secondary legislation. The Federal Equality Act and similar acts adopted by the Länder imposed quotas in order to achieve equality in the civil service. There were also quotas for political parties, public broadcasting and many other areas, although they did not necessarily lead to significant increases in women in executive posts. There were less women in leading positions in public broadcasting than in the private media, where there were no quotas.

68. The Constitutional Court had confirmed that it was permitted for job advertisements to refer to the fact that women's applications were particularly welcome if women were underrepresented in a particular area. There were special training courses for women and girls in areas such as computer engineering, and the Federal Foreign Office offered management, coaching and mentoring programmes and other training courses for women.

69. Positive measures included the institution of Girls' Day, a day on which companies invited girls to tour their premises and consider non-typical occupations. There was also a special programme to increase the number of women university professors within five years. The Federal Equality Act had affirmed the legality of such measures. It was also possible for procurement legislation to take account of social indicators, such as equal pay or the number of women in managerial posts. The Federal Equality Act and legislation at the level of the Länder included equality plans for the civil service. Such measures were temporary in the sense that they included a specific provision that they applied only when women were

underrepresented. She was proud to say that the proportion of women in senior posts was increasing. The Federal Government had decided to review the figures every year, rather than every four years as in the past, to increase transparency and allow action to be taken more quickly. The figures for 2008 were not yet available.

70. In 2007, over 23 per cent of heads of division and 17.8 per cent of departmental directors had been women. Women had also accounted for 13.8 per cent of general directors, after a long period in which there had been just one woman at that level. There had been one woman State Secretary, and over 20 per cent of members of the Federal Government had been women. Perhaps the Committee could offer some suggestions for temporary special measures other than quotas that had been successful in other countries.

71. In her opinion, there was a comprehensive strategy in place to change the perception of men's roles. After 30 years of efforts to change the role perceptions of women and girls, complementary work was now taking place with men and boys. Research had been undertaken and contacts had been made with the men's movement, insofar as it existed, as part of an overall strategy.

72. In response to the question about implementation of the Action Plan for the Protection of Children and Young People from Sexual Violence and Exploitation, she said that measures for child protection were being restructured and strengthened and that the concept of early assistance to parents had been introduced as a preventive measure.

73. There were over 400 women's shelters spread throughout the country, providing between 5,000 and 6,000 places. The Länder were responsible for providing shelters and counselling centres, and efforts were being made to ensure that the shelters were fully accessible to women with disabilities. Municipalities received funding for shelters on a per capita basis.

74. One large-scale survey had been conducted on violence, but such an expensive undertaking could not be carried out on a regular basis. Criminal police statistics did not include exact figures on violence by intimate partners. The Länder and municipalities compiled data on domestic violence but it was difficult to compare them in view of the different definitions used. A working group would soon provide a standard

definition and indicators on violence would be developed for use in smaller-scale annual studies.

75. Germany was often presented as an example of international best practices with regard to data on trafficking in women and forced prostitution. It collected data on the origin of victims, age of victims, country of origin of perpetrators, type of offence, and the method used to force the women into prostitution. Less data was available in relation to trafficking for labour exploitation, which was an offence that had been added to the Criminal Code only recently. Germany was working to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in the context of the relevant European Union framework law.

76. The granting of a residence permit should not be related to cooperation with the police, but in practice it was not always so simple. The previous administrative rules of the Aliens Law had stipulated that women victims should be allowed to spend a period of time in Germany in order to arrange their departure, irrespective of whether they acted as witnesses. New administrative rules were currently being drafted.

77. The Federal Foreign Office worked with the consulates of countries of origin to obtain documents for trafficking victims, as their passports had usually been taken by the traffickers. The Federal Working Group on Trafficking in Women met regularly with representatives of the consulates and victims' counselling offices in order to ensure that the women were provided with identity documents as soon as possible.

78. All women asylum-seekers had access to health services, with varying restrictions in the different Länder. Efforts were being made to raise awareness of those issues and to encourage the Länder to be less restrictive in the case of victims of trafficking. Some women victims had found themselves excluded from a number of assistance benefits because they were nationals of States that had only recently acceded to the European Union. The Federal Ministry of Labour had considered the issue and meanwhile the legal position had changed so that women from those countries were no longer treated differently. There was no single support system for women victims of violence. Victims of trafficking received specialized counselling and

support and were not usually placed in women's shelters, as they catered for different target groups.

79. Efforts continued in the new area of trafficking in women for labour exploitation and the Federal Criminal Police Office had suggested that a special study be carried out. The Federal Foreign Office had already introduced detailed and accurate procedures to ensure that household employees in diplomatic households were better protected and no further complaints had been received in recent years.

80. A model project would soon be launched on exit from prostitution but there was not yet a law to penalize clients, except in the case of forced prostitution. An intense debate was taking place on that issue.

81. **Mr. Tetzlaff** (Germany) said that women victims of trafficking could receive a provisional residence permit under certain conditions, but had to be willing to cooperate with the authorities and appear as witnesses. The granting of a residence permit in such cases was free of some conditions that were otherwise imposed: the victims did not need to show that they could support themselves and any previous illegal entry was disregarded. Those provisions implemented a European Union directive on protection for victims of trafficking. Residence status was not granted as compensation for the injustice suffered. However, when the legal proceedings had been completed, victims could also apply for residence status on humanitarian or other grounds and their situation as victims would be taken into account. An administrative instruction was being prepared for the Aliens' Offices at the Länder and municipal levels which stated that in all cases, women who were potential witnesses should not be exposed to any additional stigma or danger by publication of their status.

82. According to the 2007 report of the Federal Criminal Police Office, the authorities had completed over 450 preliminary investigations of trafficking in persons and had identified over 700 perpetrators and almost 700 victims. Germany had cooperation agreements with many States to combat trafficking.

*The meeting rose at 1.05 p.m.*