

CEDAW 43rd Session – Informal Meeting with NGOs - 27. Jan. 2009

Questions of the Committee to the German NGO delegation & their answers

Question of Mr Cornelis Flinterman

Can you describe examples for the fact, that the concluding observations of 2004 have not been taken serious by the German government?

ALLIANCE OF GERMAN WOMEN'S ORGANIZATIONS

(Marion Böker/ Assessment & Dr. Elisabeth Botsch/Remarks bellow assessment)

Evaluation scheme: Concluding Comments

CEDAW /C/2004/I/CPR.3/Add.6/Rev.1

of 30 January 2004

(focuses only on the areas of concern of the Committee since it is the concern of German women and their organizations- can be completed as to Art. 1-19)

CC No.	Issue recommended or requested by CEDAW	Activities of the German Govn. since
20	Continuity of Gender stereotypes: In Media & Advertising as sex object & trad. role	Reports: Action not possible in media and ad.
21	REC: Awareness raising & educ. champagnes'; encourage media show positive image of women; concerted efforts to change men/women's /Societies mind patterns	0 & 0 1 0
22	NAP-VAW Survey on VAW against migrant women in 2004 Lack on data scope VAW Nature of VAW Age, ethnicity victims	1 1 0 0 No further data Since 2004 Age, ethnicity... still no regular category of national statistics as to VAW and other issues
23	REC: Include all that data on VAW; VAW by ethnicity and nature & scope in 07 State Report	partially 1 the 2004 data 0 no more regular since

CC No.	Issue recommended or requested by CEDAW	Activities of the German Govn. since
24	<p>Equality in private industry/ sector: High level long-term unemployment of w. Increase women in part time jobs W. in low paid & skilled jobs Gender pay-gap Discrepancy between qualification & occupational status Child Rise Benefit Act: men taking parental leave:</p>	<p>0 no binding tsm or legislation 0 increasing 0 increasing 0 no change 0 increasing 0</p> <p>1+ slow increase: But CRBA is focus of Govn. (good-but not effective without the left over full set of necessary gender equality-measures & instruments) since the lacks counteract the objectives of CRBA-</p> <p>Holistic approach is needed: Even in Germany and for German women & men's gender equality improvement!</p>
25	<p>Efforts to increase de facto equality (in general) on labor market access to full-time jobs [CEDAW wished tsm, 4.1.] Promotion of equal pay</p> <p>Monitoring impact of regulations on part-time work</p> <p>On a) parental leave b)increase incentives c) counteract the adverse consequences of part-time for women d)in regard to their pension & retirement benefits</p> <p>e)encourage fathers to make greater use of parental leave</p>	<p>0</p> <p>0</p> <p>0</p> <p>0 NGO do!</p> <p>0 instead pro active <u>promotion</u> of part time for women (not men) by tax, privatization, enforcement of more pt for less hours esp. 400 EUR-jobs & 1,50 EUR- by force through Job-Agency by agenda 2010 which don't re-integrate in the first labor market sector</p> <p>1 due to CRBA</p> <p>1</p> <p>0</p> <p>0 !!! causes poverty in higher age-devaluation of retirement funds in general-decrease of life time & hours of employment (part time)</p> <p>1</p>

CC No.	Issue recommended or requested by CEDAW	Activities of the German Govn. since
26	Visibility of the CEDAW CONVENTION & Protocol As regional legal instrument: In EU directives Not cited regularly as basis for legal measures & legisl.	0- : no promotion ever, not even the minimum (Webpage/ Brochure, press releases) when state report released, no public debate nor with NGOs initiated by he Government [Please note: The NHRIs event is not initiated by Government] No campaigns No funds for this through NGO
27	To place emphasis on Convention as binding HR-instrument in its goals to achieve Gender Equality: - Proactive measures To enhance awareness -among parliamentarians -judiciary - legal professions a) federal level b) Laender level	0- there is not at all any emphasis 0 0 0 0 [singular Universities/ Professors include CEDAW as part of the legal training- no support- accompaniment by Govn. And e.g. their access to media/public- Govn. Eben don't report on that and e.g. the lack and offers no ideas 0 0 1+ Instead: in the Training manual of the Academy of fed. Admin. staff CEDAW was included as an modul (see State report: But how is it taught: binding? There is no reporting on the effects/practice-why)
28	Reform on Labor maket/health/pension "Agenda 2010" an negative impacts on women	0 : there is an evaluation rising neg. impacts on women- but it is not a very gender aware evaluation & Govn. Does not take action for change
29	Study carefully Monitor impact of these and other economic and social reforms on women a)in all stages of planning b)implementation c)evaluation d) to introduce changes where necessary to counteract negative impacts	0 0: Instead there is no Gender Mainstreaming & Budgeting which would guarantee regular and systematic methodology based gender aware assessment, measures by categories/objectives/indicators, evaluation and based on that a better steering process for Gender Equality even in the area of economic & social reforms AND: measures in times of financial crises! [incl. the HUMAN RIGHTS BUDGETING as to measure implementation of all Treaty Bodies] 0 0 ½-: partly 0- 0

CC No.	Issue recommended or requested by CEDAW	Activities of the German Govn. since
30	<p>Multiple forms of Discriminations against Sinti and Roma girls/women</p> <ul style="list-style-type: none"> a) Trafficking in w. b) Sexual Exploitation <p>Access to</p> <ul style="list-style-type: none"> c) Health d) Employment e) Education f) VAW all forms <ul style="list-style-type: none"> - Forced marriages <p>Data on all this</p>	<p>0:</p> <p>0 even if Fed.</p> <p>Working group on trafficking in place-marginalization of S/R women</p> <p>0</p> <p>0</p> <p>0 –s. Spec. Rapp. on EDUC report (Muñoz)</p> <p>0</p> <p>0 no issues as to S/R</p> <p>0 even not incl. in Survey from 2004 on VAW against migrant women</p>
31	<p>Discrimination against migrant & minority women</p> <ul style="list-style-type: none"> a) Society , in general b) Within their communities c) Effective & proactive measures d) Awareness rising programmes e) Research, continued Esp. for 6 State report f) Trafficking & sexual exploitation g) Prevention measures h) Rehabilitation measures <p>Protection of domestic workers in diplomatic households</p>	<p>1: Debate on integration: Round Tables incl. women (rarely-not on quota)</p> <p>½-</p> <p>½-</p> <p>0</p> <p>½-</p> <p>Finalization of VAW against migrant women study in 2004 but not many more- no regular integrated category in all research/studies</p> <p>1 see KOK/ Fed. Working Group</p> <p>0</p> <p>0</p> <p>0: Good will letters from FO to Embassies not effective nor protective</p>
32	<p>Underrepresentation in higher sectors</p> <ul style="list-style-type: none"> - Public life - Civil service - Diplomatic service - Science - Research - Academia 	<p>0; no tsm- measures only meetings/ voluntary good will agreements</p> <p>1 chancellor is not THE German WOMEN</p> <p>1 still tsm van be used: but there are excuses partly to be used</p> <p>1 bigger part in FOs training</p> <p>1- Tsm- but with low quota objective- rarely increase of women e.g. by obligation for Fed. Budget spending into Universities/Academic Institutes (See Land Berlin by GM/GB)</p>

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33	Increase access by measures for more women in high level positions Remove obstacles tsm	½ 0 0
34	Tsm, 4.1.: clarify understanding of tsm	0 not in 6.State report reflected that there is a understanding or: political will for such tsm-nothing concrete implemented
35	Reflection of Gen Rec 25 on tsm as in 4.1. in State report 6 requested:	0
36	Exploitation of prostitutes	0: remains because VAW is not reduced, esp. not domestic violence; not poverty, not better roles for women on labor market, worsening educational system
37	Monitoring of the Act for legalization of Prostitution (ProstG)	1 – BUT: consequences taken?
38	Few results as the outcomes of the Periodic reporting and the Committees CCs	0-: Even less – Govn does not take it serious enough- Govn. shifted away from UN focus to EU focus which is slightly under the UN HR standard and understanding Was openly said to NGOs by Govn: Get away from high intensity activity on UN- focus on EU!!! Or: Govn. Could not serve UN requests/meetings adequate since there is parallel EU meeting/requirements
39	Information on results ...with regards on impact of laws, policies, plans programs aimed at achieving Gender Equality	½: Is partly provided in 6.State Report but not complete and: not on every other law, ...as all that have impact ...
40	Consultation with NGOs at drafting phases of the 6.State report	0
41	Report to Sec. gen.	?
42	Gender dimension PFA Beijing +5 GA children DURBAN WCAR	1 1 0
43	Dissemination Concluding Comments Awareness Convention & OP Beijing & +5	1/2: One cannot speak of dissemination widely....partly to a few experts, in to to less issues printed brochures... 0 0

We want to highlight that the Convention has not received more visibility in Germany. European Union's directives seem to be more important in the field of anti-discrimination.

The number of women in part-time work and in low-paid and low-skilled jobs increased; there is no change in wage discrimination women face.

In the Concluding Observations of 2004 the Committee recommended that policies be strengthened and programmes implemented, including awareness-raising and educational campaigns directed at women and men, and specifically at media and advertising agencies, to help en-

**Question of Mr Cornelis Flinterman
General Equal Treatment Act, Anti Discrimination Office, what are the deficits of this law? Does this law refer stronger to the EU framework than to CEDAW?**

**ALLIANCE OF GERMAN WOMEN'S ORGANIZATIONS
(Dr. Katja Rodi)**

For women the General Equal treatment Act (AGG) has brought limited improvements for women compared to the legal provisions before the law has enacted.

With a staff of 20 and a budget of € 2.7 million (2007), the resources of the main federal Anti-Discrimination Office (ADS) – see §§25 ff AGG – are insufficient when one considers that it is responsible for an entire country and all groups of persons requiring protection from possible discrimination (on the basis of race, ethnic background, sex, religion and belief, disability, age and sexual identity). As for the states (Länder), most of them continue to lack comparable institutions.

The competences of the ADS are not sufficient. See further answer to question of Mme Patten

sure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. The federal government did not act seriously against sex stereotyping in the media and sexist advertising. The government's report of 2004 and again of 2008 noticed that the number of complaints about sexist advertising has fallen, whereas NGOs estimate that the number of complaints sent in by individuals and civil society organizations has continued to rise. The government only takes on account the complaints sent to the German Advertising Council, a self monitoring body set up by the advertising industry. No efforts were made to create a more appropriate instrument to prosecute sexist advertising.

In respect to the burden of proof, the AGG has not brought any improvement compared to the legal situation before enacting the law (§§ 611a and following of the Civil Code). The burden of proof as set out in § 22 of the General Equal Treatment Act (AGG) requires victims of discrimination to first present and substantiate facts which indicate the occurrence of discrimination. Only then are employers obliged to demonstrate that they have not discriminated. This has been the legal situation since 1980. The AGG has not attempted the least improvement in the assignment of the burden of proof although women's organizations have repeatedly demanded that it be reversed. This demand is legitimate, as it is difficult for those who have suffered discrimination to produce data and evidence for successful legal action whereas it is easy for fair employers to prove that they have not undertaken discriminatory acts.

In the former § 612 sec. 3 BGB gender pay equality has been provided for expressly. In the General Equal Treatment Act gender pay gap equality has become invisible. It is only mentioned in § 8 sec. 2 AGG, which deals with the exceptions of the principle of equal treatment.

The AGG stronger refers to the EU Framework and makes no reference to CEDAW.

