

**Submission of VENRO  
to the  
CEDAW Committee on the Rights of Women on the occasion of the preparation of a  
*list of issues* by the Committee in the review of Germany's Combined Seventh and  
Eighth Periodic Report of States Parties in 2017**

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## **1. Introduction**

In 2015, Germany submitted its Combined Seventh and Eighth Periodic Report of States Parties under CEDAW<sup>1</sup> (**Combined Report**). The UN Committee for the Rights of Women will review **Germany's Combined Report** in February/March 2017. Mindful of the CEDAW Committee Session in July 2016, at which the *list of issues* for Germany is to be adopted, VENRO would like to take this opportunity to request the CEDAW Committee to consider a number of pressing issues. These relate to Germany's international engagement for the Rights of Women and Girls that were neglected, or were far from sufficiently covered by the Combined Report.

In the following sections, VENRO addresses a number of issues with regards to recommendations 24, 63 and 64 in the context of **development policy and cooperation**, which falls under the responsibility of the Ministry for Economic Cooperation and Development (BMZ). VENRO suggests the CEDAW Committee to take these into account in its preparation of a *list of issues* in July 2016.

## **2. Recommendation 24: Gender mainstreaming and gender budgeting**

In its observations from the 43<sup>rd</sup> session, the Committee on the Elimination of Discrimination against Women regrets that, "despite the declaration of intent on gender budgeting in 2004 and 2007, including the published feasibility study, no steps have been taken to implement gender budgeting in the federal budget."<sup>2</sup>

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<sup>1</sup> UN Doc CEDAW/C/DEU/7-8, 21 October 2015

<sup>2</sup> CEDAW Committee (2009), Concluding observations on Germany from its forty-third session: <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-DEU-CO6.pdf>

Gender Budgeting is an instrument that promotes gender equality and is used to mainstream gender in fiscal policy. There is international agreement that budgets are not gender neutral, as “states’ spending and revenue activities often result in significant consequences for the social and economic status of women and men.”<sup>3</sup> It serves to improve the transparency of public budgets and contributes to the effective and efficient allocation of resources.<sup>4</sup> In development cooperation, Gender Budgeting often results in combating poverty and corruption. It has thus proven to be an effective instrument that impacts good governance.<sup>5</sup> It is primarily for these reasons that the BMZ promotes the implementation of Gender Budgeting in countries of the global south.<sup>6</sup> In Addis Ababa, at the Conference on Financing for Development, the international community therefore has reaffirmed its commitment to “increase transparency and equal participation in the budgeting process and promote gender responsive budgeting and tracking.”<sup>7</sup> Gender budgeting therefore is a powerful instrument to promote gender equality and can contribute effectively to fulfilling CEDAW Article 2d and 2f.

Despite these international commitments and the proven positive impact of Gender Budgeting on poverty reduction and gender equality, the German Government within its combined seventh and eighth CEDAW report argues that Gender Budgeting is not compatible with the existing cameralistic principles applied to the German federal budget. At the same time Germany highlights that “federal authorities must all meet the obligation to apply gender mainstreaming under section 2 of the Joint Rules of Procedure of the Federal Ministries regarding their spending policy.”<sup>8</sup>

**We therefore recommend that the CEDAW Committee reinforces its demand towards the German Government from its last observation report to “introduce a gender budgeting approach, in conformity with its declaration of intent, encompassing all ministries and requiring each of them to carry out a gender equality assessment of its specialized budget area and report thereon in its budget proposals.”<sup>9</sup>**

**In addition, we strongly recommend that the CEDAW Committee requests the State Party to:**

- **Integrate the implementation of gender budgeting in the new fiscal plan 2018 to 2023.**
- **Assure that the BMZ increases the amount of Official Development Assistance (ODA) for projects whose principal objective is gender equality (GG2 projects according to the OECD DAC marker system with regard to gender equality), while also tracking its financial commitments on gender equality through the federal budget (Einzelplan 23).**
- **Reinstall a cross-ministry working group to coordinate and ensure the implementation of gender budgeting.**

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<sup>3</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/490708/IPOL\\_STU\(2015\)490708\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/490708/IPOL_STU(2015)490708_EN.pdf) page 13

<sup>4</sup> BMFSFJ 2006, Machbarkeitsstudie Gender Budgeting auf Bundesebene. Page 124

<sup>5</sup> Venro 2015, Geschlechtergerechte Mittelverteilung im Entwicklungshaushalt. Ein Lobby-Leitfaden für Gender Budgeting. [http://venro.org/uploads/tx\\_igpublikationen/Studie\\_GenderBudgeting.pdf](http://venro.org/uploads/tx_igpublikationen/Studie_GenderBudgeting.pdf)

<sup>6</sup> BMZ Gender Action Plan, page. 21:

[http://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier361\\_02\\_2016.pdf](http://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier361_02_2016.pdf) and BMZ Good Governance, page. 18:

<http://www.bmz.de/de/mediathek/publikationen/archiv/reihen/strategiepapiere/konzept172.pdf> and

[http://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier361\\_02\\_2016.pdf](http://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier361_02_2016.pdf)

<sup>7</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/69/313](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/69/313) page 10/37

<sup>8</sup> Combined 7<sup>th</sup>/ 8th CEDAW report by Germany: <http://dipbt.bundestag.de/doc/btd/18/051/1805100.pdf> page 11

<sup>9</sup> CEDAW Committee (2009), Concluding observations on Germany from its forty-third session:

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-DEU-CO6.pdf>

### **3. Recommendation 62: Protection and enhancement of LGBTI rights in development interventions**

Often, development interventions unfortunately do not sufficiently take into account the needs of LGBTI. An example of this neglect can be found in the case of HIV and Aids programmes which, although likely to include homosexual men, do not reference lesbian women, transgender, or transwomen<sup>10</sup>. The same happens in programmes which aim at preventing gender based violence<sup>11</sup>. The BMZ made a commitment for protecting and enhancing LGBTI rights in the human rights strategy of 2011<sup>12</sup>, the gender concept of 2014<sup>13</sup> and the gender action plan of 2016<sup>14</sup> - but implementation is still lagging behind.

**We therefore recommend that the CEDAW Committee requests the State Party to:**

- **Provide information on the kind of interventions that concretely address the needs of LGBTI since 2010. In which countries are they being implemented and what is their scope?**
- **Describe the concrete measures undertaken to make sure that the persons concerned, their organisations, and/or civil society organisations that advocate for LGBTI rights, are actively involved in programme planning, implementation, and monitoring.**
- **Provide information on the complaints mechanism accessible for LGBTI for any rights grievances as a result of interventions carried out in the context of German development cooperation.**

### **4. Recommendation 64: Millennium Development Goals (MDGs), here: Follow-up through SDGs/Agenda 2030 and systematic integration of gender mainstreaming into staffing, instruments and procedures**

In recommendation 64 of the concluding observations of the Committee on the Elimination of Discrimination against Women of Germany (CEDAW/C/DEU/CO/6), the CEDAW committee emphasized that the full and effective implementation of the Convention is indispensable for achieving the MDGs. It called for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the MDGs, and requested Germany to include information thereon in its next periodic report.

In its seventh and eighth periodic reports (CEDAW/C/DEU/7-8), the German government outlined that 'promoting gender equality and empowering women is a binding goal and a consistent principle applied to German development cooperation' (para 208). While the BMZ published a cross-sectoral concept on Gender Equality in German Development Policy<sup>15</sup> in 2014, **the evaluation of the previous concept and the accompanying Gender Action Plan (GAP) was not made publically available.**

<sup>10</sup> Andrea Kaempf (2015), „Just head-banging won't work"- How state donors can further human rights of LGBTI in development cooperation and what LGBTI think about it, p. 42, German Institute for Human Rights, [http://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/Publikationen/Studie/DIMR\\_Study\\_How\\_state\\_donors\\_can\\_further\\_human\\_rights\\_of\\_LGBTI\\_in\\_development\\_cooperation\\_and\\_what\\_LGBTI\\_think\\_about\\_it.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/Studie/DIMR_Study_How_state_donors_can_further_human_rights_of_LGBTI_in_development_cooperation_and_what_LGBTI_think_about_it.pdf)

<sup>11</sup> Violence against Women and Girls (VAWG) & World Bank et al. (2015) "Brief on violence against sexual and gender minority women", S. 10ff, [http://www.vawgresourceguide.org/sites/default/files/briefs/vawg\\_resource\\_guide\\_sexual\\_and\\_gender\\_minority\\_women\\_final.pdf](http://www.vawgresourceguide.org/sites/default/files/briefs/vawg_resource_guide_sexual_and_gender_minority_women_final.pdf)

<sup>12</sup> [https://www.bmz.de/en/publications/archiv/type\\_of\\_publication/strategies/Strategiepapier305\\_04\\_2011.pdf](https://www.bmz.de/en/publications/archiv/type_of_publication/strategies/Strategiepapier305_04_2011.pdf)

<sup>13</sup> [http://www.bmz.de/en/publications/type\\_of\\_publication/strategies/Strategiepapier340\\_02\\_2014.pdf](http://www.bmz.de/en/publications/type_of_publication/strategies/Strategiepapier340_02_2014.pdf)

<sup>14</sup> [https://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier361\\_02\\_2016.pdf](https://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier361_02_2016.pdf)

<sup>15</sup> [http://www.bmz.de/en/publications/type\\_of\\_publication/strategies/Strategiepapier340\\_02\\_2014.pdf](http://www.bmz.de/en/publications/type_of_publication/strategies/Strategiepapier340_02_2014.pdf)

The GAP<sup>16</sup>, in regards to the implementation of the 2014 concept, was only published in 2016. This may have been due in part to a lack of political priority and to a **lack of human resources** in the ministerial division in charge of gender equality (former Division 303, now 302: Human rights; freedom of religion; gender equality; culture and development; inclusion of people with disabilities). According to the OECD DAC Peer Review of 2015, only the equivalent of 1.3 full-time positions were dealing with gender issues at the BMZ, which according to the OECD DAC, led to a dependence of the BMZ on its implementing organisations. The consequence of this was that the BMZ did not have sufficient resources to supervise these properly or to even learn from them.

According to the 2016 GAP, women's rights were only addressed in ten percent of the bilateral **intergovernmental negotiations** on development cooperation between 2012 and 2014. Furthermore, the GAP states that there is clear gap between the strategic guidelines of the BMZ, the role of gender equality in the allocation of funds, and the conceptualization and implementation of development measures by the BMZ and its implementing organisations.<sup>17</sup>

In its seventh and eighth periodic reports (CEDAW/C/DEU/7-8) the German government also outlined that 'Germany is committed to a transformative and human rights-based post-2015 agenda' (para 212). Indeed, Germany was very supportive of gender equality during the negotiation of the 2030 Agenda. At the same time, however, there has been a consistent **lack of involvement of women's and feminist organisations** (especially of those with a national focus) in: dialogue fora on the post-2015 process and the implementation; follow-up and review of the 2030 Agenda; in the revision of Germany's National Sustainability Strategy, which will be the main vehicle for the implementation of the Sustainable Development Goals (SDGs); and in the preparations of Germany's report for the Voluntary National Review under the UN High Level Political Forum in July 2016. This neglect could result in both the lack of a gender perspective and in the creation of strong measures for the achievement of gender equality and the SDGs, incl. SDG 5.1 on ending all forms of discrimination against women and girls everywhere.

**We therefore recommend that the CEDAW Committee requests the State Party to:**

- **Provide information on whether the BMZ has increased or will increase the human resources of Division 302 in order to allow for the full and effective implementation of its concept on Gender Equality in German Development Policy and in its Gender Action Plan.**
- **Provide information on the measures taken to increase the percentage of intergovernmental negotiations in which gender equality and the human rights of women and girls are addressed.**
- **Provide information on how the clear gap between the strategic guidelines of the BMZ and the role of gender equality in the allocation of funds and the conceptualization and implementation of development measures by the BMZ and its implementing organisations will be closed.**
- **Provide information on how the participation of women's and feminist organisations in the implementation, monitoring, and review of the 2030 Agenda for Sustainable Development will be ensured.**

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<sup>16</sup>[http://www.bmz.de/de/mediathek/publikationen/themen/menschenrechte/Strategiepapier361\\_02\\_2016.pdf](http://www.bmz.de/de/mediathek/publikationen/themen/menschenrechte/Strategiepapier361_02_2016.pdf)

<sup>17</sup>[http://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier361\\_02\\_2016.pdf](http://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier361_02_2016.pdf), page