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### **Speech**

*(translation from German)*

on the occasion of the

Presentation of Germany's Combined

7th and 8th Periodic Report to the CEDAW Committee

**Geneva – 21 February 2017**

*Check against delivery!*

Madame Chair (*Dalia Leinarte*),  
Ms. Schulz (*Patricia Schulz*),  
Members of the CEDAW Committee,  
Representatives of the Non-Governmental Organisations,  
Ladies and Gentlemen,

I.

Recent events highlight the extent to which the global order is in a state of flux. Guaranteed human rights and the fundamental values of the United Nations are being questioned in favour of national interests and are, in some cases, even being thrown overboard.

This puts at risk women's rights we have long fought for. Progress is thus still important in gender equality policy – we do not want a return to old times.

It's a fact: No country in the world has achieved *de facto* gender equality. That includes Germany.

However, Germany has achieved some real gender equality policy milestones in this current electoral term.

I will go into this in more detail later.

The United Nations Conventions on Human Rights serve as a reliable compass of values especially in times of political unrest.

The benchmark you have set is high and rightly so.

For the Federal Government and for the German parliament, implementing the CEDAW Convention is a top priority.

Germany's Combined 7th and 8th Periodic Report was debated in the German Bundestag (*the lower house of parliament*) in February 2016.

And just last week, today's session was the subject of an hour-long debate held by the responsible parliamentary committee.

It is thus a great honour and pleasure to be here today to lead the German delegation on behalf of the Federal Minister for Women's Affairs, Manuela Schwesig.

I am delighted to discuss with you in an open and constructive way both the progress that has been made as well as the challenges we are still facing.

I am also delighted to see that so many committed representatives from non-governmental organisations are attending this hearing, either in person here in Geneva or via live stream from Germany.

The Federal Government values the excellent level of cooperation and the constructive dialogue with non-governmental organisations.

On behalf of the Federal Government, I received the Alternative Report of the CEDAW Alliance in December 2016 in Berlin.

We had a constructive exchange during an almost day-long dialogue event.

We are also engaged in a constant and, to my mind, very constructive dialogue with civil society outside the CEDAW process.

The recent Periodic Report covers the period 2007 to 2014.

Germany experienced two changes in government (*2009 and 2013*) during that time.

I would thus like to concentrate on the report's key areas of focus and comment on some current developments.

## II.

What is the underlying principle that guides current gender equality policy in Germany?

The aim is to achieve comprehensive, *de facto* equality between women and men in all areas and at all levels.

We want both **women and men** to have the same development opportunities at all stages of life. This calls for good enabling conditions and not least for comprehensive protection from violence.

The biggest gender inequalities are still in place:

- In the amount of working hours – The Gender Time Gap

- In equal pay for equal and equally valued work – The Gender Pay Gap
- In the uneven distribution of unpaid care duties – The Gender Care Gap
- In the participation of women in leadership positions – The Gender Leader Gap
- In retirement incomes due to typical female employment biographies and poor career opportunities – The Gender Gap in Pension

To change all of this, we must improve the enabling conditions – for women and for men.

**Equal distribution of responsibility for work and family life** – the realm of the ideal – is a key prerequisite for sustainable progress.

We want to enable independent livelihoods and near-full-time employment opportunities for women and for men.

This is also the best way to combat poverty, both in childhood and in old age.

Child poverty results from parents' income poverty.

Almost 60 percent of children are at risk of income poverty if neither of their parents have a job.

This drops to only 15 percent if one parent is employed full-time.

Old-age poverty is the result of typical female employment biographies, with low pay, long periods of part-time work, low participation in leadership positions, and the fact that, even today, responsibility for reconciling work and family life largely lies with women.

Since the causes of gender inequalities are diverse, we need a whole package of measures along with targeted women's promotion.

In your recommendations and in the *List of Issues*, you repeatedly address the importance of good instruments and monitoring processes to accelerate the implementation of *de facto* gender equality.

Sustainable gender equality policy calls for consistence and coherence.

The German government works for both.

To aid this process, we have broad-based legal frameworks at both national and *Länder* (State) level.

The principle of gender mainstreaming has long been both an integral component and an underlying principle of policy action at Federal and State level.

We also have a series of national action plans which include a gender perspective.

Here, I'd like to mention only the most recent of those plans:

- Germany's **2nd National Action Plan (NAP) on the UN Convention on the Rights of Persons with Disabilities**, which was adopted by the German Cabinet together with the **Disability Inclusion Act** in 2016.
- The **NAP on Human Rights and Economy**, adopted by Cabinet in December 2016.
- The **National Strategy on Sustainable Development**, which we use to implement the Agenda 2030. We document developments and trends using concrete indicators, and set targets and goals to measure the effectiveness of the policy action we take.
- **The 2nd NAP on the Implementation of UN-Resolution 1325**, which was adopted by the German Cabinet on January, 11<sup>th</sup> this year.

This was developed on the basis of excellent cooperation with civil society.

There are also numerous reports by expert commissions, which contain a gender equality dimension as part of their concluding recommendations for action – for example in the 7th Report on Ageing.

Of course, there are also legal provisions in place.

For example, the **General Act on Equal Treatment (AGG)** of 2006.

Germany's independent **Federal Anti-discrimination Agency** supports the achievement of the goals contained in this Act in various ways.

To enable the Agency to better fulfil its responsibilities, its overall budget has been increased from €2.64 million in 2011 to €4.32 million in 2017. In addition to more funds for equipment, there has been an increase in human resources from initially 17 in 2011 to 27 in 2017.

On the occasion of its tenth anniversary, the Agency published an evaluation of the General Act on Equal Treatment including a list of recommendations for action. This evaluation is now subject of careful review within the Federal Government.

Another important instrument used in German gender equality policy are the **National Gender Equality Reports, developed by a commission of highly regarded gender experts.**

The expert surveys contain very specific recommendations for action to improve equality between women and men.

The 2nd National Gender Equality Report 2017 builds upon the first report which was published in 2011 and was also the first ever to analyse gender equality from a **life-cycle perspective.**

The second expert survey was submitted just a few weeks ago.

The Federal Government is currently preparing its response statement, the second part of the final report. After adoption by the Cabinet the report then will be

presented to the German Parliament as well as the State Chamber (Bundesrat) parallel to its publication.

Many of the measures recommended by the experts in the First Gender Equality Report have since been adopted and implemented by the Federal Government.

One central key area is combating **all forms of violence**.

A high degree of actual gender equality between women and men is also a means to reduce violence.

### **III.**

In its Coalition Agreement of 2013, the Federal Government announced its intention to close the gaps in the support system to help victims of violence.

We are finally able to ratify the **Council of Europe's Istanbul Convention** thanks to a range of additional measures.

The draft of the ratification legislation is currently subject to the interdepartmental consultation.

Once adopted by the German Cabinet, it will be presented to both the Bundesrat and the German Bundestag in order to enable the ratification in the coming months.

The Istanbul Convention calls for the provision of adequate help and support for women who experience violence, including a telephone helpline.

The National Violence against women support Hotline was introduced in 2013. It can be reached 24/7, is free of charge, barrier-free and available in **17 different languages** – including sign language.

The national helpline is thus also one of the **key points of contact for women refugees**, women migrants and women with disabilities.

To promote the hotline, a range of campaigns and PR-activities are launched around the International Day for the Elimination of Violence Against Women on November 25<sup>th</sup>.

The legislative **reform on sexual offences** is another milestone of the current electoral term.

In accordance with the provisions of the Istanbul Convention, the principle of “No means No” was embedded in Germany's criminal law relating to sexual offences. The woman's consent is now the deciding factor.

This ruling has closed existing protection gaps and has strengthened the right to sexual self-determination.

**Sexual harassment** was also **introduced as a new punishable offence**.

The German Bundestag adopted this reform with the agreement of all parliamentary groups and there was also a huge campaign by civil society that had a tremendous effect.

Also, the events of New Year's Eve 2015/2016 in Cologne and in other German cities roused long-awaited and much-needed awareness.

The changes to the law governing sexual offences are designed to ensure that more women are going to report an offence because victims no longer need to fear that the act committed against them is not a prosecutable offence.

Online campaigns, flyers and postcards have been initiated at all levels and by many different actors. These efforts are all important in raising awareness to the new criminal law – especially among men.

There was also a need for change in **data collection provisions** for being able to ratify the Istanbul Convention.

The recording of relevant offences in **police crime statistics** now takes a very differentiated approach, especially regarding domestic violence.

The German government also places great importance on providing protection against violence for **women refugees, women with migration backgrounds** and women with disabilities.

I would also like to speak briefly about **combating female genital mutilation (FGM)**:

**FGM has been a prosecutable offence since 2013** – an important step, especially for the victims.

The empirical study, promoted by my ministry and already mentioned in our Periodic Report, was presented on a conference with *Terres des Femmes* on February 6<sup>th</sup> this year.

The study contains not only the first-ever data collection in Germany in accordance with EIGE requirements, but also a series of qualitative and quantitative interviews.

This information highlights the measures that are still needed to combat FGM in Germany.

It also tells us that as of May 31<sup>st</sup>, 2016, approximately 47,500 women living in Germany were victims of FGM.

Between 1,500 and 5,700 girls in Germany are currently at risk of becoming victims of FGM.

These figures are growing as a result of migration and flight.

In the past year, some 240,000 women and girls applied for asylum in Germany. It is a fundamental human right that these women and their children be protected against violence in Germany.

Back in December 2015, we worked with *UNICEF, PLAN, Save the Children* and other partners to launch an initiative to protect women and children living in refugee accommodation.

This year, we aim to improve the safety and security of children, youths and women in **institutions by appointing / financing 100 anti-violence coordinators**. Last year we started with 25 coordinators.

We are also working to introduce **minimum anti-violence standards in refugee accommodations nationwide**.

With a **KfW investment programme for constructional protective measures** in refugee accommodations, we have made **€200 million available in the form of an interest-free loan up to the end of 2017**.

We have also expanded our existing services by introducing a **nationwide support hotline for pregnant women in distress** and **new counselling projects which focus on pregnancy and flight**.

The CEDAW Committee and the Federal Government both place great importance on enabling **access to women's refugees and women's advisory services**, and on providing **needs-based financing for both**.

Germany has a well-established support system.  
But it can certainly be improved.

As you know, under the German Constitution, responsibility for the support infrastructure lies with the state governments (*Länder*) and municipal administrations.

Through working groups of the Federal Government and the *Länder*, we engage in intensive dialogue on qualitative advancement of our support institutions, especially when it comes to providing adequate help for women with special needs, such as women with disabilities.

In July 2016, the German Bundestag revised Germany's **criminal legislation on human trafficking and forced prostitution**.

And after long debates, the **new law on the Regulation of the Prostitution Industry/businesses and better Protection of Sex workers** also passed through parliament in the summer of 2016.

It will enter into force on July 1st this year.

For the first time the prostitution industry is strictly regulated in Germany.

The new law improves the protection of prostitutes and makes it easier to distinguish between legal prostitution and forced prostitution.

Work is now underway on the necessary regulations to enable its implementation in the various German states.

#### **IV.**

Traditional role models are starting to change in Germany.

But the gender roles depicted by the media and in advertising still lag behind.

In my parents' generation, the single breadwinner – mostly male - was the predominant role.

In my own generation, the situation is more diverse: Now the supplementary earning model, along with the still persistent single breadwinner model and also an equal-share and partnership oriented earning model all play an important role.

Among the younger generation, most couples prefer a model of shared responsibility in work and family life.

Studies show that 60 percent of young couples want to live this way, but only 14 percent are actually able to do so (*according to DIW*).

Today in Germany, women and men are equally well qualified. But from the moment a child is born, career development paths tend to drift apart.

This is why we believe that measures to reconcile work and private life should address both women and men.

Once a couple become parents, more than half still switch from both working full time to one working full-time and the other part-time (*Allensbach 2015, Weichenstellungs-Studie*).

But while 70 percent of working mothers work part-time, not even 10 percent of fathers do the same (*Federal Statistical Office*).

We want to **improve the enabling conditions for an equal distribution of responsibility for work and family life with a triangular approach that focuses on time, infrastructure and money.**

**This includes the Parental Allowance introduced in 2007.**

Since July 2015, **Parental Allowance Plus** offers further incentives for couples to equally distribute responsibilities and for an earlier return to work.

According to the most current data (*based on child-births in 2014*) some 34 percent of fathers have taken parental leave – in some regions figures are as high as 58 percent.

However, the period of leave they take is often much shorter than that taken by mothers.

To compare: Only three percent of fathers took parental leave before the allowance was introduced 10 years ago.

We have also introduced more flexibility regarding the length of (unpaid) parental leave to enable parents to plan their absence from work in a way that better meets their needs.

We are also working to **expand the child care infrastructure.**

The Federal Government supports regional government and municipal administration efforts to expand childcare services with funding amounting to a total of €8.26 billion for the period 2009 to 2018.

In 2013, a legal right to a child care place was introduced for children from the age of one. Since then, the number of children in childcare under the age of three has risen by approximately 100,000.

A **new investment programme** worth some €1.1 billion, which will run from **2017 to 2020**, will be used to fund additional childcare places for both under-three-year old and over-three-year-old children as well as to improve the quality of child care overall.

Since January 2016, two new **federal programmes** promote expanded opening hours for childcare facilities in off-peak times and **language skills education** in childcare centres.

Many states (Länder) have introduced free childcare or are currently working on introducing no-fee services.

This and the provision of more full-day schools reduce parents' financial burden in relation to childcare, while reconciliation of work and family life is improved.

**Improving the situation for single parents is of particular importance.**

Around 90 percent of single parents in Germany are women.

The risk of poverty among children in one-parent families is particularly high.

This is one of the reasons why we have increased **family-related benefits, child benefit, child supplement and the tax-free allowance for single parents** in the course of the past few years.

With effect of July 1<sup>st</sup>, 2017, we will also **expand the provision of maintenance advance.**

Here, the state provides an advance if the parent required to make maintenance payments fails to pay.

Under existing provisions, children receive the alimony advance from the youth welfare service up to the age of 12 and for a maximum of six years.

In the future, the maximum period will no longer apply and the entitlement will be extended in a targeted, needs-based approach until the age of 18.

This will not affect the subordinate ranking of the basic security benefits.

**V.**

Although the number of women in gainful employment in Germany has steadily increased to almost 74 percent in recent years, the volume of working hours overall has not.

The Federal Government is aware of the current challenges faced on the labour market.

Through a range of measures and incentives, we are improving the enabling conditions to increase the number of jobs subject to social insurance contributions and to achieve equal pay.

The **positive impact of the introduction of the minimum wage, especially for women**, has already been highlighted in the Periodic Report.

In addition to the package of measures I have just described, there is something else needed to reduce the gender pay gap. I'm talking about greater transparency.

On January 11th, the German Cabinet adopted the **German Act on Transparency of Pay.**

The draft legislation is now making its way through parliament.

Opposition was and still is at least as strong as it was when we introduced the gender quota law.

In Germany, talking about pay structures and money is a taboo.

But without transparency, the application of prevailing law, meaning the prohibition of pay inequality, is often difficult to enforce.

The new Act is thus a key milestone in the German government's overall approach to achieving pay equity.

And it is flanked by a huge public relations campaign.  
We need a discourse on the value of work in Germany.

So what are the cornerstones of the Act on Transparency of Pay?

In the future, a personal entitlement will apply for all employees of companies with more than 200 employees.

This means that over 14 million employees will have the right to know how their pay compares with that of a comparable group.

We are also introducing company audits.

Companies with more than 500 employees are required to regularly check – in a clearly defined procedure – if and where women are disadvantaged systematically. All companies with more than 500 employees which are required to submit management reports under the provisions of the German Commercial Code will in future be required to include in those reports information on the situation regarding gender equality and equal pay.

These reports are publicly accessible.

The Act on Transparency of Pay was debated last week in a first reading in parliament.

And I very much hope that parliament will approve it this spring.

It is a moderate, but tremendously important legislative step towards achieving greater transparency and thus to reducing the gender pay gap.

But our aim is not solely to achieve equal pay for equal work, but also to achieve equal pay for equally valued work.

The social professions, in which mostly women work, are significantly less well paid when compared with male-dominated professions.

The **Bill on the Reform of Care Professions** is also designed to improve this situation.

It is currently going through the parliamentary approval process as well.

Among other things, the reform intends to consolidate what are to date separately recognised training professions. The separate professions Geriatric nurse, General nurse and Paediatric nurse will be joined into a single new, generally recognised training profession.

Core elements of the reform also include free tuition, free learning materials, an appropriate level of training allowance as well as an expanded professional career horizon, including tertiary education.

This helps to promote one part of all social professions –the nursing and elderly care professions.

The third important measure with regard to the labour market involves the **planned right for employees to return from part-time work to their previous working hours.**

This will introduce a legal right to work part-time for a limited period of time.

The law proposal is currently at the ministerial approval stage and should be adopted before the end of the current electoral term.

It will help women to re-increase their working hours.

And it will also help more men to achieve their goal of reducing their working hours for a limited period of time in order to assume responsibility for their family.

This improves reconciliation of work and family life for both women and men, and reduces gender inequalities in the labour market.

With regard to a person's entire working life, income and promotion opportunities will be improved, as will women's retirement pensions.

## **VI.**

Though we have the most well educated generation of women to date, there are still too few women in leadership positions in Germany today.

The share of women on management boards and supervisory boards, especially in large corporations, did not improve to any significant extent despite the voluntary agreement between industry and government (2001).

With the 'quota law' for private industry and the public service, we have broken through the glass ceiling in 2015. The law has set in motion a cultural change.

Since the beginning of 2016, a gender quota of at least 30 percent applies for supervisory boards in listed companies and fully co-determined companies. We have a monitoring system and a comprehensive reporting system along with the 'empty chair' sanction to monitor and enforce compliance with the rules.

Since supervisory board elections in Germany take place at various times, it will be some time before all boards are composed in accordance with the new rules.

**But progress is being made.**

For vacant supervisory board positions in listed, co-determined companies that have held supervisory board elections, a woman member was appointed **in all** cases where the board did not already comprise of 30 percent women.

It is both interesting and pleasing to see that the companies required to comply with the fixed quota for their supervisory board have also set ambitious targets for their management board level and also for their second and third-tier management levels.

These targets are the second pillar of the law.

The fixed supervisory board quota is thus having an impact on companies as a whole.

An initial review on the second pillar, the **voluntary targets** adopted by listed companies or companies bound by co-determination rules, will be conducted in summer this year – after the final deadline for submitting management reports has expired.

The rules that apply in the private sector also apply in the **public sector**.

Here, we are leading by example and are applying a minimum 30 percent rule when filling positions on supervisory boards on which the Federal Government has at least three seats.

The ultimate aim is to have these boards comprise half women and half men with effect from 2018.

Since the Act entered into force, around 36 percent of the board members appointed by the Federal Government have been women.

Positive trends are also evident in the **science and research community**.

Research institutes funded by the Joint Science Conference are required under the terms of their implementation agreement to assign promotions in accordance with the targets set out in the Federal Equality Act.

**Organisation-specific cascading systems** ensure that organisations' own target quotas for women are implemented through to executive positions.

## **VII.**

Unfortunately, the time available does not allow me to go into detail on current health policy measures.

I would, however, like to mention two current federal reform initiatives:

### **1. Maternity Protection Act**

Germany's Maternity Protection Act of 1952 must be amended to align it to the needs of mothers today.

The draft amendment is now at the parliamentary consultation stage and should be adopted by the German Bundestag in this current electoral term.

The aim of the amendment is to secure responsible weighing of the issues involved.

There is health and safety on the one hand.

And on the other, a woman's right to make her own decisions concerning her employment and her education, meaning when she works and studies – including during off-peak times.

For the future, it is important that a standardised level of health and safety applies for all pregnant women and nursing mothers who work - that includes school girls and female students.

It is also of particular importance that we have been able to improve maternity protection for mothers of children with disabilities.

In future, they will have the opportunity to extend their maternity period by an additional four weeks, giving them a total of 12 weeks from the time of birth.

2.

In December 2016, the **Federal Disability Inclusion Act** represented one of the biggest reforms in this current electoral term.

For example, the Act contains the first-ever legal provision on **women's representatives in sheltered workshops for people with disabilities**.

### **VIII.**

Given the time constraints, there is another big and important topic which I can only touch upon briefly right now.

The rights of inter and transgender people, and the comprehensive anti-discrimination policies concerning LSBTIQ.

I am pleased to see so many representatives from related NGOs here in Geneva.

The specific situation regarding inter\* and trans\*gender people has been addressed and debated for the first time in this current electoral term.

This was agreed under the Coalition Agreement.

For the first time at Federal Government level, **a unit was created in my ministry** which focuses on the topic of same-sex lifestyles and gender identity issues.

We will be happy to answer any questions you may have during the hearing.

### **IX.**

I would like to close with a brief global outlook.

The Federal Government is very aware of its responsibilities at international level. Projects to empower women are an important area of focus in Germany's **development cooperation activities**.

And in our **armed forces**, gender-sensitive training and addressing LSBTIQ topics is now more a matter of routine.

**The 2nd National Action Plan on the Implementation of Resolution 1325** clearly illustrates our position:

Where women have an equal voice, there is a greater chance of achieving peace.

**Without woman, no peace.**

Implementation of Resolution 1325 is an important and ambitious cross-sectoral task for German foreign, security, equality and development policy.

We aim to strengthen the agenda further and make it more strategic by integrating the gender perspective into all relevant areas.

Ultimately, by increasing women's involvement and participation, we want to ensure that crises and armed conflict do not occur in the first place.

Systematic involvement of the gender perspective is thus also of central importance in humanitarian, stabilisation and development policy measures.

There is still much to do on the gender equality policy front.

Germany has made some great progress to date.

But we still need effective gender equality strategies and practicable implementing mechanisms.

Despite the necessary debate concerning the instruments, gender equality policy stakeholders should not lose sight of their common objectives or allow themselves to become divided.

Given the rising threat of regressive developments, it is crucial that we join forces to consolidate our efforts.

I look forward to your questions and to the upcoming discussion, and ask for your understanding that I have not been able to address all of the issues which I feel are important.

Thank you for your attention.