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ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the ninth periodic report of Germany

General

1. In order to enable monitoring of the implementation of the Convention, please provide information and statistics, disaggregated by sex, age, disability, nationality, ethnicity, religion and location in urban or rural area, on the current situation of women in the State party. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's concluding observations on the combined seventh and eighth periodic reports of the State party (CEDAW/C/DEU/CO/7-8, paras. 10, 18, 24, 30 and 40), please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered herein.

Implementation of the Convention

2. With reference to the Committee's previous concluding observations (para. 10), please provide information on the capacity building measures taken by the State party for judges, prosecutors and lawyers on the Convention and the Optional Protocol. Please provide information on whether the Convention and the Optional Protocol have been directly applied or invoked in national courts. Please also inform on measures taken to strengthen the mandate of the German Institute for Human Rights in order to grant it with the authority to ensure the transparent, coherent and consistent implementation of the Convention throughout the State party.

Application of the Convention under the federal system

3. With reference to the Committee's previous concluding observations (para. 12), please provide information on the measures taken by the State party to strengthen the effective coordination of the structures at all levels in order to ensure the uniformity of results in the implementation of the Convention throughout the State party.

Legislative and policy framework

4. With reference to the Committee's previous concluding observations (para. 14), please provide information on steps taken to: (a) amend the General Act on Equal Treatment in line with the proposals outlined in the evaluation conducted by the Federal Anti-Discrimination Agency and ensure that its range of application is expanded; (b) introduce the right of group action on the part of women's organizations and trade unions to bring cases of gender-based discrimination before the courts and extend the deadline for submitting

gender-based discrimination complaints to at least six months; (c) add dismissals to the Act and to abolish article 9 of that Act.

Extraterritorial obligations

5. With reference to the Committee's previous concluding observations (para. 16), please provide information on the measures taken to: (a) strengthen the State party's legislation governing the conduct of corporations registered or domiciled in the State party in relation to their activities abroad; (b) introduce effective mechanisms to investigate complaints filed against those corporations; (c) adopt redress measures to facilitate access to justice on behalf of women who are victims of human rights violations; (d) ensure that judicial and administrative mechanisms in place take a gender perspective into account; (e) ensure that trade and investment agreements negotiated by the State party recognize the primacy of its international human rights obligations over investors' interests.

Women, peace and security

6. Please provide information on: (a) steps taken to harmonize legislation regulating arms export control in line with article 7 (4) of the Arms Trade Treaty and the Council Common Position 2008/944/CFSP of the European Union; (b) measures taken to ensure that, before export licences are granted, comprehensive and transparent assessments are conducted on the impact that the misuse of small arms and light weapons has on women, including those living in conflict zones.

National machinery for the advancement of women

7. With reference to the Committee's previous concluding observations (para. 18), please provide updated information on the measures taken to develop a comprehensive national gender strategy, policy and action plan addressing the structural factors causing persistent inequalities, including intersecting forms of discrimination against disadvantaged and marginalized women and girls. Please also inform on steps taken to adopt an integrated gender-budgeting process, including implementation of the Sustainable Development Goals, that includes effective monitoring and accountability mechanisms across all sectors and levels of government. Please inform on measures taken to strengthen the mandate of the Federal Anti-Discrimination Agency and by providing it with the authority necessary to file court cases, launch investigations and impose sanctions. Please also provide information on measures taken to ensure the adequate allocation of human, technical and financial resources to the Federal Ministry for Economic Cooperation and Development so as to allow for the full and effective implementation of its Gender Equality in German Development policy and its gender action plan, especially at the federal state level.

Temporary special measures

8. Please provide information on temporary special measures taken to achieve substantive equality of women and men, particularly in education, employment and women's participation in political and public life, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures (para 20).

Stereotypes

9. Please provide information on the measures taken to: (a) eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society; (b) encourage capacity building programmes for the media and gender-sensitive media coverage; (c) introduce measures to promote equal representation of women and men in the media; (d) strengthen the role of the German Advertising Standards Council to ensure adequate sanctions and enforcement powers in addressing discriminatory gender stereotypes. Please also provide information on the measures taken to harmonize relevant legislation and to prevent sexism, in line with article 5 (a) of the Convention and Recommendation CM/Rec(2019)1 on preventing and combating sexism, adopted by the Committee of Ministers of the Council of Europe.

Harmful practices

10. In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices and with reference to the Committee's previous concluding observations (para. 24), please provide information on the measures taken to (a) ensure safeguards to protect girls under the age of 18 years who have been allowed to marry; (b) systematically collect disaggregated data on the incidence of harmful practices in the State party and continue to strengthen preventive and protective measures to eliminate female genital mutilation; (c) develop awareness-raising campaigns and to ensure that information is readily available to victims of female genital mutilation; (d) ensure that health and social services professionals are sufficiently trained to identify potential victims and bring perpetrators to justice.

Gender-based violence against women

11. In view of the prevalence of domestic violence against women in the State party and the absence of a comprehensive strategy of prevention and early intervention, along with the prevailing attitudes among judicial authorities that cases of domestic violence are a private matter (para. 25 (a)), please provide updated information on measures taken to: (a) develop a comprehensive prevention strategy to address domestic violence, including through awareness-raising campaigns; (b) ensure that cases of violence against women are effectively investigated and perpetrators duly prosecuted; (c) establish an independent mechanism to monitor cases of violence and abuse in institutions for persons with disabilities; (d) amend the law to ensure that immigration law considerations do not prevent the authorities from taking prompt action to provide protection in cases of gender-based violence; (e) investigate incidents of hate crimes or attacks against refugee and asylum-seeking women and girls, and to ensure that perpetrators are duly prosecuted; (f) strengthen capacity-building programmes at both the federal and the state levels for judges, prosecutors, police officers and other law enforcement officials on the gender-sensitive application of criminal law provisions on sexual violence against women; (g) ensure effective protection against digital gender-based violence and to prevent gender-based discrimination through algorithms; (h) ensure the availability of adequately funded and accessible shelters.

Trafficking and exploitation of prostitution

12. With reference the Committee's previous concluding observations, please provide updated information on measures taken to: (a) develop gender-sensitive awareness-raising programmes for the police and social workers at the municipal level; (b) ensure the prosecution of cases of trafficking in persons; (c) develop national guidelines for the effective identification of victims of trafficking; (d) strengthen measures to systematically identify and provide support to women who are victims and those at risk of trafficking, in particular migrant women and unaccompanied girls, ensuring adequate access to health care, counselling services and redress; (e) grant temporary residence permits to enable all victims of trafficking to avail themselves of protective and rehabilitation measures; (f) provide an assessment of the revised criminal law in relation to trafficking in persons; (g) strengthen the support services and exit programmes for women and girls in prostitution.

Participation in political and public life

13. Please provide information on the measures taken to increase the number of women in elected decision-making bodies at the federal and state levels and in appointed positions at the municipal level. Please also provide information on awareness-raising campaigns and leadership programmes developed to enhance the understanding that the full, equal, free and democratic participation of women in political and public life is a requirement for the full implementation of women's human rights (para. 32).

Education

14. With reference to para. 34 of the previous concluding observations, please provide information on the measures taken to: (a) encourage the further diversification of the educational choices of women and men and girls and boys; (b) address discriminatory

stereotypes and structural barriers that may deter girls from progressing beyond secondary education and enrolling in traditionally male-dominated fields of study, such as science, technology, engineering, and mathematics (STEM); (c) promote and monitor the career development of women in the education system to ensure equal access to senior management positions at all levels of the education system; (d) ensure that all asylum-seeking, refugee and migrant women and girls have access to language courses, integration programmes and the possibility to continue education at all levels; (e) support academic programmes and research in women and gender studies at the university level.

Employment

15. Please provide information on measures taken to: (a) to eliminate the gender wage gap and ensure equal opportunities for women and men in the labour market; (b) eliminate horizontal and vertical occupational segregation in the public and private sector and provide skills training and incentives to orient women to non-traditional professions; (c) strengthen the statutory pension as a means of ensuring a decent standard of living for retired women; (d) ensure that victims of sexual harassment in the workplace have access to effective mechanisms and remedies; (e) continue the implementation of the European Social Fund programme “Strong careers: mothers with a migration background start out”; (f) introduce targeted measures to create additional employment opportunities for women with disabilities; (g) review the tax system and social benefit provisions in order to ensure the full participation of women in employment; (h) introduce adequate staffing ratios for day-care centres, ensuring high-quality and reliable after-school care for children, and increase all-day-care options; (i) ratify ILO 1981 Workers with Family Responsibilities Convention (No. 156). Please also inform on which legal steps claimants can take to obtain compensation from German companies in case of violation of women’s rights in the supply chain.

Health

16. With reference to the Committee’s previous concluding observations (para. 38) please inform the Committee on measures taken to: (a) ensure that modern contraceptives are accessible, affordable and available throughout the territory of the State party to all women and girls, in particular those living in poverty and/or in remote areas; (b) repeal or amend section 87 of the Residence Act with a view to ensuring that undocumented migrants are given the same rights to gain access to the documentation necessary for non-emergency health services without the risk of being reported to the authorities and subsequently deported. Please explain how the mandatory counselling and a three-day waiting period are compatible with women’s autonomy to take responsible decisions on their sexual and reproductive health rights. Please inform on measures taken to ensure that abortion is reimbursed through health insurance. Please also inform on measures taken to ensure the accessibility and availability of abortion services in practice and to monitor and evaluate the regional coverage, capacity and geographical distribution of abortion care services. While noting the recent amendment to article 219a of the Penal Code allowing hospitals and medical doctors to indicate on their websites that they perform abortions, please explain what types of information on abortion are banned by the prohibition of advertisement for abortion and how this restriction on women’s right of access to sexual and reproductive health services and information is justified. Please also provide information on measures taken to prevent and reduce nicotine and tobacco addiction among girls and women. Please inform the Committee on whether obstetric violence is specifically criminalized in the State party and provide statistical data on the phenomenon.

Economic empowerment of women

17. Please provide information on the specific measures taken to adopt a national poverty-reduction strategy with a focus on the most disadvantaged and marginalized groups of women, integrating a human rights and gender-based approach and ensuring that the development and implementation of the strategy are fully inclusive (para. 40).

Rural women

18. Please provide information on the measures taken to: (a) address the considerable gender pay gap between rural men and women; (b) promote the economic empowerment of rural women, in particular women farmers and ensure their access to and control over land and their access to credit facilities; (c) ensure that adequate childcare infrastructure is in place; (d) provide training opportunities as a means of increasing diversification and alternative forms of employment to encourage young women to stay in rural areas; (e) increase the supply of care services for older persons.

Disadvantaged groups of women

19. Please provide information on all measures the State party has already taken and plans to take to eliminate discrimination against migrant and minority women, in society at large and within their communities. Please also inform on steps taken to develop awareness-raising campaigns in collaboration with the media aimed at preventing intersecting forms of discrimination against migrant and minority women (para. 44).

20. Please inform the Committee on steps taken to revise the Transgender Act to harmonize it with international standards of non-discrimination and to alleviate and simplify the conditions under which gender reassignment treatment can be obtained. Please inform on measures taken to eliminate discrimination against transgender women, including through awareness-raising campaigns and appropriate capacity-building for police officers and the judiciary (para. 46).

Refugee and asylum-seeking women

21. Please indicate the measures taken to: (a) ensure that the Federal Office for Migration and Refugees is adequately resourced; (b) ensure that the specific needs of vulnerable groups of asylum seekers and refugees, including women and girls, arriving in the State party are addressed as a priority concern throughout the asylum process.

Marriage and family relations

22. With reference to the Committee's previous concluding observations (para. 50) please inform the Committee on measures taken to: (a) establish a monitoring mechanism to ensure that shared custody is practised and that child maintenance orders reflect the reality in relation to the time and cost allocation between parents; (b) ensure that single-female-headed households are not penalized owing to protracted time out of work as a result of women's care responsibilities; (c) introduce incentives to encourage women who live in families to enter the labour market. With reference to the information received from the State party in follow-up to the previous concluding observations (CEDAW/C/DEU/CO/7-8/Add.1, paras. 34-51), please provide updated information on further steps taken to continue providing financial support for women who divorced in the former German Democratic Republic and face hardship after the transfer process of pension.

Additional information

23. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the combined seventh and eighth periodic reports of the State party, in 2017. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.