

CEDAW 43. Session – German NGO Alternative Report

Issue of abandoning the Gender Equality Strategy of Gender Mainstreaming and Budgeting by the German Government

Fact Sheet

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Having been praised by the CEDAW Committee in 2004 for the way it had implemented gender mainstreaming, the German government has now discarded gender mainstreaming as an equality strategy and has fallen far short of the expectations raised by the 5th Periodic Report. Gender mainstreaming is no longer proactively pursued by the current federal government (6th Periodic Report, Part A I, "Equality policy as a Strategy for Success"; And Concluding Comment No. 5, CC No. 43 as it refers to the Beijing Platform for Action which contains Gender Mainstreaming and the +5 (2000) document which contains Gender Budgeting).

As such the German government does not take the responsibility for the obligation by CEDAW Article 2 to pursue a policy of eliminating all forms of discrimination against women "without delay". Moreover, the 6th Periodic Report offers a thoroughly inadequate picture of the activities that are being undertaken to implement gender mainstreaming and gender budgeting at various levels in the German federal structure.

The current German government claims to be creating a new orientation for equality policy. They mention in their 6st State Report that they are concerned that the English terminology will confuse the stakeholders of the ministries, administrations and other. They claim that the Gender Competence Centre (Berlin) shall create a new language (terms) for that.

But, there are German terms/words since long and they are used since 1999 and even in the Practice e.g. in the Land of Berlin which is implementing Gender Mainstreaming and Budgeting since 2002. All the stakeholders had been able to understand the English words but as well can transform into the German language.

Gender Budgeting = Geschlechtergerechte/r Haushalt/sführung

Gender Mainstreaming = Gleichstellung der Geschlechter als Querschnittspolitik

We are NGOs and experts think that this Government has no political will.

Their (political) focus within the **Federal Ministry for Women, Seniors, Family and Youth** which serves normally as the National Machinery for the Advancement of Women has changed since 2005 after the last election.

The focus is on family issues (demography/ balance between work and family).

The Minister since then does no longer entitle herself as the Minister for Women nor did she re-name the ministry as one for Gender (and...) Policies.

This is accompanied by an absence of press releases, conferences, dialogues, any activities on gender equality and gender mainstreaming. There is no activity (no public and none for smaller groups of experts) on e.g. a new concept on gender and gender roles, nothing against gender stereotypes, and: Everything which has achieved between 1998 and 2005 as a small start into a gender mainstreaming and budgeting has been stopped and cancelled.

Instead e.g. the Minister communicates on just the valuable new legislation for more child care, voluntary measures (no binding measures/ no real tsm) within the private sector for balancing family and work duties at the work place, parental leave & parental money.

It is very obvious since that the Minister and as such the Ministry and all entities (and other Ministries following the track since there is no longer political will, no top down strategy and enforcement under the lead of this Ministry which is responsible for the coordination) is hiding away from pro-active measures for women and gender issues.

And this is not only because of the terminology; It is a decided new focus on the ministries work schedule and focus.

The so called "family policies" are not all for a better but many cause new discriminations, manifest traditional discriminations and gender stereotypes. All measures and legislation or plans for new measures do not assess and only rarely evaluates and never puts a controlling in place to proof with an exact methodology like as it is internationally known as Gender Monitoring or Gender Analyses with INDICATORS the possible impacts of the measures, the policies and the budget for the gender regimes or the objective for gender equality.

As well there is no regularly mechanism of ex-ante assessment of measures, policies and the budgets impacts on gender equality. Instead only a few measures will be evaluated (as a model project, or those which are financing the development and Equality on the labor market by the EU-Structural Funds (ESF) in the eastern German Laender or when a specific initiative from the parliament enforces an evaluation.

For the enforcement of the new political focus of the Federal Women's (Gender) Policy in the Fed. Ministry for Women, Seniors, Family and Youth the Government since 2005 abolished the working structure¹ that had so far to been coordinating the implementation of gender mainstreaming across ministerial boundaries.

This new adjustment in equality policy is not based on an analysis of previous policy strategies and outcomes. The crucial changes to structural framework conditions are not mentioned as an objective.

One particularly outstanding example of the federal government's current policy is illustrated by its exposure to the equality strategy of gender budgeting. Despite the declaration of intent on gender budgeting in 2004 and the European Symposium on this subject held by the new government in June 2007² as part of Germany's Council presidency, including the published feasibility study³, until now no steps of any gender budgeting implementation within the federal budget or on national level are made.

The feasibility study actually was conducted because the CEDAW Committee debated Gender Budgeting as an issue in its session with Germany (Jan. 2004) and because the State Secretary suggested before the Committee that a feasibility study would be done.

The study clearly recommends an immediate implementation and that the methodology is there, that best practice from Berlin and internationally is there and that there are no obstacles to start with it. Today there is a 2nd Feasibility study from the General Direction of the EU Commission for Budget: It's result is as well that States (administrations/ Communities) can do it!

The implementation processes underway in Germany, notably in the State of Berlin⁴, but also in the cities of Munich⁵, Freiburg⁶ and Cologne, have gone without mention in the 6st State Report. The Government does not list the practice in the list of activities in the Laender at the

end. It ignores e.g. Berlin's best practice which is equally known internationally (CSW SIDE EVENT 3/08 and Spain 7/08, Austria...) since 2008.

Gender mainstreaming has produced equality policy successes, small as these may be. The fact that the recent German government conceals these is an eloquent proof that it opposes a continuation of the implementation.

This avoidance from gender mainstreaming and the failure to implement gender budgeting are contradictory to many of the foreign and development policy activities undertaken by the German government. As a donor country in the context of development and for countries within the accession process for the European Union, it promotes and funds gender mainstreaming and gender budgeting in other countries.

We demand the federal government to center gender mainstreaming and gender budgeting as instruments of all gender equality activities without delay,⁷ in accordance with the German government's international obligations within the EU and the UN and especially its obligations under CEDAW.⁸

Our recommendations to the federal government:

- *introduce gender budgeting at national level "without delay"⁹ and take concrete steps for implementation, building on the findings of the Feasibility Study on Gender Budgeting and drawing on experience in the State of Berlin;*
- *set up an active work structure to coordinate the implementation of gender budgeting and gender mainstreaming across ministries;*
- *establish an interministerial gender budgeting steering group under the responsibility and lead of the Federal Ministry of Finance;*
- *include among appointments to the steering group representatives of parliament, civil society (NGOs) and experts;*
- *design the process of implementing gender budgeting and gender mainstreaming in a manner that will ensure its continuation throughout several legislative periods by means of high-level anchorage within the Chancellor's Office and the Cabinet, a structure at working level, the definition of responsibilities, a long-term work plan, resources and a duty to report to parliament;*
- *enrich the federal budget preparation document with comprehensive gender data to permit gender and impact analysis and ensure that the financial policies of all departments and the overall budget volume serve gender equality;*
- *use state-of-the-art gender budgeting procedure to define administrative and political responses that will ensure that the composition of the budget and realistic spending practices rule out direct and indirect discrimination against any specific circumstances;*
- *commit to the gender mainstreaming strategy again without delay in the domestic policy context and place the objective of equality-oriented change to the structural framework at the heart of its policy: this includes leaving gender mainstreaming in the Common Rules of Procedure for Federal Ministries (GGO)¹⁰ and recognizing and building on positive efforts*

to implement gender mainstreaming in the ministries, Laender and local authorities;

- *link up the implementation of gender budgeting and gender mainstreaming more effectively as strategies towards equality (see § 2 GGO), identifying concrete objectives for processes and outcomes, with clearly quantifiable criteria to measure the achievement of objectives and as to the time frame define bench marks;*
- *invite the Federal Ministry for Family, Seniors, Women and Youth to subject its current middle-class family policy to a consistent gender analysis and steer its measures and budget lines for the objectives of gender equality of all citizens and inhabitants, taking care in future to avoid negative, re-traditionalization gender impacts on women and men with low incomes.*

¹ Interministerial working group on gender mainstreaming and the Gender Mainstreaming Unit at the Ministry for Family, Seniors, Women and Youth (BMFSFJ).

² Documents [in German, English, French] at

<http://www.bmfsfj.bund.de/bmfsfj/generator/Kategorien/Publikationen/Publikationen,did=101658.html>, date of access: 26.4.2008.

³ BMFSFJ (ed.): “Machbarkeitsstudie Gender-Budgeting auf Bundesebene”, Berlin 2007. Published at:

<http://www.bmfsfj.bund.de/bmfsfj/generator/Kategorien/Publikationen/Publikationen,did=101104.html>, date of access: 26.4.2008.

⁴ <http://www.berlin.de/sen/gender/gender-budget/index.html>, date of access: 7.5.2008 (two documents in English)

⁵ http://www.muenchen.de/cms/prod2/mde/_de/rubriken/Rathaus/40_dir/frauengleichstellung/broschueren/kiel_endfassung.pdf, date of access: 17.5.2008.

⁶ http://www.freiburg.de/servlet/PB/menu/1148777_12/index.html.

⁷ The full version of these comments on gender budgeting and gender mainstreaming can be downloaded in German at www.gender-budgets.de and www.cedaw-alternativbericht.de.

⁸ EU Directive on gender mainstreaming (1997), Treaty of Amsterdam (1999), UN: Beijing Platform for Action (1995, 2000 ff.), Monterrey Consensus (2002), CSW (2008).

⁹ Article 2 CEDAW.

¹⁰ In 2000 gender mainstreaming was enshrined in the Common Rules of Procedure for Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien, GGO*), Chapter 1, § 2). In Germany cooperation between federal ministries is governed exclusively by these Rules. This means that any process implemented by the federal government as a whole to eliminate all forms of discrimination against women (and based on sex/gender) must be enshrined in this text.

<http://www.bmi.bund.de/Internet/Content/Common/Anlagen/Broschueren/2007/GGO,templateId=raw,property=publicationFile.pdf/GGO.pdf>, date of access: 7.5.2008.