



Human Rights Watch
Submission to the UN Committee on Economic, Social and Cultural Rights
Germany: List of Issues
78th Session
June 2025

We write in advance of the 78th Session of the Committee on Economic, Social and Cultural Rights (CESCR) regarding its preparation and adoption of a list of issues in advance of the full review of Germany's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR). This submission includes: information on recent developments and gaps in economic, social and cultural rights protection; international cooperation on taxation; the Supply Chains Due Diligence Act; the social security system, in particular the Citizen's Income and its proposed replacement, basic age-related retirement pensions and supplements, and support for low-income households with children; low-wage work; the gender pay gap and gender pension gap; and the right to cultural artefacts.

Ratification of the Optional Protocol and regional social rights instruments (articles 2 and 9)

1. Germany's April 2023 acceptance of the Optional Protocol to the ICESCR is a positive step for victims of economic, social and cultural rights violations, ensuring them access to a binding adjudicative process.
2. However, at the European level, although Germany recently ratified the revised European Social Charter (1996) in 2021, it has asserted a series of reservations to its acceptance of the Charter, notably on article 30 "the right to protection against poverty and social exclusion," and has not yet accepted or ratified the Additional Protocol to the European Social Charter Providing for a System for Collective Complaints (ETS No. 158), meaning that the current legal situation precludes the social and economic rights in the Charter and Additional Protocol from being fully realized or protected.¹

Human Rights Watch recommends that the Committee ask the German government:

- Whether it is considering withdrawing its reservations to the revised European Social Charter (1996) and accepting all its articles, in particular article 30 on the "right to protection against poverty and social exclusion."
- What steps Germany is taking to ratify the Additional Protocol (ETS No. 158) permitting collective complaints to the European Committee of Social Rights.

Support for the UN Framework Convention on International Tax Cooperation (articles 2, 3, 5, 6, and 11)

3. In November 2023, Germany voted in the UN General Assembly against the UN resolution for a tax convention and in August 2024 abstained from voting on the Terms of Reference.
4. While Germany has participated in the subsequent negotiations, it has supported positions, such as requiring consensus-based voting, that would weaken the power of developing countries, that are contrary

¹ See full list of reservations: Council of Europe, Reservations and Declarations for Treaty No.163 - European Social Charter (revised) (ETS No. 163), June 16, 2025, <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=163&codeNature=o> (accessed June 16, 2025).

to the CESCR's call in its April 2025 statement that "states Parties should ensure that all countries, in particular developing countries, can participate meaningfully and on an equal footing in decision-making processes and agenda-setting in the field of international taxation."

Human Rights Watch calls upon the Committee to ask the German government:

- What steps Germany is taking to ensure its rules and positions on tax do not undermine other governments' ability to meet their economic, social, and cultural rights obligations and to support the development of a UN tax treaty that is fair and equitable for all countries?
- What steps Germany is taking to ensure it exercises its voting power for the equal participation of developing countries in economic decision-making?
- Does Germany support a public global asset registry, containing beneficial ownership information?

Business and human rights (articles 2, 3, 7, 11 and 12)

5. The [Supply Chain Due Diligence Act](#) entered into force in 2023. The law, which [obliges](#) companies to identify, prevent, address, and publicly report on human rights risks in their supply chains, brought a long-awaited shift to mandatory company compliance rules in Germany. However, the law has significant shortcomings: It lacks provisions to hold companies liable in courts and does not require companies to undertake systematic due diligence on indirect suppliers further down the supply chain. Instead, companies only have to take measures in specific incidents if they have "substantiated knowledge" of potential abuses beyond the first tier of suppliers. This provision is not in line with the UN Guiding Principles, which state that businesses have a responsibility to "identify, prevent, mitigate and account for" adverse human rights impacts linked to its business relationships in the value chain, and do not limit this responsibility to direct suppliers.
6. In its 2025 coalition agreement, the German government announced its intention to abolish the German Supply Chains Due Diligence Act, and to replace it with the 2024 EU's supply chain law, the [Corporate Sustainability Directive](#) (CSDDD), which is to be implemented in an unbureaucratic way. The coalition agreement also says that the reporting obligations and most sanctions under the existing German law will be suspended until the law is abolished. However, in February 2025, the EU Commission introduced a so-called "Omnibus" [proposal](#) that would strip the CSDDD law of key elements, such as company liability and the obligation to conduct due diligence throughout the entire supply chain. Chancellor Merz has [called](#) for the CSDDD to be eliminated entirely. This calls into question the commitment of the German government to the principles in both laws.
7. Human Rights Watch is concerned that the protections in the German Supply Chains Act and the CSDDD are under threat, and there is a risk of retrogression, where the government reduces the level of protection before the introduction of the Supply Chains Due Diligence Act.

Human Rights Watch calls upon the Committee to ask the German government:

- What legal requirements is the German government envisioning to ensure that all companies domiciled in Germany identify, prevent, and address human rights abuses in their operations not only in Germany but also abroad and that such companies can be held liable for violations?
- What steps is the German government planning to take to guarantee that the victims of human rights abuses by companies domiciled in Germany or under the country's jurisdiction have access to effective remedies and compensation in Germany?

Aspects of the German social security system (articles 1, 3, 6, 9, 11 and 15)

8. In March 2025, Human Rights Watch published a report documenting the inadequacy of specific social security benefits in Germany to guarantee the right to an adequate standard of living, and to ensure that recipients of such support were not left below the “at risk of poverty” rate. The report focused in particular on structural factors and the gendered impact of these policies on single-parent, women-led households and older women who had reached pension eligibility age.² The sections on Citizen’s Income and benefits for older people below reflect the findings of our research, connected to the Committee’s earlier findings.

Citizen’s Income: adequacy and conditionality (articles 3, 7, 9, 10, 11)

9. Human Rights Watch found the current level of standard benefit received to be insufficient to guarantee an adequate standard of living, and avoid the risk of monetary poverty. The Committee has previously found the levels of basic social security benefit under the “Hartz IV” system insufficient “to allow recipients and their families to enjoy an adequate standard of living,” and expressed concern about job-seeking conditionality for receiving the benefit.³
10. To its credit the previous government replaced the Unemployment Benefit II (*Arbeitslosengeld II*) at the start of 2023 with a Citizen’s Income (*Bürgergeld*), increasing benefit rates, and promising a move away from the punitive withholding of benefits from people deemed not to have complied with job-seeking requirements.⁴ However, the promised year-long moratorium on withholding social security payments was reduced swiftly to six months. Job-seeking obligations remain, and the definitions of “reasonable” or “acceptable” employment remain unclear.⁵ In March 2024, the government ended its policy, introduced nine months prior, of granting a €75 monthly “bonus” to Citizen’s Income claimants who completed job-related training, explaining to Human Rights Watch that this was the result of federal budget consolidation.⁶ The same month, the government reintroduced “total sanctions,” which allow authorities to withhold up to the full amount of two months’ worth of Citizen’s Income payments (except the housing and heat components) from recipients who repeatedly refused job offers; the measure did however allow a discretion not to apply a “total sanction” in cases of “exceptional hardship.”⁷ The sanctions have a punitive effect on children; withholding two months of a parent’s standard rate means €1,000 less for everyday expenses and activities necessary for a child or children’s well-being.⁸
11. Despite these evident problems, the Citizen’s Income provided an improvement on the previous system, in particular in terms of the amount of benefit paid. To the credit of the then-government, in recognition of the sharp inflation and the experience of low-income households, in 2023, when introducing the Citizen’s Income, it chose to increase standard rates by approximately 11 percent. And again in 2024, the German government announced a 12 percent increase to Citizen’s Income rates, along with many other social security payments. The previous government followed the 2024 increase, however, by announcing a

² Human Rights Watch, “*It Tears You Apart*”: Poverty and Gender in Germany’s Social Security System, (New York, Human Rights Watch 2025), <https://www.hrw.org/report/2025/03/24/it-tears-you-apart/poverty-and-gender-germanys-social-security-system>.

³ UN Committee on Economic, Social and Cultural Rights (CESCR), “Concluding Observations on the sixth periodic report of Germany,” E/C.12/DEU/CO/6, November 25, 2018, <https://www.ohchr.org/en/documents/concluding-observations/ec12deuco6-concluding-observations-sixth-periodic-report-germany>, para 46 and 47.

⁴ Human Rights Watch, “*It Tears You Apart*,” p. 28-30. While the German word *Bürgergeld* is translated as Citizen’s Income, Citizen’s Allowance, or Citizen’s Benefit in English, German citizenship is not a requirement to receive this benefit.

⁵ Human Rights Watch, “*It Tears You Apart*,” p. 17 and 27.

⁶ Human Rights Watch, “*It Tears You Apart*,” p. 17.

⁷ Human Rights Watch, “*It Tears You Apart*,” p. 17 and 29-30.

⁸ Save the Children Germany, “Total sanctions on Citizen’s Income endanger children.” (“Totalsanktionen beim Bürgergeld gefährden Kinder”), press release, January 15, 2024, https://www.savethechildren.de/fileadmin/user_upload/Downloads_Dokumente/Pressemitteilungen/2024/2024-01-15-statement-buergergeld-sanktionen-gefaehrden-kinder.pdf (accessed December 27, 2024).

benefit level freeze in 2025, and justifying it on the basis of its mathematical formula for calculating “standard rates.”⁹

12. Human Rights Watch’s analysis shows that, despite the 2024 increase to the Citizen’s Income, when compared with the “at risk of poverty rate,” the amount was inadequate for a variety of household compositions, with stark figures for single-parent households with children, the majority of which are women-led.¹⁰ This inadequacy was notwithstanding the government’s assertion that its calculation of social security benefit levels complied with the German constitutional principle of a minimum subsistence level (*Existenzminimum*).¹¹ The Citizen’s Income is between 26 and 51 percent below the monetary “at risk of poverty” threshold for a single adult household. Despite provisions to cover housing expenses, many Citizen’s Income recipients pay a share of their housing expenses, because housing costs often exceed the upper limits set by authorities. According to the Federal Ministry of Labor and Social Affairs, in 2023, nearly 320,000 households receiving Citizen’s Income did not have their full housing costs covered. On average nationwide, they paid €103 per month out of their own pockets.¹² Research by the Scientific Advisory Board at the Federal Ministry of Food and Agriculture has found current levels of Citizen’s Income insufficient to guarantee adequate nutrition.¹³
13. Regrettably, the new government which assumed office in May 2025 has announced plans to scrap the Citizen’s Income and replace it with a less generous and more punitive New Basic Income for Jobseekers (*neue Grundsicherung für Arbeitsuchende*), a move likely to lead to retrogression.¹⁴

Age-related statutory pension, means-tested basic pension supplements, and basic income support in older age: adequacy and eligibility criteria (articles 3 and 9)

14. Human Rights Watch’s recent research documents the inadequacy and exclusionary eligibility criteria of the statutory pension (GRV, Gesetzliche Rentenversicherung), the means-tested Basic Pension Supplement (*Grundrente*), and the basic income support in older age (*Grundsicherung*), as well as low take-up rates of the latter two benefits among older people who may be eligible for them.¹⁵
15. Over the past two decades, poverty among people aged 65 and older has continued to rise as the costs of many essential goods and services have become increasingly unaffordable, particularly for people on low, fixed pensions. Federal government data from 2023 estimate about one in five people aged 65 and older was “at risk of poverty or social exclusion”, with older women at greater risk than their male

⁹ The Federal Government, “Citizen’s Income: Why there is zero increase” (“Bürgergeld: Warum es eine Nullrunde gibt”), December 19, 2024, <https://www.bundesregierung.de/breg-de/aktuelles/buergergeld-2025-2248000> (accessed December 30, 2024); Human Rights Watch, “It Tears You Apart,” Table 4, p. 35.

¹⁰ Human Rights Watch, “It Tears You Apart,” p. 28-31.

¹¹ Human Rights Watch, “It Tears You Apart,” p. 14-15.

¹² “Many Citizen’s Income recipients pay extra for rent and heating,” (“Viele Bürgergeldempfänger zahlen bei Miete und Heizung drauf”) *Zeit Online*, August 11, 2024, <https://www.zeit.de/news/2024-08/11/viele-buergergeldempaenger-zahlen-bei-miete-und-heizung-drauf> (accessed February 20, 2025).

¹³ Sarah Lincoln and Ulrike Müller, “Nutrition at the minimum subsistence level: how much health does the constitution require?” (“Ernährung am Existenzminimum: Wie viel Gesundheit verlangt das Grundgesetz?”), *Verfassungsblog*, April 30, 2024, <https://dx.doi.org/10.59704/c288e0e074b2068c>.

¹⁴ Verantwortung für Deutschland: Koalitionsvertrag zwischen CDU, CSU und SPD (21. Legislaturperiode), *Der Koalitionsvertrag*, May 5, 2025, <https://www.koalitionsvertrag2025.de/> (accessed February 20, 2025); and Kartik Raj, “German Coalition’s Troubling Plans on Social Security: Punitive, Less Supportive Welfare System Will Harm Rights,” Human Rights Watch, April 15, 2025, <https://www.hrw.org/news/2025/04/15/german-coalitions-troubling-plans-social-security>.

¹⁵ Human Rights Watch, “It Tears You Apart,” p. 49-55.

counterparts.¹⁶ The data also reveal a clear gender differential. More than 38 percent of all women receiving age-related pensions in 2021 were receiving less than €1,000 per month (i.e. under €12,000 per year), compared to 14.7 percent of men receiving pensions.¹⁷ The gender disparity is largely attributable to a pensions system design which results in low pensions for people who have had lower wages, and historically undervalued periods interrupted by caring responsibilities, to which women are more often exposed, despite the introduction of pension credits for parental leave and period of child-rearing.¹⁸

16. People 65 and older receiving the statutory pension who meet certain eligibility requirements – notably 33 to 35 years of contribution, earning between 30 and 80 per cent of median income during each contribution period – may also receive the Basic Pension Supplement (*Grundrente*). The eligibility rules may paradoxically exclude some of the people most at risk of poverty. People who have not contributed for the full 33 to 35 years, or who have done so at a reduced rate during some of those years, for a variety of reasons, including career breaks, childbearing and rearing, other caring responsibilities, or entry into the German labor force at a later age as a result of migration, or who paid in for the requisite period, but did so on a very low wage owing to low pay or part-time work—are much more likely to be excluded.¹⁹
17. The government also provides basic income support (*Grundsicherung*) for people aged 65 or older who do not qualify for the statutory pension, calculated as a flat rate. The government advised people aged 65 or older with a total income of below €1,062 to check if they are eligible for this benefit. However, latest available official data suggests that as many as 60 per cent of people eligible are not claiming it.²⁰

Human Rights Watch recommends that the Committee ask the German government:

- What steps is it taking to ensure that everyone can access social security programs that provide adequate levels of support to guarantee recipients can enjoy their economic, social, and cultural rights, including access to food, healthcare, and an adequate standard of living so that no one receiving such support is left below the official recognized monetary “at risk of poverty” threshold.
- Whether and how it plans to reassess the adequacy of basic social security support, to consider adjustments to the allowance thresholds for housing and utility costs to ensure that they keep up with inflation and otherwise with the rising cost of living.
- What steps it is taking to end punitive sanctions under the Citizen’s Income system (or any replacement system) which could leave a recipient with an income below the at risk of poverty threshold or below the German constitutional principle of a minimum subsistence level (*Existenzminimum*).
- How it will ensure that any changes to the Citizen’s Income do not lead to retrogression under international human rights law.
- What steps it is taking to ensure that everyone in receipt of a state pension is above minimum, monetary poverty threshold, including whether it is reviewing:

¹⁶ Destatis, “Exposure to poverty or social exclusion: AROPE indicator and its three sub-indicators by gender and age” (“Gefährdung durch Armut oder soziale Ausgrenzung: AROPE-Indikator und seine drei Teilindikatoren nach Geschlecht und Alter”), May 23, 2024, <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Einkommen-Konsum-Lebensbedingungen/Lebensbedingungen-Armutsgefahr/Tabellen/eurostat-armut-soziale-ausgrenzung-arope-teilindikatoren-mz-silc.html> (accessed December 30, 2024); Destatis, “At-risk-of-poverty rate (monetary poverty) by gender and age”. (“Armutsgefährdungsquote (monetäre Armut) nach Geschlecht und Alter”), May 23, 2024, <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Einkommen-Konsum-Lebensbedingungen/Lebensbedingungen-Armutsgefahr/Tabellen/armutsgef-quote-nach-sozialleistung-mz-silc.html> (accessed December 30, 2024).

¹⁷ Destatis, “More than a quarter of pensioners have a monthly net income of less than 1,000 euros” (“Mehr als ein Viertel der Rentnerinnen und Rentner haben ein monatliches Nettoeinkommen von unter 1 000 Euro”), press release No. 061, September 29, 2022, https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/09/PD22_No61_12_13.html (accessed December 30, 2024).

¹⁸ Destatis, “Relative risk of poverty in Germany at 15.8% in 2021” (“Relatives Armutsrisiko in Deutschland 2021 bei 15,8 %”), press release no. 327, August. 4, 2022, https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/08/PD22_327_634.html (accessed December 30, 2024).

¹⁹ Human Rights Watch, “*It Tears You Apart*”: Poverty and Gender in Germany’s Social Security System, p. 51-52.

²⁰ Human Rights Watch, “*It Tears You Apart*”: Poverty and Gender in Germany’s Social Security System, p. 53-55.

- entitlement amounts provided under the basic old age pension (*Grundrente*);
- years of contribution for eligibility;
- criteria that may result in part-time workers, low-wage workers, and people who took career breaks or entered the German labor market later in life being ineligible;
- the ratio of pension contribution credits for people who are caring for dependents;
- what measures are needed to end all gender disparities in the provision of assistance;
- levels of support provided by the basic income support in older age (*Grundsicherung*), and its rate of take-up.

Child Poverty (articles 9, 10 and 11)

18. According to official statistics, the percentage of Germany's children estimated to live in households at risk of poverty and social exclusion effectively doubled from about 12 percent of all children in 2019 to 24 percent by 2022.²¹ These households with children include single parents (disproportionately women) who may be holding down more than one job, parents who are unemployed, and those who are self-employed. Many of these households may receive various types of existing—and often complicated to access—means-tested social security benefits, but still do not have enough to get to the end of each month.
19. Child-related benefits targeted at low-income households with children can be complex and time-consuming to apply for, and applications can be denied if not made in the correct sequence. The sheer array and complexity of benefits can itself cause problems for people trying to access them and may contribute to high non-take-up rates. The application processes for these benefits sometimes have burdensome documentary requirements; some states have online applications processes for some or all benefits they administer, while others do not. Some types of benefit applications can only be completed in a specific order, for example, once another type of benefit has been applied for and granted, or alternately where other types of benefits have been applied for and refused or were refused for a prior period. One means-tested benefit—the supplemental child allowance (*Kinderzuschlag*)—requires a renewed application every 6 months, with a requirement in many cases to provide the same documentary information with each application. Such hurdles contribute significantly to the non-take up of benefits, which is particularly pronounced in the case of the supplemental child allowance.²²
20. A promising proposal by the previous government to legislate for a universal child basic income (*Kindergrundsicherung*)—a streamlined cash benefit for households with children, to tackle child poverty and reduce bureaucratic hurdles and complexity in application processes—stalled and the new government has no plans to take it forward.²³

Human Rights Watch recommends that the Committee ask the German government:

- What steps does it plan to take to address the growing number of children in Germany living in households at risk of poverty and social exclusion?

²¹ Official Destatis data summarized in UNICEF, "Undertaking a synthesis of policies, programmes and mechanisms addressing the social exclusion of children in Germany," UNICEF regional office for Europe and Central Asia, Geneva 2021, p. 13, <https://www.unicef.org/eca/media/18906/file/German%20Deep%20Dive%20Main%20report%20EN.pdf> (accessed February 20, 2025); Federal Ministry for Children, Older People, Women and Young People, "National action plan: new opportunities for children in Germany" ("Nationaler Aktionsplan: Neue Chancen für Kinder in Deutschland"), p. 13, table 1, July 2023, <https://ec.europa.eu/social/BlobServlet?docId=27016&langId=de> (accessed December 30, 2024), and Eurochild, "Germany – Child Guarantee National Plan Overview," 2023, <https://eurochild.org/uploads/2023/08/Germany-NAP-one-pager.pdf> (accessed February 20, 2025).

²² Human Rights Watch, "It Tears You Apart," p. 34-38

²³ Human Rights Watch, "It Tears You Apart," p. 38-40.

- Does it acknowledge that the complexity of application processes for child-related social security benefits negatively impacts take-up, in particular for the supplemental child allowance in ways that undermines Germany's obligations under the Convention?
- Would the government consider reviving the proposal for a universal basic child income?

Low-wage work, and gender implications (articles 3, 7, 9, 10)

21. The Committee has previously raised concern about the growth of precarious employment in Germany, and the effect of low wage levels and reduced social protection, noting that women make up a majority of the workforce in these jobs.²⁴
22. Around 5 million people in Germany, accounting for almost a tenth of working people, were in precarious temporary work schemes (generally referred to in Germany as *mini-jobs* and *midi-jobs*) in 2019. *Mini-jobs* are marginal, temporary forms of employment where wages are exempt from social security contributions (and in some cases taxes), provided they either fall below an income threshold (at time of writing €538 per month) or within strict time limits (70 days per calendar year). *Midi-jobs* are marginal forms of employment, where income may range between €538-2,000, and social security contributions are payable at a reduced rate on a sliding scale.²⁵ People with long periods of employment in low-wage work are less likely to have been able to pay in sufficiently to contributory pension schemes to ensure adequate pension levels when reaching pension eligibility age, and may not have made sufficient contributions to qualify for the basic pension supplement.
23. Women in Germany are over-represented in low-paid *mini-jobs*, either as primary employment or a second job to supplement low-wage primary employment.²⁶ Data from 2022, show women made up 65 percent of the 3.8 million people in marginal *mini-* and *midi-jobs*.
24. The disproportionate number of women who rely on part-time low-wage employment reflects longstanding structural factors with gendered impact—including in some states the lack of full-day schooling, costs associated with education, widespread lack of free or low-cost school meals, and gendered norms around caregiving which make it impossible for many single mothers to apply for certain jobs, limiting them to low-wage part-time work.²⁷

Human Rights Watch recommends that the Committee ask the German government:

- What plans it has to reform the labor market to reduce reliance on low-wage work such as *mini-jobs* and *midi-jobs*, and ensure instead decent work, with a specific focus on ensuring gender equality and ending the gender pay gap.
- What steps it could take to improve wages and pension and social security coverage for people currently employed in *mini-jobs* and *midi-jobs*;
- How it can enact reforms to enable working parents and all single parents across the country to have eight hours per day of care for their children through standardized primary school or reliable after-school care, while legislation extending school days gradually is developed and implemented;

²⁴ UN Committee on Economic, Social and Cultural Rights (CESCR), "Concluding Observations on the sixth periodic report of Germany," para 32-33.

²⁵ Human Rights Watch, "It Tears You Apart," p. 25-26.

²⁶ Claudia Weinkopf, "Women's Employment in Germany: Robust in Crisis but Vulnerable in Job Quality," *Revue de l'OFCE*, 2014, vol. 2 no. 133, pp. 189-214, <https://doi.org/10.3917/reof.133.0189>.

²⁷ Human Rights Watch, "It Tears You Apart": *Poverty and Gender in Germany's Social Security System*, p. 40-41.

- How it intends to implement existing plans to provide federal funding to allow full-day school for all children, and to ensure free school meals are available uniformly across the country.

Gender pay and pension gaps (articles 3, 7, 9, 10, 11, 12 and 15)

25. The gender pay gap in Germany is stark, applies across almost all economic sectors, and is particularly pronounced in states of former West Germany. Government data from 2022 show that on average women earn 18 percent less than men (19 percent in the former West and 7 percent in the former East).²⁸
26. Women with children are far more likely than male counterparts to be in part-time employment, in part because of longstanding discriminatory gender norms particularly relating to the role of women in childrearing and the provision of care to relatives. Data from 2021 show that only 36.4 percent of all working mothers were in full-time employment in 2021, whereas 92.7 percent of all working fathers were employed full-time; and roughly two thirds of all working mothers work part-time. The data did not include a disaggregated figure for single parents.²⁹
27. The gender pension gap is even more acute than the gender pay gap. The official German data from 2023 bear this out clearly, with a gender pension gap between older men and women of 39.4 percent without survivor benefits (i.e. pension received as a widow/er), and a 27.1 gap between older men and women receiving survivor benefits.³⁰ Germany's pension gap also stands out when compared with other OECD countries. A 2021 analysis by the OECD of data from all its member states, showed the German gender pension gap across all groups as 31.7 percent, above the OECD average of 25.6 percent.³¹
28. The structural impact of factors such as lower wages, career breaks, caring responsibilities, and increased likelihood of part-time work based on gendered norms—leaves many older women with pensions that provide incomes well below the monetary poverty threshold of €1,168 per month for a single adult. Official data show that monthly pension payments equate to incomes less than €1,000 a month for 38.2 percent of women aged 65 and older, compared to 14.7 percent of men the same age.³²

Human Rights Watch recommends that the Committee ask German government:

- What steps it plans to take to close the gender pay gap across all states, address gaps in remuneration of women during periods of care-giving and child-rearing in order to close the gender pension gap, and to strengthen the statutory pension (and eliminate barriers to accessing the basic pension supplement) to ensure women of pension eligibility age are guaranteed a decent standard of living.³³
- Whether in connection with the above it would consider commissioning an updated independent study examining the gender pension gap and consider implementing further measures to mitigate the

²⁸ Destatis, "Quality of Employment: Gender Pay Gap," https://www.destatis.de/EN/Themes/Labour/Labour-Market/Quality-Employment/Dimension1/1_5_GenderPayGap.html (accessed May 21, 2023).

²⁹ Destatis, "Gender pension gap: retirement income of women almost one third below that of men in 2021," Press release no. 15, March 7, 2023, https://www.destatis.de/EN/Press/2023/03/PE23_No15_12_63.html (accessed February 20, 2025).

³⁰ Destatis, "Gender equality indicators" ("Gleichstellungsindikatoren"), 2024, https://www.destatis.de/DE/Themen/Querschnitt/Gleichstellungsindikatoren/_inhalt.html#643272 (accessed February 20, 2025). See in particular data in the table "Average retirement income" ("Durchschnittliches Alterseinkommen").

³¹ OECD, "Towards Improved Retirement Savings for Women," March 10, 2021, OECD Publishing, p.16, https://www.oecd.org/en/publications/towards-improved-retirement-savings-outcomes-for-women_f7b48808-en.html (accessed February 20, 2025).

³² Destatis, "More than a quarter of pensioners have a monthly net income of less than 1,000 euros" ("Mehr als ein Viertel der Rentnerinnen und Rentner haben ein monatliches Nettoeinkommen von unter 1 000 Euro"), press release No. 061, September 29, 2022, https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/09/PD22_No61_12_13.html (accessed December 30, 2024).

³³ UN Committee on the Elimination of Discrimination against Women, "Concluding observations on the ninth periodic report of Germany," CEDAW/C/DEU/CO/9, May 31, 2023, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FDEU%2FCO%2F9&Lang=en, paras. 44b, 44c, and 44j.

negative structural impact of gender inequality on the lives of single mothers and older women facing poverty.

Right of access to cultural artefacts and human remains/Ancestors from German colonial era (article 15(1)(a))

29. The German colonial empire extracted cultural belongings on a large scale³⁴ from the colonies, while also seizing human remains/Ancestors,³⁵ including skulls, skeletal parts and bones, for scientific collections and exhibitions in museums.³⁶
30. With regards to colonial cultural belongings, the UN General Assembly over five decades ago urged countries to return them to victims of expropriation.³⁷
31. A 2023 European Parliament-commissioned study pointed both to little progress in this regard—among others because “European governments and museums generally present these returns as voluntary gestures.”³⁸ The study noted the strikingly different approaches taken by European governments when returning Nazi-looted art claims, which placed “communities and individuals at their core” and when returning stolen colonial cultural goods, which have been treated like an “interstate (political) affair,” with affected communities excluded from the process.³⁹
32. Cultural objects have a protected status in international law because of their “intangible heritage value to people – as symbols of their identity.”⁴⁰ It was precisely this purportedly ‘uncivilized’ identity of Indigenous peoples in former colonies that European colonizers targeted when stealing those objects on a mass scale.⁴¹
33. This Committee addressed the right of everyone to take part in cultural life under article 15(1)(a) of ICESCR in its General Comment No. 21, noting it is interlinked with the protection and conservation of cultural heritage as a means to preserve cultural identity.⁴² The protection of the right requires states to adopt “*specific measures aimed at achieving respect for the right of everyone [...] to have access to their own cultural [...] heritage and to that of others.*”⁴³ The exercise of the right to culture can thus not be exercised without access, which the Independent Expert in the field of cultural rights, Farida Shaheed, also linked to minorities’ right “*to enjoy their own culture, and the right of indigenous peoples to self-determination and to maintain, control, protect and develop cultural heritage.*”⁴⁴

³⁴ This submission will use the terminology of ‘belongings’ instead of ‘objects’ or other similar terminology that is being used to describe the large collections of cultural artefacts and human remains/ancestors stored or exhibited in museums or private collections to counter the objectification and denial of ownership that these terms risk to reproduce. BUT TO BE CLEAR A BELONGING IS A NARROWER CONCEPT THAN OBJECT – IS THAT WHAT YOU INTEND?

³⁵ This submission will use the terminology of ‘human remains/Ancestors’ to stress the need for humanization of the remains of communities’ ancestors still held in public museums and private collections. Affected communities commonly refer to ‘Ancestors’ or ‘ancestral remains’ when seeking their repatriation to complete burial rituals. To them, their ancestors’ right to dignity has been violated.

³⁶ Ohiniko M. Toffa, Sarah Imani, ‘Restitutionsbegehren, Recht und Provenienzforschung,’ *Verfassungsblog*, December 1, 2022, <https://verfassungsblog.de/restitutionsbegehren-recht-und-provenienzforschung/>.

³⁷ UN General Assembly, Restitution of works of art to countries victims of appropriation, A/RES/3187(XXVIII), adopted at the 2206th plenary meeting, December 18, 1973, <https://digitallibrary.un.org/record/190996?ln=en&v=pdf>.

³⁸ Evelien Campfens, Isabella Bozsa, ‘Provenance Research and Claims to Bangwa Collections – A Matter of Morality or Justice?’, December 5, 2022, *Verfassungsblog*, <https://verfassungsblog.de/provenance-research-and-claims-to-bangwa-collections/>.

³⁹ Study requested by the European Parliament’s Committee on Legal Affairs, authored by Dr. Evelien Campfens, ‘Cross-border claims to looted art,’ October 2023, p. 30, [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/754126/IPOL_STU\(2023\)754126_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/754126/IPOL_STU(2023)754126_EN.pdf).

⁴⁰ EU Parliament study, *Ibid*, p. 16.

⁴¹ Art. 6 of General Act of the Berlin Conference on West Africa, 26 February 1885.

⁴² Committee on Economic, Social and Cultural Rights, General Comment No. 21 (2009), UN Doc E/C.12/GC/21, paras 9, <https://docs.un.org/en/E/C.12/GC/21>.

⁴³ *Ibid* paras 7, 49(d), 50.

⁴⁴ UN Human Rights Council, Report of the Independent Expert in the Field of Cultural Rights, Farida Shaheed, UN Doc A/HRC/17/3, March 21, 2011, para. 78, <https://www.refworld.org/reference/themreport/unhrc/2011/en/89535>.

34. While restitution is not explicitly mentioned as a right in the ICESCR, obligations under ICESCR should be read in connection with customary international law as reflected in the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).⁴⁵ Article 11(2) and 12 of the UNDRIP specifically addresses repatriation of human remains/Ancestors and cultural belongings by protecting Indigenous peoples' right of "*redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.*"
35. There have only been few interstate processes that resulted in Germany's restitution of cultural artefacts and repatriation of human remains/Ancestors—processes which failed to center affected communities.⁴⁶ When confronted with calls for return of human remains/Ancestors from the colonial era, German authorities have only recognized an 'ethical' but not a legal responsibility.⁴⁷
36. Article 15(1)(a) of ICESCR should be read in conjunction with Germany's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), so that affected communities are included in reparations processes and provided with access to justice and redress for the losses and harm caused by racial discrimination rooted in colonial injustices (articles 2 to 6 of ICERD). This right to a remedy should also apply to looted colonial cultural takings and human remains/Ancestors.
37. Germany has already been subject to repeated international scrutiny for its failure to provide full reparations in the context of colonial injustices.⁴⁸ In its latest review of Germany's compliance with the ICERD, the Committee on the Elimination of Racial Discrimination (CERD) pointed out that Germany lacked a "*comprehensive approach towards reparation for colonial wrongdoings in terms of restitution [...]*" to ensure "*meaningful participation of affected communities and individuals, as well as descendants of victims, when deciding on reparation processes.*" The CERD recommended that Germany adopt a "*comprehensive policy for the restitution of colonial objects and cultural artifacts, in particular the restitution of the human remains of ancestors (art. 6 [ICERD]).*"⁴⁹

Human Rights Watch recommends the Committee ask the German government:

- What measures the government is taking to guarantee the return of cultural belongings and repatriation of human remains/Ancestors from the German colonial era, in accordance with obligations under the ICESCR, ICERD and international customary law, notably when protecting the rights of Indigenous peoples?
- What steps it is taking, drawing on its obligations under the ICESCR, ICERD and international customary law, to enshrine in binding legislation the right of access to cultural belongings of communities still impacted by Germany's colonial occupation and the repatriation of human remains/Ancestors, on the basis of rights-based processes that are community-centered, accessible, transparent, protecting the free, prior and informed consent of Indigenous peoples.

⁴⁵ The UNDRIP was adopted by a majority of 144 states in favor, 11 abstentions and 4 votes against it. Since then, all objectors have reversed their votes. See also, Evelien Campfens, 'Contested Heritage. A Human Rights Law Approach to Claims,' 2023, p. 439, <https://books.ub.uni-heidelberg.de/arthistoricum/catalog/view/1270/2180/108965>.

⁴⁶ The return of the Benin bronzes to Nigeria was one of very few examples of returns. 24 of the 70 returned objects are only loaned to Nigeria for the next 10 years.

⁴⁷ Ministry of Science, Research and Arts, Baden-Württemberg, 'Umgang mit kolonialen Kulturgütern: Der baden-württembergische Weg,' <https://mwk.baden-wuerttemberg.de/de/kunst-kultur/umgang-mit-kolonialen-kulturguetern>.

⁴⁸ Seven UN Special Rapporteurs sent a letter to the German government with regards to the rights abuses ensuing from the negotiation between Germany and Namibia regarding Germany's colonial crimes, February 22, 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27875>

⁴⁹ Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twenty-third to twenty-sixth reports of Germany, CERD/C/DEU/CO/23-26, December 21, 2023, p. 10