



Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

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Vienna
2008

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Abbreviations and Glossary

BMFSFJ: Bundesministerium für Familie, Senioren, Frauen und Jugend	Federal Ministry for Family, Senior Citizens, Women and Youth
BT: Bundestag	Lower House of the Parliament
BR: Bundesrat	Upper House of the Parliament
CSO	Civil Society Organisation
DF: Deutscher Frauenrat	German Women's Council
DGB: Deutscher Gewerkschaftsbund	Confederation of German Trade Unions
DJB: Deutscher Juristinnen-Bund	German Women Lawyers Association
FCC: Bundesverfassungsgerichtshof	Federal Constitutional Court
GETA	General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz)
GG: Grundgesetz	Basic Law (Constitutional Law)
GM	Gender Mainstream(ed)
Länder	Federal States of Germany
LSVD: Lesben- und Schwulenverband Deutschlands	Lesbian and Gay Association of Germany
Parties:	
CDU/CSU	Christian Democratic Union/ Christian Socialist Union
SPD	Social Democratic Party
FDP	Free Democratic Party (Liberals)
DIE LINKE (Linkspartei PDS)	Party of Democratic Socialism; merged with the party WASG into the new party "DIE LINKE" in June 2007
Bündnis 90/ Die Grünen	Green Party

DEFICIENCIES, DEVIATIONS AND INCONSISTENCIES IN EU AND MEMBER STATE'S GENDER+ EQUALITY POLICIES

1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

1.1 Gender+ equality legislation

Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit (or equivalent governmental body) name as (gender+) equality legislation. If important legislation seem to have been omitted by the authority, please comment on this.

Legislation¹	Year	Main provision(s)
Penal Regulations on trafficking in human beings being	1992	Penal Regulations on trafficking in human beings are being Revised: Improvement of protection under penal law of foreign girls and women, in particular, against sexual exploitation in Germany.
Penal Code on Child Pornography child	1993	The range of penalties for dissemination of Pornography is increased; possession of pornographic portrayals involving children is made subject to punishment.
Penal Regulations on sexual abuse	1994	Protection of male and female youth under 16 years of age, regardless of sex of penetrator and victim.
Second Equal Rights Act	1994	1. Advancement of Women in the Federal Administration 2. Improvement of the European Community Labour Law Amendment Act; 3. Act on Protection against Sexual Harassment at the Workplace (Employee Protection Act); 4. Federal Bodies Law (Bundesgremienbesetzungsgesetz).
Law on married and family names	1994	Equal rights in family names.
Long-term Care Insurance Act	1995	Compulsory contributions to the statutory pensions insurance scheme are paid for persons who are not in gainful employment or only in limited gainful employment as a result of their caring activities, if they provide at least 14 hrs per week.

¹ Sources for this list are the combined 2nd 3rd (1996), 4th (1998), 5th (2003) and the 6th (2007) CEDAW Country Reports of Germany, prepared by the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ).

The Act Amending the Act on Assistance for Pregnant Women and Families Compulsory	1995	Legal regulation on pregnancy terminations: 1. Counselling, 2. Embryopathic indication is abolished; 3. Lawful pregnancy terminations (medical or criminological) are paid for by the health insurance companies. In cases of social neediness of the woman, the Federal Länder bear the costs for terminations, pursuant to the counselling regulation. 4. The right of mothers of children born out of wedlock to claim supervisory maintenance from the father of the child is extended and increased from one to three years.
Berlin Intervention Project against Domestic Violence	1995	Start of intervention project.
Revision of Equalization of Family Benefits and Services	1996	Child benefit is raised; Home Ownership Assistance for young families.
Annual Tax Law; Household Cheque	1997	1. Increase of special expenses limit and simplification of registration in the social security system. Household cheque: facilitates employment subject to social insurance contributions in private households.
Growth and Employment Promotion Act	1997	Starting from the year 2000, increase of age limit for retirement for women from 60 to 65 yrs.
Act Amending the Maternity Protection Act	1997	Improves maternity protection for domestic staff, mothers after giving premature birth, mothers having private insurance; reimbursement of the costs of the employers in small companies.
Labour Promotion Reform Act	1997	Enters into force 1998 as the third book of the Social Code (SGB III); 1. In the context of the promotion of continuing vocational education, general time limits are dispensed with as prerequisites for the participation of women returning to working life; 2. The social security of part-time employment is expanded by abolishing the limits on short-time work and introducing partial unemployment benefit.
Act to Reform Public Service Law	1997	Part-time employment for civil servants.
Working Group Trafficking in Women	1997	It has the goals, inter alia, of integrating different points of view on the subject, prevention, combating trafficking in women and the dignified treatment of victims.
Penal Code Art. 177	1997	Marital Rape is made punishable.
Act to Amend Aliens and Asylum Provisions	1997	Contains improved hardship regulation and enables foreign women who have become victim of marital violence to acquire an independent right of residence (after 4 yrs of marriage).

Witness Protection Act	1998	1. improves possibilities of accessory prosecution incidental to criminal proceedings, 2. use of video technology in criminal proceedings, 3. costs for counselling for the witness/victim partly assumed by the state.
The Act Reforming the Law of Parent and Child	1998	1. Eliminates almost all differences in the treatment of Children born within and without wedlock; 2. Unmarried parents may assume parental custody jointly; 3. Parental law: the mother has stronger rights in recognising (only with her consent) and disputing paternity.
Pensions Reform Act	1999	Gradual increase in the crediting of child-raising Periods from 75 to 100%.
Second Act Amending Book III of the Social Code	1999	Improvements relevant for women were made in the Labour promotion law.
Programme Women and Work	1999	1. Includes the promotion of women in private industry, awards to businesses; 2. promotion of women start-ups; 3. Improve reconciliation – new perception for men.
Plan of Action to Combat Violence against Women	1999	A comprehensive overall concept at all levels to combat violence. This is intended to achieve structural changes: From prevention, through work with offenders and better networking of assistance offered for victims through to legal measures such as the Violence Protection Act. It strengthens cooperation between state institutions and NGOs.
Amendment of the Joint Rules of Procedure ²	2000	Order to implement gender mainstreaming into the work of all federal ministries. The legal and administrative provisions are in the future to be written in a gender-neutral language.
Amendment of Article 12a para.4 second Sentence of the Basic Law	2000	Women gain access to all fields of the armed forces.
Act Amending the Aliens Act	2000	Section 19: independent right of residence for foreign spouses in the event of the dissolution of the marital community (now in the event of separation after two years, instead of previous four). The hardship clause, in accordance with which an independent right of residence may be awarded before this period expires, has also been redesigned.
Working Group Domestic Violence	2000	Round table for representatives of the federal and Länder level and respective NGOs.

² Gemeinsame Geschäftsordnung der Ministerien GMBI. P.526

Act to Outlaw Violence in Education and Amending the Law on Child Maintenance	2000	Right of children to be brought up without violence and prohibits physical punishment, emotional injury and other humiliating harms.
Federal Child-Raising Benefit Act	2001	New regulations: The term child-raising leave (Erziehungsurlaub) is replaced by parental leave (Elternzeit). 1. For the first time since 1986, the income limits (Einkommensgrenzen) for child-raising benefit have been increased. The child-raising benefit is now also offered as a budget (higher amount - shorter term). 2. For the first time, mothers and fathers can take parental leave at the same time within an unchanged duration of a max. of three years. 3. Both parents have the right to work part-time during parental leave (15 empl.). Allowed to work 30 hrs. per week instead of the previous 19. 4. There is a right to return to previous working hrs on expiry of parental leave 5. There is the possibility to take 1 year of the parental leave between the child's third and eighth birthday if the employer agrees.
Act on Part-Time Working and Fixed-Term Employment Contracts part-	2001	For the first time a general legal entitlement to work time in private industry in companies with more than 15 employees if no operational reason exists opposing this.
Life Partnerships Act	2001	1. Homosexual partnership officially registered; 2. Same sex life partners are recognised as family members; 3. Obligation to care and support, enter into maintenance obligations towards one another
Federal Act on Implementing the Concept of Equal Opportunities between Women and Men (Federal Equality Act)	2001	1. Affirmative action for women in the public service 2. Promotion of equality as a task for managers 3. Regulations on part time work (also in higher management 4. possibility to return from part-time to full-time employment.
Agreement between the Government and The Key Associations of the Private Sector on the Promotion of Equal Opportunities in private industry	2001	
Ratification of the DEDAW Optional Protocol	2002	
Ninth Book of the Social Code of	2002	Disability: 1. Coordinate social services 2. By means Social services promote social participation by persons with disabilities, in particular at work

Act on Equal Opportunities for Disabled Persons	2002	1. New possibilities of self-determination and equal participation in social life 2. Creation of barrier-free environments on a broad scale 3. Special concerns for disabled women - section 2 BGG. Special measures/affirmative action for the promotion of equal rights for disabled women
Act to Improve the Legal and Social Situation of Prostitutes security.	2002	1. Work as self-employed or employed with social security. The possibility to punish promotion of prostitution and of pimping was restricted.
Job AQTIV Act	2002	Aiming at integrating women into the labour market; 1. labour market - promotion of women 2. reconciliation of family and work 3. increasing allowances for child care costs (€130) for unemployed persons if they take part in occupational basic and further training 4. from 2003 onwards: gap periods up until the child's third birthday count as contribution periods in unemployment insurance.
Maternity Protection Act bans on	2002	Maternity protection period lasts at least 14 weeks; employment count as working hrs for calculating leave.
Violence Protection Act	2002	Civil law amendment to combat domestic violence: go-orders, contact bans, marital dwelling for the victim.
Children's Rights Improvement Act from the	2002	Facilitates the removal of violent persons from the immediate environment of the child.
Hartz II households	2003	Tax deductibility for labour costs in private households (employed mother employs other mothers for childcare, against illegal employment in the household).
[Omitted: Act Amending the Regulations on Violations Of Sexual Self-Determination]	2004	Against sexual abuse of children; child pornography; the degree of penalties of §179 (disability) is equalised with §176 (severe abuse of children) and §177 (sexual coercion and rape). [NOT MENTIONED IN THE CEDAW Country Report].
Victim Protection Reform Act (video)	2004	Strengthens rights of victim in criminal proceedings: testimony, right to information about the perpetrator; right to accessory claims (Anklage als Nebenkläger).
Life Partnership Revision Act marriage:	2005	Adapts regulations of same sex partnerships to marriage: maintenance, matrimonial property, reasons for separation, dependents payments (Hinterbliebenenversorgung), stepchild adoption.

Immigration Act stay for	2005	1. Gender specific reasons for asylum; 2. Right to victims of human trafficking for the time of the criminal proceedings.
Hartz III returning	2004	§ 8b of the Third Book of the Social Code: women to the job are subject to job promotion.
Hartz IV	2005	Basic security for job seekers (Grundsicherung für Arbeitssuchende) is introduced; it is claimed that the special needs of women caring for children, elderly, of single mothers and mothers returning to employment for job promotion are taken into account.
Child bonus themselves by (Kinderzuschlag).	2005	To support parents who are able to maintain gainful employment, but not their children.
Day Care Improvement Act communal	2005	Extension of childcare infrastructure: until 2010, authorities are obliged to create 230.000 new day-care places.
Housing Benefit Reform Act	2005	Support for low income families, receivers of Unemployment Benefit I and single mothers (Wohngeldreform).
Equality Law for Female and Male Soldiers Equality Act).	2005	Part time employment (similar to Federal
37 th Amendment of the Penal Code include	2005	Widening of definition of human trafficking to trafficking into sexual exploitation and labour exploitation.
General Equal Treatment Act	2006	Development of 1980 EU on labour law (EG Anpassungsgesetz); 6 grounds of discrimination in labour law and civil law; new regulations on sexual harassment (substitutes for the Employee Protection Act); measures to improve suits; establishment of Antidiscrimination Office (ADO).
Parental Benefit Act one	2007	Wage substituting model (67 % of prior income) for year; provisions for low income parents; not-gainfully employed parents; 2 additional partner months (daddy months).
Stalking Act Act	2007	Improves the regulations of the Violence Protection regarding stalking; a violation of contact bans is subject to criminal proceedings.
Second National Action Plan to Combat Violence against Women	2007	Focus points: migration and violence, violence against women with disabilities.

New Immigration Act	2007	EU Victim Protection Directive is transposed; measures to Combat forced marriages by regulating family reunion (minimum age of 18).
Amendment of Maintenance Law	2007	Children rank first; second all mothers regardless of their marital status and spouses (that have been married for a long time). However, the Minister of Justice, Brigitte Zypries (SPD) underlines that this amendment does not mean equal treatment of married and non-married partnerships. Another feature of the law is the so called 'enforcement of post-marital personal responsibility' which aims at promoting the ex-partners gainful employment after divorce or separation. This is usually understood as breaking with the traditional breadwinner-model.
[Omitted: Care Time Act]	2007	Regulates the right to stay from work for 6 months in order to organise care work → this has an important gender dimension. [NOT MENTIONED IN THE CEDAW Country Report]

1.2 EU Policy and Member State Law: Comparisons and Struggles ³

Have there been disputes in your country over significant parts of EU Directives on gender?

Are there significant parts of EU Directives on gender equality that have not been implemented into national law? If some aspects are not transposed, what are they? Have there been disputes (1995-2007) between the EU and the country over transposition? Or within the country over this process? Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute (e.g. intervention by Commission, Court of Justice; national court)? What was the outcome?

All these questions are very difficult to answer exactly, because the transposition process is so complex. EU Directives are transposed into member state legislation in very different ways using different procedures and different terminology and legal frames too. The aim is to collect all the information that is available already for your country in the table below, using secondary literature.

Please fill in one table for each significant issue, Please consider the following examples: include if relevant; omit if not; add any others that are relevant in your country. Examples: equal pay & equal treatment; sexual harassment & discrimination; equality bodies; civil society involvement; parental leave and the organisation of working time (example provided).⁴

1. Issue	0. General regulations 1. Equal treatment in employment 2. Equal treatment in access to goods and services 3. Sexual harassment 4. Equality body 5. Instruments to fight discrimination
Has law been passed or changed prior to the Directive	No

³ Directives: http://ec.europa.eu/employment_social/gender_equality/legislation/legalacts_en.html.

ECJ cases: http://ec.europa.eu/employment_social/gender_equality/legislation/case_law_en.html; More info on transposition: http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#comp.

⁴ Other gender+ equality related directives you might want to consider include: Directive 75/117/EEC on the principle of equal pay for men and women; Directive 79/7/EEC on the principle of equal treatment for men and women in social security; Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes; Directive 86/613/EEC on equal treatment between self employed men and women; Directive 92/85/EEC on the safety and health at work of pregnant workers and workers; Directive 97/80/EC on the burden of proof in cases of discrimination based on sex; Directive 2000/78 on equal treatment in employment and occupation.

Legislation transposing Directive	General Equal Treatment Act (18 August 2006) (=GETA) transposing the Directives 2004/113/EC, 2002/73/EC, 2000/43/EC and 2000/78/EC
Does the country claim to have transposed the Directive?	Yes
Significant provisions that are mentioned by experts or political actors as not being transposed^{5, 6, 7}	<p>0. The AGG establishes a general justification clause for gender discrimination (and discrimination based on all other Article 13 grounds except race and ethnic origin).</p> <p>0. Lack of nationality as ground of discrimination.</p> <p>1. Dismissal protection insufficient.</p> <p>1. Employers who discriminate through the application of a collective agreement are only liable for discrimination if they act intentionally.</p> <p>1. Company Pension Scheme Act: no consideration of grounds of discrimination, lack of gender discrimination.</p> <p>1. Exemptions to discrimination in labour law: GETA has lowered the level of protection as compared to prior legislation.</p> <p>1. Regulation on equal pay is too weak.</p> <p>1. Ensure application of the principle of equal treatment for people with disabilities: failing to transpose EU Directive 2000/78/EC.</p> <p>1. and 2. regulation of maternity leave and motherhood: insufficient formulation of rights and only in the labour law and not in the civil law part of the GETA.</p> <p>1. Exemptions for churches as employers.</p> <p>1. Discrimination for same sex partners in public service law (LSVD: Lacking equal treatment in Public Service Law (Hinterbliebenenversorgung, Familienzuschlag, Beihilfe zu den Krankenkosten)).</p> <p>2. A major shortcoming of the Act is that its application to the provision of goods and services by public bodies is uncertain.</p> <p>2. Different treatment on ground of age in insurance schemes are lacking considerations of gender.</p> <p>2. Insurance Control Act: gendered calculation of contributions contradicts EU Directives.</p> <p>2. Exemptions to discrimination in civil law (only mass contracts, except for ethnicity).</p> <p>2. Exemptions to discrimination in renting (balanced environment).⁸</p> <p>3. Insufficient regulation of sexual harassment: only in labour law and not in civil law part of the GETA.</p> <p>4. Body for the promotion of equal treatment, the independence of this body might be prejudiced by the fact that it is established by the government without any participation by Parliament.</p> <p>5. Sanction is dependent on the employer being at fault for the unequal treatment contrary to the Act.</p> <p>5. Burden of proof provisions.</p> <p>5. No prohibition for victimisation in the civil law part of the Act.</p> <p>5. Recent amendments of the General Equal Treatment Act have resulted in</p>

⁵ LSVD. 2007. *Mangelhafte Umsetzung der EU-Gleichbehandlungsrichtlinien durch das Deutsche Allgemeine Gleichbehandlungsgesetz (AGG)*. Letter to the EU Commission.

⁶ Source: Schieck, Dagmar. 2006. Germany, in *Bulletin Legal Issues In Gender Equality* N°3/2006, 26-28.

[http://ec.europa.eu/employment_social/gender_equality/docs/2006/bulletin06_3_en.pdf, accessed on 5 June 2008]

⁷ Source: DJB, 2007, *Unzureichende Umsetzung der EG-Antidiskriminierungsrichtlinien in Deutschland (Insufficient transposition of EC Anti-Discrimination Directives in Germany)*, Letter to the EU Commission.

⁸ Eine Ausnahmeklausel (§ 19 Absatz 3 AGG) für die Vermietung von Wohnraum regelt, dass „eine unterschiedliche Behandlung im Hinblick auf die Schaffung und Erhaltung sozialer stabiler Bewohnerstrukturen und ausgewogener Siedlungsstrukturen sowie ausgeglichener wirtschaftlicher, sozialer und kultureller Verhältnisse zulässig“ sein kann.

	<p>diminishing the competences of anti-discrimination associations in supporting victims before the courts.⁹</p> <p>5. Compensation regulation: too weak.</p> <p>5. Law enforcement time limit: too short.</p> <p>5. Regulation on association's right to file an action: too weak.</p>
Important differences between law and Directive now?	See above
What is claimed to be better in law and since when?	2006 Anti-discrimination law exceeds civil law provisions by EU directives as it includes all 6 grounds of discrimination (and not only race/ethnicity) and establishes an office for all 6 grounds of discrimination.
Content of dispute(s) + date	<p>After the issuing of the European Directives against discrimination in 2000 (race, ethnicity) and 2002 (gender equality in employment), a first draft of a German adoption of anti-discrimination legislation was submitted in 2001. This first draft was rejected. In 2004, a draft from the coalition parties which exceeded the EU directive was not decided in the respective legislative period due to an appeal of the Bundesrat to the Mediation Committee (Vermittlungsausschuss). Despite the fact that the law did not need the confirmation of the Bundesrat, the appeal to the Mediation Committee needed to be addressed and this postponed the coming into force¹⁰. A special focus of contention was the attempt not only to implement the Directives but to create a consistent regime of anti-discrimination law beyond the demands of the European Law, especially to include all grounds in the prohibition of discrimination in civil law, and not only race and ethnic origin¹¹.</p> <p>In 2004 and 2005 there was a heated national debate over the new anti-discrimination law:</p> <ul style="list-style-type: none"> • Economic concerns that an anti-discrimination law would have a detrimental effect on employment, prices and profits are typically voiced by key business associations such as the German's Employer's Association, the German Industrial Federation and the Trade Association. Also, the conservative and liberal parties have strongly criticised the perceived economic impact of such as law. In 2005, Angela Merkel, CDU chancellor candidate, called the law a 'job killer'. These critical voices draw from the liberal, bourgeois and gender+ blind principles of individual autonomy and freedom of contract. • Legal concerns: Another line of criticism revolves around the concern for unintentional legal consequences such as uncontrollable masses of suits. The head of the German Association of Judges argued that the act would in fact produce more discrimination. • The cultural argument: In conservative views, the 'establishment of an anti-discrimination culture' was interpreted as a re-education project or worse, as a totalitarian undertaking. A CDU politician, Volker Kauder, even compared this law to NS race law and East German class laws. The churches, some of the biggest employers in Germany, argued that selectivity in employment on basis of religion needs to be legal¹².

⁹ Originally Article 3 of the AGG had inserted special rules into the Labour Court Code and the Social Court Code to the effect that anti-discrimination associations were given the authority to represent victims before these special jurisdictions. They were thus put on an equal footing with trade unions and employers' associations in the field of non-discrimination claims. By amending legislation of 2 December these additions were repealed, and thus there are now no special procedural competences for anti-discrimination associations. (The General Equal Treatment Act was amended by Article 8 of the Act amending the occupation pension act of 2 December 2006 (BGBl. I, 2742). Source: *General Report On Developments In Eu Gender Equality Law* JUNE 2006 – MAY 2007.

[http://ec.europa.eu/employment_social/gender_equality/docs/2007/genrep_06_07_en.pdf, accessed on 5 June 2008]

¹⁰ Source: Wersig, Maria. 2005. Sieg der Freiheit? Zum Scheitern des deutschen Antidiskriminierungsgesetzes. *femina politica* 14 /2): 100-104.

¹¹ Source: Mahlmann, Matthias. 2007. *Report on Measures to Combat Discrimination Directives 2000/43/EC and 2000/78/EC. Country Report Update 2006*. State of Affairs 8 January 2007.

¹² Source: Wahl, Angelika von. 2006. Gender Equality in Germany: Comparing Policy Chance across Domains. *West European Politics* 29 (3): 461-488.

	<p>In 2005 and 2006 (see below the Directives separately), Germany was convicted for not transposing the Directives in time. As has been reported, the Federal Government had planned on tabling its own Bill following the threat of being subjected to penalty payments by the ECJ. The Bill was tabled on 26 May 2006 and directly submitted to the <i>Bundesrat</i> (Second Chamber), the reason given being the pending penalty payment. One of the compromises made in favour of the Christian Democrats was the renaming of the Act, which now avoids the term “discrimination” in general (except in the naming of the Federal Anti-Discrimination Agency). The Act instead uses the term “disadvantageous treatment” (<i>Benachteiligung</i>), which in the Explanatory Memorandum to the Act is considered an important difference. The drafters aimed to avoid that any distinction (<i>unterschiedliche Behandlung</i>) would automatically constitute discrimination, which in their view could follow from the term “discrimination” which also means differentiation¹³.</p> <p>It took until August 2006 until such an act was eventually brought through parliament. Different actors contributed to the postponement of the coming into effect of the Anti-Discrimination Act/ later called the General Equal Treatment Act. The red-green coalition was criticised for its lack of engagement in the discourse, a lack probably due to internal differences in opinion¹⁴.</p> <p>There have been and still are infringement proceedings against this act (see below).</p>
Has any other inequality been part of the transposition disputes? Which inequality axis?	Gender, race/ethnicity, religion/belief, age, sexual orientation, disability
Parties to the dispute	All important political actors have issued comments on the bill and the act: Parties, the Bundesrat; the associations of employers and employees; CSOs active on the six grounds of discrimination, the churches. The LSVD and the German Women Lawyers’ Association have also sent letters to the EU Commission, informing about the lack of transposition of the Directives. In May 2007, the ADVD, the Anti-Discrimination Association of Germany, was founded. However, in its composition and work, there seems to be an emphasis on race/ethnicity.
Location or arena	National and regional; European EC, ECJ
Outcome of the dispute	<p>Infringement Proceedings against the GETA:</p> <ul style="list-style-type: none"> • 2000/78/EC – Framework Directive <p>1. On 23 February 2006, Germany was convicted for not transposing the directive¹⁵.</p> <p>2. 2006 – 2008: European Court of Justice. C-267 Tadao Maruko against Versorgungsanstalt der deutschen Bühnen: Dispute over dependent’s pension (sexual orientation). On 1 April 2008 the ECJ ruled that unequal treatment in gainful employment (<i>Arbeitsentgelt</i>) on grounds of sexual orientation is violating the directive. As no limitations to these rulings are set, payments have to date back to the time limit for transposition (3.12. 2003)¹⁶.</p>

¹³ Source: Schieck, Dagmar. 2006. Germany, in *BULLETIN LEGAL ISSUES IN GENDER EQUALITY* N°3/2006, 26.

¹⁴ See footnote 8.

¹⁵ http://ec.europa.eu/employment_social/fundamental_rights/legis/lginfringe_en.htm

¹⁶ On 8 April 2008, a public hearing on the bill of a Public Service Regulations Amendment Act (*Dienstrechtsneuordnungsgesetz*) is held; the LSVD argues with the ECJ ruling in its statements. Also the trade union body DGB and the important trade union for services, ver.di, demand equal treatment. Source: Information by LSVD Newsletters of 1 April, 2 April and 8 April 2008.

	<p>3. 31 January 2008¹⁷: Germany received a letter of formal notice from the European Commission, which is the first step of an infringement procedure. Germany has two months to respond. Among the concerns of the Commission are:</p> <ul style="list-style-type: none"> • The GETA does not cover dismissal regulations • Deadline for lodging a complaint too short (2 months) • Limitation of NGOs' right to participate in legal proceedings to defend victims of discrimination • The obligation to make reasonable accommodation applies only to severely disabled employees • The exception to the ban on age discrimination does not contain any of the conditions required by the Directive <ul style="list-style-type: none"> • 2000/43/EC – Race/Ethnicity <p>1. Infringement procedure: On 28 April 2005 Germany was convicted for failing to transpose the directive within the prescribed period¹⁸</p> <p>2. Infringement procedure: Currently, there is also an infringement procedure (Nr. 2007/2253)¹⁹</p> <ul style="list-style-type: none"> • 2002/73/EC – Equality between women and men in employment <p>Infringement procedure: Currently, there is also an infringement procedure (Nr. 2006/2519)²⁰</p>
Civil society engagement	Yes; CSOs active on the six grounds of discrimination
Other notes	

2. Issue	Equal Treatment Directive (employment, positive action, quota) 76/207/EEC
Has law been passed or changed prior to the Directive	NO
Legislation transposing Directive	1980 Act on the Equal Treatment of Men and Women in the Workplace 1994 Second Equal Rights Act + Amendment of the Constitution Art. 3 2001 Federal Equality Act (public service)
Does the country claim to have transposed the Directive?	Yes
Significant provisions that are mentioned by experts or political actors as not being transposed	

¹⁷ Source:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/155&format=HTML&aged=0&language=EN&guiLanguage=en>

¹⁸ http://ec.europa.eu/employment_social/fundamental_rights/legis/lginfringe_en.htm

¹⁹ Deutscher Bundestag, Antwort der Bundesregierung, Entwicklung und Behandlung von Vertragsverletzungsverfahren der Europäischen Union, 14.2.2008, Drucksache 16/8086. After hours of research, I still did not find information about the content of this infringement proceeding.

²⁰ Deutscher Bundestag, Antwort der Bundesregierung, Entwicklung und Behandlung von Vertragsverletzungsverfahren der Europäischen Union, 14.2.2008, Drucksache 16/8086. After hours of research, I still did not find information about the content of this infringement proceeding.

Important differences between law and Directive now?	
What is claimed to be better in law and since when?	
Content of dispute(s) + date	<ul style="list-style-type: none"> Legislators were called by the EC to amend the 1980 Act on 2 issues: firstly, they needed to introduce sanctions in cases of discrimination on the grounds of sex; secondly, domestic restrictions on working time hours (night work for women). These amendments were undertaken in the Second Equal Rights Act²¹. In the run up of the Second Equal Rights Act of 1994, the debates were about the quota system and whether equal treatment and positive action should be part of the Constitution. High media attention was paid to the issue; a broad intra-party coalition across parties, reuniting women from parties, unions, academia, media, civil rights groups and women's organisations that lobbied for a constitutional extension. Several members, including the Bundestag president, CDU member, Rita Süßmuth used it as a forum to advocate for the compensation clause (allowing for positive action) as well.²² Quota regulation: ECJ Kalanke ruling (1995) against ' : it fuelled a broad and intense debate on the pros and cons of affirmative measures. National actors concerned with equal opportunities policy: Equal opportunity officers, Ministers for Women, Frauen Union, women's sections of trade unions, the major parties' spokespeople on women's issues played a dominant role in the media coverage. There was a plethora of comments from women's rights activists on the court rulings and their implications for equal opportunity policy. The Marshall ruling (1997) restored positive action under the condition of a saving or hardship clause²³. In the run up of the decision on the Federal Equality Act (2001), the contentious point was whether there should be an equality act for the private sector; the act in itself was not so contested after all.
Has any other inequality been part of the transposition disputes? Which inequality axis?	
Parties to the dispute	See above
Location or arena	National; European EC, ECJ
Outcome of the dispute	<p>In 1994, Gender equality and positive discrimination was included in the Constitution.</p> <p>In 1995, the Second Equal Rights Act (Zweites Gleichberechtigungsgesetz) came into force. The main point of critique was that the law only concentrates on the public service and hardly touches on the private sector. Equal</p>

²¹ Source: Kodre, Petra and Henrike Müller. 2003. Shifting policy Fames: EU Equal Treatment Norms and Domestic Discourses in Germany. In *Gendering Europeanisation*, ed. Ulrike Liebert, 83-116. Bussels: Peter Lang.

²² Kamenitsa, Lynn and Brigitte Geissel. 2005. WPAs and political representation. In *State Feminism and Political Representation*, ed. Joni Lovenduski, 106-129. Cambridge University Press.

²³ Source: Kodre, Petra and Henrike Müller. 2003. Shifting policy Fames: EU Equal Treatment Norms and Domestic Discourses in Germany. In *Gendering Europeanisation*, ed. Ulrike Liebert, 83-116. Bussels: Peter Lang.

	<p>opportunity regulations for the private sector are missing. The law might therefore be judged as not compatible with EU law. Even for the public service the law is weak: It has no quota systems, the competencies of the women's policy agencies are low, their institutionalisation is weak and they aim mainly at combining work and family – for women. One positive aspect of the law is the introduction of sexual harassment.²⁴</p> <p>Positive developments of the Federal Equality Act, introduced in 2001 are 1. the prohibition of indirect discrimination in human resources decisions; 2. the regulations on transparency in the application processes; 3. the obligation to produce equality action plans with flexible quota schemes; 4. better institutional standing of gender equality officers. What is missing are sanctions in cases of violations of equality action plans and the right to class action (Verbandsklagerecht), supporting the individual's right to sue.</p> <p>The corresponding act for the private economy is missing up until today; there is only a voluntary agreement from 2001.</p>
Civil society engagement	Yes; there are still many NGO demands for a gender equality act for the private sector economy.
Other notes	

3. Issue	Sexual Harassment²⁵
Has law been passed or changed prior to the Directive	No
Legislation transposing Directive	1994 Second Equal Rights Act – The Employee Protection Act Substituted by the 2006 General Equal Treatment Act
Does the country claim to have transposed the Directive?	Yes
Significant provisions that are mentioned by experts or political actors as not being transposed	1994: Feminists criticised that the 1994 act did not define sexual harassment as a form of sex discrimination (but as a violation of the work contract) and it does not put it in relation to gender equality. Law enforcement measures are weak. 2006: For the criticism see GETA 2006.
Important differences between law and Directive now?	
What is claimed to be better in law and since when?	
Content of dispute(s) + date	1994: First awareness of the issue rose in 1983, when there was a case of sexual harassment in the lines of the recently elected Green Party. Strikingly, neither the anti-violence nor the feminist movement engaged vividly in the issue, supposedly – among other reasons – because of the intensity of the

²⁴ Source: Schieck, Dagmar. 1995. Die Schnecke kriecht rückwärts: Das zweite Gleichstellungsgesetz. [The snail sneaks backwards: the second equal rights act] *Streit* 1: 3-13.

²⁵ Source: Zippel, Kathrin. 2006. The political path of adoption: feminists and the German State. In *The politics of sexual harassment. A comparative study of the United States, European Union and Germany*. Chapter 4, 123-157. Cambridge UP.

	<p>abortion debate. Also, advocates of sexual harassment legislation did not choose to pressure through fighting in court, but through parliament. Hence, changes took a long time.. In the following decade however, impulses to advance the cause came from the European integration process/EU directives as well as from femocrats. Acting on state and communal level, through the institutions of women's or gender equality offices, they drew from transnational expertise and EU soft-law measures.</p> <p>Despite its symbolic importance, the 1994 law was a major disappointment to the feminist movement for various reasons: It did little to strengthen the legal standing of the victim; it did not define sexual harassment as sex discrimination nor placed the law in the context of gender equality. The term of sexual harassment was defined very narrowly: Only intentional, sexually motivated behaviours constitute sexual harassment. This means that the logic of the law accounted for the intentions of the perpetrator instead of considering the outcome for the victim. Also, the law talked about a one-time-mistake. Eventually, it was criticised that the law did not provide for adequate law enforcement mechanisms such as sanctions for the employers violating the law.</p> <p>2006: The climate for legislative change towards more restrictive regulations on sexual harassment was not much more favourable at the beginning of the new millennium than it was at the beginning of the 1990s. The tense employment situation caused the policy makers to withdraw from state interventions into the labour market. The pro-business advocates and German employers argued that existing regulations on sexual harassment were sufficient. Advocates for a stronger law were confronted with the question whether they should demand a separate law or just go with the current flow and introduce the best possible regulations against sexual harassment into the General Equal Treatment Act. The second strategy was adopted. It is striking how little attention was paid to sexual harassment during the initial drafting of the law.</p> <p>Hot issues of debate include the issue of class action suits and how organisations could file complaints on behalf of victims; the meagre result was subject to much feminist criticism. Also, implementation and law enforcement issues such as where the Anti-Discrimination Offices should be located and whether women's and equality offices would have to assume the other grounds of discrimination were contentious. The German definition of sexual harassment, comprised by the premise of intentionality, eventually had to give way to the EU directive's clear definition of sexual harassment as sex discrimination.</p>
<p>Has any other inequality been part of the transposition disputes? Which inequality axis?</p>	
<p>Parties to the dispute</p>	<p>1994: Sexual harassment was not a highly prioritised issue on the agenda of the labour unions or the autonomous women's movement; it was especially the catalyst of the EU that pushed developments forward. Femocrats (Greens, SPD) became the crucial allies for advocates of sexual harassment laws. It was due to the assertiveness of the then acting Women's Minister Angela Merkel that the Employee Protection Act came into force at all²⁶.</p>

²⁶ Degen, Barbara. 2001. Sexuelle Gewalt am Arbeitsplatz – Der Einfluss der Frauen, die Macht der Männer. [Sexual harassment at the workplace – the influence of women, the power of men]. *Streit* 4: 149-158.

Location or arena	National; European
Outcome of the dispute	1994: The first act against sexual harassment was introduced in 1994 and raised much criticism, especially for its weak law enforcement mechanisms. The Federal Government commissioned an implementation study done by NFO Infratest and Baer to target deficiencies in the law. However, it took another 12 years until regulations on sexual harassment were renewed; this happened in the frame of the General Equal Treatment Act (2006). 2006: Obligations due to EU directives forced the German governments to introduce such an act; according to the EU guidelines sexual harassment had to be defined wider than initially aimed for. However, criticisms of the law enforcement mechanisms etc. of the GETA remain (see GETA 2006).
Civil society engagement	Yes, women's movement.
Other notes	

- For the issue on **Equality Bodies**, please see the 1. Issue of the General Equal Treatment Act of 2006.
- There were no disputes around the **Parental Leave Directive 96/34/EC**, because it was claimed that provisions were already fulfilled by the Federal Child Raising Benefit Act of 1986²⁷.
- The issue of **working time** (night work for women) was regulated by the Second Equal Rights Act of 1994. See the 2. Issue on the Equal Treatment Directive (employment, positive action, quota) 76/207/EEC.
The right to part-time employment (especially promoted in relation to parental leave) was regulated in the **2001 Act on Part-Time Working and Fixed-Term Employment Contracts**: For the first time a general legal entitlement to work part-time in private industry in companies with more than 15 employees if no operational reason exists opposing this.

1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law?

	EU			Country		
	Provision	Year	Notes	Provision	Year	Notes
Maternity	14 weeks	1996	Pay must not be less than wage during sickness leave.	14 weeks	1997 2002	100% of pay
Paternity	Optional	1995		Optional: see parental benefit/ 2 partner months	1986 2001 2007	
Parental	3 months	1996	Unpaid	Parental leave 3 years	1986 2001 2007	67 % of salary for 12 months; 2 additional partner months

²⁷ Source see footnote 23.

Duty on all public bodies to promote GE	No	2004	Mainstreaming required by 2006	CEDAW Duty to gender mainstreaming Federal Equality Act	Ratified in 1985 2000 2001	
Equalities body (employment)	Yes	2002		Anti-Discrimination Office	2006	
Equalities body (goods & services)	Yes	2004		Anti-Discrimination Office	2006	
Equalities body for promotion of women?	Yes	2006		Gender Equality Officers in public service; no body for private sector	1994 2001	
Gender pay audits	Not specified			Not specified		
Gender Equality plan (employment)	Yes	2002/2006		Action Plan 'Women and Work' Action Plan 'Return to Workplace'	1999 2008	
Requires NGO dialogue to be encouraged	Yes/no	2002	Dialogue	Anti-Discrimination Office and Advisory Board	2006 2007	
Positive action measures	Yes/no	1975	Allowed, not required	Yes, constitutional provision → duty of the state Plans for the advancement of women in public service Positive measures allowed (in labour and civil law)	1994 Constitutional amendment 2001 2006	
Public bodies to promote racial equality				Anti-Discrimination Office	2006	

If there are no sanctions for violating the law, please state this				Compensation payments to the person discriminated against (in labour and civil law)	2006	
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1.4 Equality law on intersecting inequalities²⁸

- Is discrimination on the grounds of ethnicity/'race' illegal? Yes.
 - When was this law introduced? *Basic Law/Constitution, Art. 3 (3) since 1949; General Equal Treatment Act 2006*
 - Is this restricted to employment related issues? No
 - Does it include the sale and supply of services? Yes
 - What disputes if any took place during its introduction? *See 1.2. on General Equal Treatment Act*
- Is discrimination on the grounds of religion illegal? Yes.
 - when was this law introduced? *Basic Law/Constitution, Art.3 (3) since 1949; General Equal Treatment Act 2006*
 - Is this restricted to employment related issues? NO
 - Does it include the sale and supply of services? Yes, *in case of mass contracts (over 50) and private insurances*
 - What disputes if any took place present during its introduction? *See 1.2. on General Equal Treatment Act*
- Is discrimination on the grounds of sexual orientation illegal? Yes
 - when was this law introduced? *General Equal Treatment Act 2006*
 - Is this restricted to employment related issues? NO
 - Does it include the sale and supply of services? Yes, *in case of mass contracts (over 50) and private insurances*
 - What disputes if any took place during introduction of these laws? *See 1.2. on General Equal Treatment Act*
- Is discrimination on the grounds of disability illegal? Yes
 - when was this law introduced? *Basic Law/Constitution, Art.3 (3) since 1949; 2002 Act on Equal Opportunities for Disabled Persons; General Equal Treatment Act 2006*
 - Is this restricted to employment related issues? NO
 - Does it include the sale and supply of services? Yes, *in case of mass contracts (over 50) and private insurances*
 - What disputes if any took place during introduction of these laws? *See 1.2. on General Equal Treatment Act*
- Is discrimination on the grounds of age illegal? Yes
 - when was this law introduced? *General Equal Treatment Act 2006*
 - Is this restricted to employment related issues? NO

²⁸ Discrimination on grounds of ethnicity/race, religion/belief, sexual identity, disability and age is prohibited by the General Equal Treatment Act of 2006. It transposed the following EU Directives:

- 2000/43/EC of 29 June 2000: Race/ethnicity
- 2000/78/EC of 27 Nov 2000: Framework Directive in occupation and employment
- 2002/73/EC of 23 Sept 2002: Amendment of Equal Treatment Directive (gender: access to employment, training, job promotion)
- 2004/113/EC of 13 Dec 2004: Access to goods and services (gender)

It focuses mainly on labour law; discrimination on these grounds except for belief is also prohibited in civil law. It includes the access to goods and services. However, these regulations are restricted to mass contracts (except for the ground of ethnicity/race) and are not valid in a 'close personal/familial environment'. There are also exceptions for religious organisations. For the disputes see Question 1.2. on the General Equal Treatment Act.

- Does it include the sale and supply of services? Yes, in case of mass contracts (over 50) and private insurances
- What disputes if any took place during introduction of these laws? See 1.2. on General Equal Treatment Act

- Is discrimination on the grounds of marital status illegal? Not explicitly.
 - when was this law introduced? *The Basic Law/Constitution rules (Art.6 (5)) that children out of wedlock are to be given support by means of legislation in order to enable equal positions in society; The Childship Rights Reform Act of 1998 introduced joint custody for unmarried parents; equal treatment of married/unmarried parents in case of separation; visiting rights for people who are important for child development (e.g. non-married father). The Children's Right Improvement Act of 2002 introduced 'small custody' for step-parents. In 2007, a Maintenance Reform was passed.*
 - Is this restricted to employment related issues? *There are no regulations regarding marital status regarding employment.*
 - Does it include the sale and supply of services? *With regard to access to goods and services, there is no protection from discrimination in relation to reproductive medicine: As the Federal Constitutional Court has ruled in 2007, public health services only need to assume the costs of artificial insemination for married couples. Concerning services, a professional guideline for medics rules that these services are also to be offered to couples in stable relationships (but not homosexual couples). With regard to adoption: Joint adoption of children is only permitted to heterosexual married couples. For unmarried couples, only one person is allowed to adopt a child (like single parents). The chances for unmarried persons and single parents are less favourable than for married parents.*
 - What disputes if any took place during introduction of these laws? *The recently decided Maintenance Reform (2007) ruled that married and unmarried parents with child-raising duties are equally eligible to maintenance payments. With regard to the latter, the CDU had tried to rank unmarried parents last. However, Federal Constitutional Court Rulings do not allow for unequal treatment of children born in or outside wedlock. Eventually, the maintenance reform was decided in November 2007. The CDU still emphasised that this would not mean that marriage was equalised with un-married partnerships.*

- ..
- Are there further legal issues, especially disputed legal issues, concerning the intersection of equalities with gender that are relevant?

No.

2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country. (Please include not only if they are called 'national gender equality plans' or but also if they are just a sub-section of a larger national development plan.) The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State. |

2.1 National gender equality plans

2.1.1 Is there a national gender equality plan? Or a gender equality component of a national development plan. *NO*

There is no genuine national gender equality plan. Following requirements of human rights conventions, Germany is a signatory state of gender-specific reports to the CEDAW. However, they cannot be considered a national action plan in the proper sense. There is no sign of life of the National Action Plan of 1997, issued in the follow-up of the 4th UN World Conference on Women in Beijing.

Apart from the mandatory EU reports such as the National Reform Programmes (Employment) and the National Strategy Report Social Protection and Social Inclusion that partly take a gender

dimension into account (evaluation: see 2.2 and 2.3.), there is no such thing as a national development plan. For the intersection of gender with other inequalities see 2.1.2. below.

- If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?).
- Is the focus restricted to non-discrimination?
- Is there reference to gender mainstreaming?
- Are there named policy instruments and/ institutions, if so what?
- Are there indicators and statistics to evaluate the policies?
- Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)

2.1.2 Is gender equality integrated with other equalities in a national plan?

If yes please name and describe very briefly the range of issues that it covers, in particular, how far beyond employment does it go? Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)? If so, please specify.

*The **Action Plan to Protect Children and Youth from Sexual Violence and Exploitation** was issued in 2003. While it initially addresses structural gender inequality, it seems that the measures are mostly gender-blind.*

*In 2005, following the requirements of the UN General Assembly, Germany issued the **National Action Plan. For a Germany fit for Children 2005–2010**. Fields of action are education, an up-bringing free from violence, promotion of health, participation and international commitments. It seems to be gender mainstreamed and to take other social divisions into account. However, inequalities of gender, disability and migration are dealt with separately. The privileged axis is age. The main framing is children's personal development in order to contribute to economic and societal development for the society as a whole. There are also elements of social justice.*

*The **National Integration Plan**, issued in September 2007, provides for 400 voluntary measures to be implemented by the government at the federal, state and communal levels as well as actors from the economy and associations with and without migrant background. The implementation of these measures will be evaluated at the third Integration Summit in autumn 2008. At the federal level the government plans the extension of integration courses, the promotion of language skills, the availability of child care for participants of the integration courses, co-operation with the private sector/ economy to promote the access to the labour market for young migrants, the advancement of migrant women as a motor of integration and online-counselling for women affected by forced marriages. Special measures in the fields of sports, media and civil engagement also aim at enhancing the integration of migrants.*

There is a separate chapter on 'Improving the situation of women and girls, realising equality'.

- 1. *Integration through rights: It contains considerations of the problem of forced marriage and how to protect women migrants from domestic violence. Frames: Human rights (residence rights etc. (although only in diagnosis and not in prognosis!); victim protection/freedom from violence); Anti-Discrimination; Crime and Justice. Intersectionality: gender/migration/citizenship status*
- 2. *Participation: Education and employment, awareness raising, transformation of gender roles, self-representation – needs interpretation. Frames: Successful integration/use potential of migrants; Citizenship/democracy: social and political participation of women migrants; Intersectionality: gender/migration/marital status;*
- 3. *Health system and sexual education: access to health prevention and services, sexual education, elderly care, approbation. Frames: Health, Participation; Intersectionality: gender/migration/class, gender/citizenship status, gender/age/ethnicity + class (p. 99 – 100 explicit),*

2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence

If yes please name the plan. Does it cover:

National Action Plan to Combat Violence against Women (1999)

It provides measures to tackle structural and individual causes of violence. The majority of the measures are not directed towards a certain form of violence, but aim at changing the societal pattern enabling violence against women. What is mentioned is abuse of children, sexual harassment, special measures for women with disabilities, elderly women, violence against migrant women and girls. It addresses legislation in the field of domestic violence and trafficking, sexual violence against persons not capable of resistance, children raised free from violence.

The emphasis of the NAP is to combat domestic violence and trafficking. Also important: gender-specific reasons for asylum; to protect women with disabilities from violence.

- Domestic violence and violence in partnerships: YES
- Sexual assault/violence and rape: YES
- Sexual harassment and stalking: Sexual harassment YES; Stalking NO
- Trafficking and prostitution: Trafficking YES; (Prostitution: sex tourism: YES)
- Forced marriage, honour crimes and FGM: NO; FGM is only mentioned in relation to international UN resolution.

Does the plan include:

- named policy instruments and/or institutions, if so what;
state institutions at all levels of society (federal, regional, communal), federal-regional working groups, co-operation with NGOs, international cooperation; legal change and law implementation, administrative orders, campaigns, education, training and awareness raising; model projects
- indicators and statistics to evaluate the policies, if so which?
Evaluate laws; - not specified.

Second National Action Plan to Combat Violence against Women (2007)

The emphasis is the protection of migrant women (domestic violence, forced marriage, trafficking, FGM), women with disabilities (sexual violence in care), children, women in risky situations (separation),

- Domestic violence and violence in partnerships: YES
- Sexual assault/violence and rape: YES: *especially sexual abuse of children; gender-specific sexual violence in development cooperation*
- Sexual harassment and stalking: YES
- Trafficking and (forced) prostitution: YES
- Forced marriage: YES,
- Honour crimes: NO
- FGM: YES

Does the plan include:

- named policy instruments and/or institutions, if so what;
Legal change; nation-wide networks, federal-regional working groups, co-operation between state (at all levels) and NGOs, education and awareness raising, research, European and international cooperation, support for international projects addressing women e.g. in Turkey
- indicators and statistics to evaluate the policies, if so which?
Evaluate laws (not specified how), monitor and evaluate National Action Plan. For a Germany fit for Children 2005–2010; indicators only mentioned in relation to EU policy²⁹

2.2 EU required National Reform Programme (National Action Plan) for Employment

- Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) include a significant set of actions concerning gender equality? If so, what are these?

Member state reports 2006: http://ec.europa.eu/growthandjobs/key/nrp2006_en.htm)

National Reform Programme Germany 2005 – 2008 as of 15 August 2006

The report follows a strict economic development rationale: Reconciliation of work and family especially for women should be promoted in order to raise the birth rate and to ensure economic

²⁹ 'Bis 2008 soll es einen gemeinsamen EU-Rahmen für Indikatoren und Datenerhebungen im Bereich Gewalt gegen Frauen sowie gemeinsame Indikatoren für häusliche Gewalt geben.' (p.59)

development³⁰ (p.7). Gender Mainstreaming is seen as a means to 'improve Germany's innovative and competitive capabilities' (p.7). It is announced that the evaluation of recent labour market reforms will take gender-related aspects into account (p.36). In the Chapter 'Raising the share of women in the labour force' (p.40-41) it is emphasised that by means of the Employment Promotion Act the share of women in employment promotion and further training has been raised and is sought to be maintained. Other measures that should promote equality between women and men in the labour market for the sake of economic growth is the Agreement of the Federal Government and the umbrella business associations (aims at promoting women in leadership positions; promoting business set-ups). Other measures include: "Neue Wege für Jungs"³¹ (intersection gender/age); Parental Benefit³²; New elements of the company programme "Erfolgsfaktor Familie. Unternehmen gewinnen"³³; Drafting a National Integration Plan³⁴ (intersection of migration/citizenship status).

- Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state's programme? If so, what are these?

EGGSIE 2005 report see:

http://ec.europa.eu/employment_social/gender_equality/docs/2006/final_nrp_synthesis_2005_en.pdf

The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The co-ordinators' synthesis report prepared for the Equality Unit, European Commission, Final Report, 2005. Expert for Germany: Friederike Maier

Summary:

Extent of gender mainstreaming of the NRPs: The German NRP was produced after the election and the formation of a coalition government; there was therefore little time for consultation and there is no real evidence of gender mainstreaming. There is, however, a strong focus on reconciliation, including a separate chapter. Although this involves a commitment to more childcare, women are still expected to work on a part-time basis.

The adequacy of the policy approach: The policy programme outlined in the NRP for Germany does not move beyond an approach that promotes women's employment on a part-time basis. There are only some measures to improve childcare, but no real new initiatives.

Expert Summary Assessments of the NRP Employment Guidelines from a Gender Perspective: Although family policy and the demographic development of Germany is a major political concern, reflected in the growing awareness that women's employment should be promoted both as a means of economic development and family policy, the NRP fails to develop a positive concept of women's and men's roles in the labour market and in family care. It is not at all inspired by a gender mainstreaming approach, and mentions gender aspects only in some parts and programmes and does not develop new initiatives that are not already underway. Some details differ from the previous approaches but the differences are marginal and not conceptual. The new government follows the line of helping parents to combine work and family via part-time jobs for women, a moderate increase in childcare and lower financial transfers to unemployed persons, persons in old age groups and potential pensioners.

³⁰ 'Children are the future of society. However, especially women more often than not have to choose whether they want to work, or whether they want to have children. This is one of the reasons for the low birth rate in Germany, which will have negative effects on society's innovative capacity and on growth and well-being in the medium and long term', p.7

³¹ "Neue Wege für Jungs" is a nationwide project to network initiatives designed to help boys plan their working and personal lives. The activities encourage boys to reflect on male role perceptions. Expected effect: More gender equality by overcoming barriers in terms of boys' career choices.

³² Expected effects: Promotion of gender equality in terms of career and family life. Women are expected to return to work sooner, which reduces gender-specific differences concerning employment, unemployment and pay.

³³ New elements of the company programme "Erfolgsfaktor Familie. Unternehmen gewinnen"; Raising awareness of family-friendly HR policies as management instruments among entrepreneurs, executives and HR officers.; Core task: Promotion of work-life balance, more gender equality, Promotion of employers' contribution to improve social cohesion, Raising the rate of employment among women;

³⁴ Drafting a National Integration Plan with goals, concrete measures and undertakings in six areas of activity:

- refining integration courses
- promoting knowledge of German from the outset
- ensuring education and training, increasing chances on the labour market
- improving the situation of women and girls, making equal rights a reality
- supporting in situ integration
- strengthening the civil society

Positive developments that were not mentioned in the NRP:

- the increased public debate in Germany on the positive role of public childcare and on the need to help young people to combine work and family life to prevent parenthood from being a cause of poverty
- the Alliance for Family initiative in Germany that brings together a range of social partners to make reconciliation policies more visible-involving a change of slogan for the SDP from work, work, work to children, children, children
- the regulation of part-time and temporary work in Germany that has promoted regular part-time work within the framework of social security

Negative developments that were not mentioned in the NRP

- the failure to discuss the negative aspects of mini-jobs in Germany for women

- Did the EU Commission's response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these?

EC response: http://ec.europa.eu/growthandjobs/annual-report-1206_en.htm)

Germany. Assessment of National Reform Programme

http://ec.europa.eu/growthandjobs/pdf/1206_annual_report_germany_en.pdf, accessed on February 21, 2008.

The evaluation of the EU Commission deals with the inequality axes separately and is short (1 paragraph, see below) and descriptive rather than normative.

'Major difficulties remain with respect to the effectiveness of the employment services in dealing with unemployed people who are hard to place, especially the long-term unemployed. The NRP objective that no young person should be unemployed for more than three months has not yet been met, and demand for apprenticeships by far outstrips vacancies for such positions. The design of measures aiming at a higher employment rate of older workers has been improved, but there should be more focus on prevention. The announced agreement with social partners to improve the qualifications of older workers has turned into an agreement to raise awareness and exchange good experiences about older workers' employment. **Regarding participation of women in the labour market**, and the reconciliation of work and family life, some progress has been made in the provision of childcare infrastructure, but the number of childcare places is still low. Important challenges such as the high gender pay gap are not addressed directly. Increased attention has been given to the integration of immigrants, including an announced "national integration plan" to improve the school education and vocational qualifications of young migrants.' (p.4)

2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion

- Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these?

Member state reports: http://ec.europa.eu/employment_social/social_inclusion/naps_en.htm

Below, three National Action Plans are described in detail, ranging from 2003 to 2006. It seems that the degree of visibility of intersecting inequalities intersectionalities has decreased over the years; also, the extent to which the situation of women outside of employment is addressed has decreased. As stated in the evaluation of the 2006 Action Plan, it seems that goals outweigh concrete measures to combat social exclusion. The highest concern with gender equality seems to be present in the first Action Plan from 2003-2005.

National Action Plan against Poverty and Social Exclusion 2003-2005. Germany. Strategies to Enhance Social Integration

- Extend the principle of gender mainstreaming
- Integration of women into employment/education: gender/age/disability; gender/age; gender/age/marital status (young single mothers); Reconciliation (part-time work): gender
- Domestic violence: gender

- *Class/Poverty: Gender/Homeless women; gender/age/marital status: avoid poverty of young single mothers*
- *Addicted women*
- *Problems of migrant women/men are identified but not included into the problem solving strategies.*

Implementation Report 2005. Germany.

- *Women into employment – better childcare infrastructure*
- *Employment: Women with disabilities*
- *Reconciliation of work and family for women in particular*
- *Women and IT*

National Strategy Report Social Protection and Social Inclusion 2006. Germany

http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/germany_en.pdf, accessed on February 21, 2008.

Goals are increasing the employment share of women, the improvement of reconciliation of work and family life and the elimination of factors leading to indirect pay discrimination. 'The Federal Government is committed to better, disadvantage-free access by women to paid work and the promotion opportunities to secure their existence' (p.10). Concrete measures to improve the general conditions for women to take part in paid employment are the expansion of institutional childcare and day care and the planned introduction of parental benefits and better consideration of childcare costs (p.33).

We find intersectionality of the inequality axes of gender and migration/citizenship (gender specificities in educational and care offers for children and young people, including their parents, improving their training and integrating them in the labour market). Furthermore, special measures for women and girls from an immigrant background (women's projects) are also funded to support social integration. Considerations of gender and age arise in the issue of pension systems (Riester-Rente). Gender issues are also referred to in the issue on health and health prevention.

The report also comprises of best practice examples in the field of long-term and claims that the Long-term Care Insurance Act contributes social security of women carers³⁵.

However, the impression is that statements of goals outweigh concrete measures that are planned and will be implemented.

- Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these?

EGGSIE Synthesis report (2006)

http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf

Gender inequalities in the risks of poverty and social exclusion for disadvantaged groups in thirty European countries. Friederike Maier (DE). Manuscript completed in July 2006

With regard to policies to mitigate the discrimination and promote the integration of migrants (it seems that this evaluation refers to earlier NAP report 2005-6 of Germany), Germany is criticised for only recently engaging in a comprehensive policy approach. It is stated that policies point into the right direction but are insufficiently developed to combat two of the major problems of migrants (access to education and employment). What is lacking is binding anti-discrimination legislation, an antidiscrimination policy programme in the areas of education and training, employment, lifelong learning and positive understanding and application of multiculturalism. Gender mainstreaming needs to be developed to expose the particular situation of migrant women more systematically.

[Annotation: These demands might have been partially met by the General Equal Treatment Act of August 2006 and the National Integration Plan of September 2007]

³⁵In connection with the priority for care at home, it is also especially important to improve the pension situation of informal carers. The long-term care insurance providers make contributions to the statutory pension insurance for these people, depending on the level of care and the scope of the caring work. This is designed to recognise that they often fully or partially give up their own job to care for their family member. Since over 90% of the carers subject to pension insurance are women, the long-term care insurance companies are thus also making an important contribution to the independent social security of women in old age. Moreover, caring is included in the protection of statutory accident insurance' (p.61).

- Did the EU Commission's response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these?

EC report: http://ec.europa.eu/employment_social/social_inclusion/jrep_en.htm

Commission Staff Working Document Implementation And Update Reports On 2003-2005 Naps/Inclusion And Update Reports On 2004-2006 Naps/Inclusion. Germany.

The evaluation of the Implementation Report of 2005 is mainly non-gendered, apart from one statement: 'The Implementation Report lacks a specific description of how the gender dimension is mainstreamed into the social inclusion field, although the principle of gender mainstreaming underlies a large number of measures in the inclusion field.' (p.46)

Commission Staff Working Document. Joint Report On Social Protection And Social Inclusion. Country Profiles. Germany. [Complementation of the 2007 Joint Report on social protection and social inclusion]

(Evaluation of the National Strategies for social protection and social inclusion that Member States have presented in 2006 for the first time).

The evaluation states that 'in relation to social inclusion, the report highlights the situation of children and families, the position of immigrants and access to the labour market for women' (p.42) It is positively stated that 'the gender dimension is more visible in the policy process than in previous reports, especially as regards raising the participation rate of women, broadening their occupational choice, tackling the gender pay gap, and increasing their self-employment and career opportunities through an increase in child care facilities and the introduction of a new parental allowance' (p.43)

2.4 EU funding

- Does the EU provide funding in your country that has / has had a significant gender impact?³⁶
Hard to evaluate; no studies on the gender impact of structural funds available.
Structural funds to consider include the European Social Fund³⁷ and the European Regional Development Funds³⁸.
- If yes, how much and over what period of time?

In the period of 2000-2006, Germany received 12 billion EUR from the ESF fund. Special aims were vocational training; social integration of disadvantaged persons; promotion of start-ups, equal opportunities of women and men. The German EQUAL programme (2000-2006), funded by the ESF and national funds, was one of the biggest realised in the European Union. Gender equality was one of its main objectives.

Regarding the ERDF, there were 46 programmes undertaken in the same period³⁹.

For the period of 2007-13, Germany will receive 26,692 billion EUR from European structural funds, which is 7,5 % of the funds available for the period of 2007-13⁴⁰.

- If yes, comment upon the extent to which gender was mainstreamed in associated plans and programmes (e.g. the National Development Plans for 2000-2006)?

In the 'National Strategic Reference Framework for the EU Structural Funds in Germany, 2007-2013', a strategy of how the EU structural funds will be used is developed. Gender equality and gender mainstreaming are referred to in two chapters: The aim of 'Promotion of diversity management and gender equality of men and women' is found in the chapter 'Increasing the adaptability and competitiveness of business and employees'; the 'Implementation of measures aimed at promoting equal opportunities for men and women in Germany's vocational training system, and promotion of systematic gender mainstreaming in all domains' is found in the chapter 'Optimizing human capital'.

³⁶ The following link may serve as a useful starting point (see drop-down menus along the top of the page and links on the left hand side): http://ec.europa.eu/regional_policy/policy/history/index_en.htm

³⁷ http://ec.europa.eu/regional_policy/funds/fse/index_en.htm

³⁸ http://ec.europa.eu/regional_policy/funds/feder/index_en.htm

³⁹ Source: Regional Development Programmes 2000-2006

[http://ec.europa.eu/regional_policy/country/prordn/search.cfm?gv_pay=DE&gv_reg=ALL&gv_obj=ALL&gv_the=ALL&LAN=EN, accessed on 11 June 2008]

⁴⁰ Source: European Commission, Regional policy [http://ec.europa.eu/regional_policy/policy/fonds/pdf/annexe-recto.pdf, accessed on 11 June 2008]

More specifically, the ESF programmes aim at achieving equality (gender, elderly, disabled people) in access to employment. Therefore, a double strategy will be pursued: special measures and the consideration of equality concerns throughout all measures (equality mainstreaming). Gender budgeting is a principle to be followed and it is envisaged to establish a gender coordination office supportive of the implementation of gender equality in ESF programmes⁴¹.

3. Governmental Machinery For Equality

Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery (e.g. proposed mergers). (Approx. 250 words)

Gender Equality Machinery

The 1980s saw an institutionalisation of women's issues in the Federal Administration. The Federal Ministry of Youth, Families and Health included 'Women' into its official name in 1986 and set up a special Department for Women's Politics in 1987 (BMFSFJ 2007). Women's and Equality Offices were set up at state (Länder) and communal levels. In 1991, the Conference of Equality and Women's Ministers and Senators of the Länder (GFMK) was established. Feminists within the Social Democratic Party and the Green Party pushed for the institutionalisation of gender equality issues. These so called state feminists are and can be important allies of the women's movement; the latter one, however, was split over the question to what degree interaction with state institutions should take place.

In order to deal with the manifold demands arising from Germany's unification in 1990, the Ministry was split into three areas with Angela Merkel acting as Minister of Women and Youth from 1991 to 1994. It was during this legislative period and due to Merkel's endorsement in the issue that – a watered down version of – the Second Equal Rights Act was pushed through (Degen 2001). In 1994, the Ministry was joined again and received its present name and form: Federal Ministry of Family, Senior Citizens, Women and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend BMFSFJ). In 1997 a Federal-Regional Working Group on Violence against Women was set up, which was followed by a working group on Trafficking in Women.

New initiatives were taken under the Social-democratic and Green government coalition (1998-2005). In May 2000, the Interministerial Working Group (IMA) on Gender Mainstreaming, which later coordinated and provided for a common gender mainstreaming strategy of the Federal Government, was set up and located at the BMFSFJ until its dissolution in 2006. In 2003, the GenderCompetenceCenter, an application-oriented research institution at the Humboldt-University of Berlin was founded. It is financed by the Federal Ministry for Family, Senior Citizens, Women and Youth and is the only remaining instrument to implement gender mainstreaming in public administration⁴².

In October 2007, an open letter by the association 'Gender Mainstreaming Experts International (GMEI) sent to the Family and Women's Ministry raises concerns about the lack of emphasis on Gender Mainstreaming in the 6th CEDAW country report and the lack of engagement of the Federal Government with this strategy.

During the QUING research period, in 2007, an internal restructuring of the Federal Ministry for Family, Senior Citizens, Women and Youth took place. The section 'Equality' now comprises of the following departments (the sub-division of 'Gender Mainstreaming and Equality Legislation' does not exist anymore):

- General issues
- Equal opportunities in employment
- Protection of women from violence
- Pregnancy, women's health issues, women and disability

⁴¹ Source: Europäischer Sozialfonds für Deutschland [<http://www.esf.de/portal/generator/1122/querschnittsziele.html>, accessed on 11 June 2008]

⁴² For a detailed account of gender mainstreaming activities see OPERA update: Germany (July 2007).

- European and International equality politics
- Transformation of roles and participation, men, migration, milieu

The issue of reconciliation shifted from the 'Equality' to the second section, which is 'Family'. According to an interview with the GenderCompetenceCenter in Berlin in March 2008, the two sections 'Equality' and 'Family' are competing for resources and standing within the ministry, with the latter one being far better equipped than the former one. It is unclear what approach is pursued within this section 'Equality', but it seems that equality primarily refers to gender equality, but with a consideration of the intersection of disability and ethnicity/migration.

In October 2007, the set-up of the only equality body, the Anti-Discrimination Office (see below), was finalised.

Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ)

Women's Ministers

1985 – 1988	Rita Süßmuth	CDU (Christian Democratic Union)
1988 – 1991	Ursula Lehr	CDU
1991 – 1994	Angela Merkel	CDU
1994 – 1998	Claudia Nolte	CDU
1998 – 2002	Christine Bergmann	SPD (Social Democratic Party of Germany)
2002 – 2005	Renate Schmidt	SPD
2005 - present	Ursula von der Leyen	CDU

Federal Anti-Discrimination Office (ADO)

With the coming into force of the General Equal Treatment Act, a Federal Anti-Discrimination Office at the BMFSFJ was established. In February 2007, Martina Köppen was assigned director of the Office. Given her background as an officer for European Affairs of the Commission of German Bishops, Catholic Office in Berlin, the Lesbian and Gay Association (LSVD) raised concerns about the choice of director. It is mostly a counselling office that has the assignment to fulfil its tasks together with actors from civil society. Furthermore, it has to report to the German parliament every four years. Gender equality commissioners at the communal level demanded that anti-discrimination issues were not be dealt with in their offices but separately. Otherwise, it would take away the focus and resources from gender equality concerns.

In August 2007, one year after the coming into force of the General Equal Treatment Act, the head, Martina Köppen announced the alliance with the private sector as a strategy to be taken up by the office. The first annual report documents 2.340 inquiries into discrimination based on gender (26,5%), disability (25,26%) and age (24,91%). At the same time, criticism about the late and weak implementation of the Anti-Discrimination Office are raised by the FDP and the Bündnis 90/The Greens.

In October 2007, the Advisory Board of the ADO was set up. It consists of 16 representatives of national NGOs and recognised experts. 7 members stem from several NGO umbrella organisations covering several grounds of discrimination; the social partners, experts from academia as well as representatives from the private sector and from the communal and regional levels are appointed. The honorary appointed advisors are counselling the ADO and establish the contact with civil society organisations active in the field of anti-discrimination.

Equality Commissioners of the Federation

As provided by the 2001 Federal Equality Act, federal agencies have to establish gender equality offices.

Conference of Equality and Women's Ministers and Senators of the Länder (GFMK)

In the frame of a yearly conference (since 1991), the Federal States' positions on essential women's and gender equality issues are discussed; measures to be undertaken are decided upon. A representative of the Federal Government reports to the Länder ministers. The position papers accompany the federal policy making process. In 2006, the unification with the Conference of Youth and Family Ministers of the Länder (JFMK) as promoted by conservative Federal States was rejected in the frame of the 17th Conference in Potsdam. Economic independence, reconciliation and equal

participation are the central demands of the final statement. The claims take the intersectionalities of gender, age and ethnicity into account.

Equality and Women's Institutions at the Länder level

All the Länder governments have equality institutions, be it either ministries, state secretaries or commissions. According to the 5th CEDAW country report of 2003, the tasks and powers refer to the policy process (drafting of proposals), consultations with civil society and other associations concerned with women's affairs as well as cooperation with the respective Federal and Länder agencies that are associated with the implementation of gender equality measures.

Municipal Equal Opportunity Boards

According to the 5th CEDAW country report, about 1.900 municipal equality offices existed in 2003; their assignments and legal foundation depend on the statutory provisions of the respective state. Municipal equal opportunity officers have joined forces, e.g. in the Federal Association of Municipal Women's and Equality Offices (BAG) in order to exert political influence at the federal level.

Lang (2007)⁴³ discusses several problematic developments of German state feminism over the last years.

- At the local level, equality offices are downsized in numbers, extending their mission towards other 'diversity' constituencies, and are renamed into 'family offices' or 'equal opportunities'. The Federal Association of Municipal Women's and Equality Offices (BAG) is in no bargaining position to do more than to appeal to state governments.
- At the state (Länder) level, a similar reduction of infrastructure takes place. The legitimate strategy is that gender mainstreaming replaces women's policy agencies. The Conference of Equality and Women's Ministers and Senators of the Länder (GFMK) was nearly dissolved.
- A problematic development is the federalism reform which favours a competitive federalism instead of a cooperative federalism. Lang claims that competitive federalism is and will be detrimental to gender equality concerns.

Do any or all of these forms of gender machinery exist in the country, and if so what are they called (fill in their name in original language and translated to English)?

- governmental (civil servants and ministers in central government); → *Abteilung Gleichstellung im Bundesministerium für Familie, Senioren, Frauen und Jugend* ['Equality' section of the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ)]
- enforcement and/or monitoring agency (e.g. equality authority, ombudsperson); → *Antidiskriminierungsstelle* [Anti-Discrimination Office (ADO) at the BMFSFJ]
- special legal apparatus (e.g. special courts, mediation or arbitration bodies for employment or domestic violence): → *'Arbeitsgerichte'* (Labour courts for labour law); *Verwaltungsgerichte* (Administrative Courts for labour issues in public service) → against gender discrimination in employment.
- body for consultation / dialogue with women's NGOs, or with NGOs representing other axes of inequality → *Beirat der Antidiskriminierungsstelle* [The Advisory Board of the ADO]
- Other, for example, Parliamentary Committees → Currently, there are no parliamentary committees working on gender issues.

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

The nature of the institution

- Is there gender machinery that meets the minimum legal requirements of the EU?
 - A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex: YES
 - providing independent assistance to victims of discrimination in pursuing their complaints about discrimination; NO
 - conducting independent surveys concerning discrimination; YES
 - publishing independent reports and YES

⁴³ Lang, Sabine. 2007. Gender Governance in Post-unification Germany: Between Institutionalization, Deregulation and Privatization. In *Changing State Feminism*, ed. Joyce Outshoorn and Johanna Kantola. Palgrave Macmillan.

- making recommendations on any issue relating to such discrimination. YES

Yes, the Federal Anti-Discrimination Office (ADO). However, the question about independent assistance to victims remains problematical. Mediation between the conflicting parties is envisaged; in an article of May 2007 the director of the ADO states that so far individual legal counselling has not happened and that the office would wait for a decision on the transposition of EU directive on this issue.

- Is there gender machinery that meets the 'Paris Principles'?
 - independence guaranteed by a constitutional or legislative framework, autonomy from government, → *Legally YES, but practically contested*
 - pluralism including pluralism of composition: YES
 - a broad mandate: *Contested*
 - adequate powers of investigation: *Contested*
 - sufficient resources: *Contested*

Partly. The Anti-Discrimination Office. Its independence is legally provided for by the General Equal Treatment Act (2006); however, the structural set-up (part of the Federal Ministry for Family, Senior Citizens, Women and Youth) and the procedure of appointment (by the Federal Government) has provoked many NGOs to question this claimed independence. Powers of investigation: The ADO has the right to demand comments and it has the right to information from other federal agencies. However, it has no right to information from e.g. employers, landlords etc. Sufficient resources: In the article of May 2007 the director of the ADO states that there are not sufficient funds for individual legal counselling.

- Is there gender machinery that meets the further requirements of the UN Platform for Action?
 - responsibility vested at the level of a Cabinet minister: *YES, the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ)*
 - Develop indicators and statistics to monitor policy: YES
- How close to the centre of power (e.g. Prime Minister or other) is the governmental machinery located?
 - X centre of power/ PM's office
 - Other powerful department.
 - Other department

The 'equality section' (see above) is located at the Federal Ministry for Family, Senior Citizens, Women and Youth and competes for resources and standing with the 'family section'. The subdivision of 'Gender Mainstreaming and Equality Legislation' was dissolved in 2007. The inter-ministerial working group on gender mainstreaming was dissolved in November 2006.

The equality body ADO is formally legally independent but located at the same ministry.

- Would any of the bodies be described as following a 'feminist' agenda?
 - Briefly explain the reasoning behind your answer.
 - If yes, then indicate which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation) fits best.

Since 2005, CDU Minister Ursula von der Leyen is heading the Federal Ministry for Family, Senior Citizens, Women and Youth. The impression is that while the minister (and e.g. also one of the leading public servants, the head of the department Renate Augstein) has a family policy reform agenda with some concern for gender equality, the more conservative strands of the CDU/CSU slow down even this reform process. I would not call the agenda 'feminist'; rather neo-liberal.

The ADO is headed by Martina Köppen, who was the former 'European Officer' of the Catholic Bishop's Conference. Since the ADO was only founded in 2006 and the composition of the Advisory Board has only been finished in October 2007, there is not much information available about the work and the agenda of this institution. However, recent statements indicate an underlying neo-liberal rationale (avoid more extensive protection from discrimination because it would endanger the German economy).

- Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?

The Federal Government Commissioner for Migration, Refugees and Integration – Ministry of State in the Federal Chancellery; Commissioner Maria Böhmer. Gender issues dealt with are mostly related to violence (especially forced marriage). As integration issues are hotly debated in politics and the public, this department seems more present and important than the Commission of the Federal Government for Disability Affairs (located at the Ministry for Employment and Social Affairs, since 2002).

An interview with the GenderCompetenceCenter in the frame of a QUING workshop in Berlin in March 2008 revealed that there are several levels of competitions within the governmental machinery: The ADO, the BMFSFJ and the GenderCompetenceCenter as well as the Commission for Integration follow their own agendas and seek to distinguish themselves from each other. Thus, this competitive rationale impedes cooperation and coordination between these organisations. Their actions are not concerted; thus, political intersectionality seems far from reach.

A current policy measure of the Commissioner of Integration is the 'Charta of Diversity' (Charta der Vielfalt), to which private businesses can voluntarily sign up. This Charta is presented as a highly successful project by the commissioner. Similarly, the ADO runs the strategy to enter an agreement with the private economy (Pakt mit der Wirtschaft). However, they act on a separate basis. The BMFSFJ also follows the strategy of 'soft' measures as expressed in the Alliances for Family (Bündnis Familie).

The occupation of the Federal Ministry for Family, Senior Citizens, Women and Youth with gender issues has been transformed in order to include other inequalities that intersect with gender. This is visible in the Second National Plan to Combat Violence against Women, where a concern for migration, disability and age is expressed. The concern for intersectionality has been a visible development over the last 3-4 years (see studies 2004, 2005 etc). However, the BMFSFJ and the Commission for Integration do not co-operate.

- Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts? → Yes, *labour courts and administrative courts for employment.*

Dedicated to gender or integrated with other equalities?

- Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights? If yes,
 - When did this happen? *2006*
 - Was the change controversial (who fought whom, allied to whom)? *NO*
 - Is the division of responsibilities by function or by strand? *There is only one director responsible for all inequalities; the advisory board is composed by representatives from inequality strands*
 - Is there a separate mechanism for consulting civil society by strand, including women? *Yes, the advisory board.*
 - Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account. *Yes; it is explicitly stated that it follows a horizontal approach. See below.*

The ADO (established from 2006 to 2007) is officially responsible for the 6 grounds of discrimination as described by the EU directives (gender, disability, age, sexual identity, race/ethnicity and religion/belief) and should combat multiple discrimination, and therefore also cooperate with the commissioners of the Federal Government (Disability; Integration; Re-settlers and national minorities) and the commissioner of the German Parliament Bundestag (not further specified. From what I see, there is currently only the Commissioner for the Army). However, as described above, the ADO, BMFSFJ and the Commissioner for Integration all follow their own agendas.

The Advisory Board of the ADO, set up in October 2007, is composed by umbrella organisations of CSOs addressing several grounds of discrimination (ethnicity/religion (Centre for Research on Anti-Semitism), sexual orientation (LSVD), race/ethnicity (Anti-Discrimination Office; Association of Roma and Sinti), disability (German Disability Council), gender (German Women's Council) as well as representatives from unions (Department of Women's Policies, Federation of German Trade Unions DGB, and other state levels (German City and Municipal Association; former integration officer of the Land Berlin, Länder ministry for generations, family, women and integration) as well as representatives from the Caritas and the private sector economy (Telekom). Experts are Dr. Ezhar Cezairli and Prof. Dr. Sibylle Raasch (legal expert and member of DJB German Women Lawyers Association).

It is stated that the ADO follows a 'horizontal approach' to inequalities in order to avoid the notion of competing inequalities. The argument continues to explain that everyone is constituted by several identity markers and thus, inequalities have to be considered together.

The gender equality offices at the communal level have uttered concerns that would now have to cover the other grounds of discrimination apart from gender. This might lead to a sidelining of gender issues.

- *If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies.*

SEE ABOVE

Relationship of machinery with civil society

- *Are there procedures for the consultation of women's groups in civil society by the gender or equalities machinery?*
 - *If so, are they routinised or occasional?*

The Advisory Board composed by the above mentioned groups has the task to establish the dialogue between social groups and organisations dedicated to combat discrimination.

Apart from this, it is usually at public hearings of currently debated bills where experts from academia and NGOs are invited. This was the case in the frame of the Integration Summit and in the following working groups that drafted the National Integration Plan. However, the degree to which findings and statements from experts are integrated into the actual policy process varies across issues.

The German Women's Council can be seen as a form of 'public control'.

4. Policy summary questions

4.1 Non-employment

- *Is the tax system household based or individualised?*

Both. For married couples there is the possibility to pay tax according to the spouse splitting model (since 1958). Other partnerships are not eligible to this model. They pay taxes individually; there is an allowance for single parents.

- *Is the benefit system household based or individualised?*

The Hartz Reforms regulate that Unemployment Benefit II, the benefit one receives after dropping out of Unemployment Benefit I, is household based. The criteria for taking the partner's income etc. have been widened in the last years.

- *How long is it legitimate for lone parents not to be in paid work? (i.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops).*

14 months (Parental Benefit Act 2006/7)

Parental Leave (protection from dismissal): 3 years (1 year can be taken until the child reaches the age of 8).

- Are there *active* labour market programmes (i.e. programmes to help people who are out of labour market back into paid employment, includes training and job placement schemes) for lone parents?

The Government Programme 'Woman and Work' of 1999 contained measures promoting access to the labour market and improving the situation of women in the labour market. In 2001, the Agreement between the Federal Government and the Umbrella Organisations on the Promotion of Equal Opportunities between Women and Men in the Private Sector was signed. It is mostly a statement of goals, it is lacking concrete measures (leaving it open to business to decide and take up measures according to their business structure) and sanctions for non-compliance.

Within the frame of EU funded EQUAL projects, the labour market participation of women and other marginalised groups was sought to be increased.

The Job AQTIV Act that entered into force on January 1, 2002 comprised of special regulations for the promotion of job seeking women. Reconciliation issues were considered in job promotion measures.

The Hartz Reforms (2002/3) amended the Social Code Book II (Unemployment Benefits) and III (Job Promotion). While there are statements in SGB III on the goals⁴⁴ such as 'advancement of women' and 'reconciliation', critics claim that concrete measures to promote the labour market integration of women are missing (and should be included like in the Job AQTIV Act). There is no special consideration of single parents in these Books of the Social Code.

Child-raising activities are no longer considered legitimate reasons for not accepting a job. As specified in the SGB II § 10 Zumutbarkeit, a person receiving Arbeitslosengeld II (Unemployment Benefit II) is obliged to take up any job unless it endangers the rearing of her/his or her/his partner's child. The raising of a child over the age of three is not in danger when public facilities are available. Or expressed differently: Raising a child under the age of three is still a legitimate reason for non-employment (giving the lack of child-caring facilities, especially in West Germany).

- Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market?

Yes, the 2008 Action Plan 'Returning to Employment' [Aktionsprogramm Perspektive Wiedereinstieg].

- Are there active labour market programmes for any other category of citizens, and if so which categories?

Disabled persons:

The Act to Combat Unemployment of Severely Disabled People (2000)⁴⁵ sought to increase labour market participation of disabled people. Also, the Ninth Book of the Social Code (2002) aims at promoting social participation of persons with disabilities, especially in employment.

⁴⁴ SGB III § 8 Frauenförderung

(1) Zur Verbesserung der beruflichen Situation von Frauen ist durch die Leistungen der aktiven Arbeitsförderung auf die Beseitigung bestehender Nachteile sowie auf die Überwindung des geschlechtsspezifischen Ausbildungs- und Arbeitsmarktes hinzuwirken.

(2) Frauen sollen mindestens entsprechend ihrem Anteil an den Arbeitslosen und ihrer relativen Betroffenheit durch Arbeitslosigkeit gefördert werden.

§ 8a Vereinbarkeit von Familie und Beruf

Die Leistungen der aktiven Arbeitsförderung sollen in ihrer zeitlichen, inhaltlichen und organisatorischen Ausgestaltung die Lebensverhältnisse von Frauen und Männern berücksichtigen, die aufsichtsbedürftige Kinder betreuen und erziehen oder pflegebedürftige Angehörige betreuen oder nach diesen Zeiten wieder in die Erwerbstätigkeit zurückkehren wollen.

§ 385 Beauftragte für Chancengleichheit am Arbeitsmarkt

(1) Bei den Agenturen für Arbeit, bei den Regionaldirektionen und bei der Zentrale sind hauptamtliche Beauftragte für Chancengleichheit am Arbeitsmarkt zu bestellen. Sie sind unmittelbar der jeweiligen Dienststellenleitung zugeordnet.

(2) Die Beauftragten für Chancengleichheit am Arbeitsmarkt unterstützen und beraten Arbeitgeber und Arbeitnehmer sowie deren Organisationen in übergeordneten Fragen der Frauenförderung, der Gleichstellung von Frauen und Männern am Arbeitsmarkt sowie der Vereinbarkeit von Familie und Beruf bei beiden Geschlechtern. Hierzu zählen insbesondere Fragen der beruflichen Ausbildung, des beruflichen Einstiegs und Fortkommens von Frauen und Männern nach einer Familienphase sowie hinsichtlich einer flexiblen Arbeitszeitgestaltung. Zur Sicherung der gleichberechtigten Teilhabe von Frauen am Arbeitsmarkt arbeiten sie mit den in Fragen der Frauenerwerbsarbeit tätigen Stellen ihres Bezirks zusammen.

⁴⁵ Employers with more than 20 employees need to integrate severely disabled people (5 % of all jobs). Sanction of a monthly payment to compensate for the non-employment of disabled persons.

Migrants: The National Integration Plan (2007): Special measures to integrate people with migrant background into the labour market. Special programme for young female migrants: individual mentoring project 'network.21'

Young/elderly: The National Reform Programme Germany (2005-2008) speaks of special programmes to integrate young people, women (Employment Promotion Law; Agreement of the State and the Umbrella Organisations of the Private Sector) and elderly people into the labour market. The measures for young and elderly workers are more extensive than those for women.

- What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)

Childcare: care (under 3 years)

It is not until 2013 that there will be a legal entitlement to a day care place for the under three year old. The improvement of the child care infrastructure should be managed by then. There are political demands (from the left) to also make child care structure free of charge. So far, it is not.

Childcare: pre-primary education (3 yrs- school age)

There is a legal entitlement to a day care place for the three year old until the age they enter school (Child and Youth Welfare Act, SGB VIII); however, this is not realised. There is still a lack of day care places, especially in the West.

- What is the predominant form of childcare provision? i.e. public, private or mixed.

As of March 2007:

15,5 % of the 0 – 3 year old were in day care centres (Kindertageseinrichtung) or in publicly subsidised care (Kindertagespflege/Tagesmütter/-väter).

90 % of the 3 – 5 year old were in day care.⁴⁶

[The statistics do not say how many hours/day]

As of March 2007: All-Day-Ratio

7.3 % of the 0 – 3 year old were in all-day care (more than 7 hrs a day) (East: 26,8 %/ West: 3,2 %)

24,3 % of the 3-6 year old were in all-day care (East: 60 %/ West: 17,3 %)⁴⁷

- How is childcare financed (e.g. by public funds, privately or mixed)?

Mixed; there are publicly and privately financed childcare places (also by the churches). Parents have to assume parts of the costs.

- Is the pension age the same for women and men? If so, since when?

The Pension Reform Act of 1992 provided for a gradual increase of the retirement age for women from 60 to 65 years. The Growth and Employment Promotion Act (Arbeitsförderungsgesetz) of 1997 provided that the increase would be faster, starting from 2000 onwards. Legislation from 2007 (RV-Altersgrenzenanpassungsgesetz) ruled that the retirement age would be raised from 2012 onwards (67 years).

4.2 Intimate citizenship

Is abortion legal?

§ 218 rules that abortion is punishable under law. § 218a rules that abortion is not an element of crime when it happens within the first three months after medical counselling and performed by a doctor.

If so, in what year did this happen? 1995

The issue of abortion was (together with violence against women) one of the major concerns of the autonomous women's movement in the 1970s⁴⁸ in the Federal Republic⁴⁹. A campaign of the new

⁴⁶ Source: Statistisches Bundesamt Deutschland. 2007: Mehr Kinder unter 3 Jahren in Tagesbetreuung. Pressemitteilung Nr. 515 vom 19.12.2007 [http://www.destatis.de, accessed on February 28, 2008]

⁴⁷ Source: Statistisches Bundesamt Deutschland. 16% aller Kinder unter 6 Jahren werden ganztags betreut. Pressemitteilung Nr. 070 vom 22.02.2008 [http://www.destatis.de, accessed on February 28, 2008]

women's movement from 1971 ('I had an abortion') eventually led to a hard-fought liberalisation (law permitting an abortion within the first three months of pregnancy (Fristenlösung). This act never entered into force due to parliamentary opposition (after its decision) and was ruled against by the Federal Constitutional Court. The then adopted 'Indication Abortion' (Indikationslösung) was challenged again in 1992 by parliamentarians across party lines. As a consequence of reunification, the right to abortion that had been regulated differently in the East and West was sought to accommodate the better legal provisions from the East. A watered down version that entered into force in 1995, informed by a Federal Constitutional Court ruling, did not satisfy neither anti-abortionists nor the women's movement.

Up to which week of pregnancy is abortion legal?

Abortion is not directly legal, but it is not prosecuted up to 12 weeks of pregnancy. Up to week 22 the pregnant woman will not be prosecuted, but the doctor will be.

Are there any other conditions? If so, what are these (e.g. consent of doctor/s, counselling)?

- *Counselling - until 12 weeks after conception*
- *Medical indication – no time limit*
- *Criminal indication – until 12 weeks after conception*
- *The embryopathic indication was abolished in 1995.*

How many abortions are carried out per year (select most recent year where data available. If illegal, approximately how many women travel to access abortion services in another country?)

Are there any restrictions on abortion for certain categories of people? (e.g. age, nationality)
2006: 119.710 [Source: Statistik der Schwangerschaftsabbrüche, Statistisches Bundesamt, Zweigstelle Bonn]⁵⁰ [Life births: 672 724]

Is a marriage a state based contract, religious contract or both?

There is both, civil marriage and religious marriage. However, the religious marriage does not interfere with civil law; it only applies in church law.

Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)? YES

Consented divorce – possible after one year of separation, i.e. of not living together.

Divorce without consent – possible after three years of separation

Hardship clause: In case of abuse, ménage-à-trois; against hardship considerations concerning children

If divorce is not legal, what are the conditions for separation or annulment?

Are there any restrictions to marriage other than the sex of the partners (e.g. nationality, country of origin)?

Age: 18. Special permission: 16, if the other spouse is of full age.

Are civil partnerships/civil unions/gay marriage legal and if so, are the legal rights the same as for heterosexual marriage? Consider the following (Yes/no+year when introduced):

Yes, legal since 2001; rights have been extended in 2004.

Does it extend to:

- survivors' benefits in pensions? *Partly since 2004. Not for public service dependent's pensions; however, there is a ECJ ruling that same sex partners have to be treated equally (case Maruk). Not for 'Free professions' (Freie Berufe⁵¹).*
- adoption rights? *It includes stepchild adoption since 2004; but not joint adoption.*
- parental leave? YES
- assisted reproduction?

⁴⁸ Source: Müller, Ursula G. Ein Geschlechterkampf in vier Runden. Rückblick auf fünfunddreißig Jahre Frauenbewegung und Frauenpolitik. In *Beiträge zur feministischen Theorie und Praxis* 28 (66/67): 67-89.

⁴⁹ In the GDR, abortion was legalised within the first three months of pregnancy.

⁵⁰ Source: Gesundheitsberichterstattung des Bundes [http://www.gbe-bund.de, accessed on February 28, 2008]

⁵¹ For detailed information see on equal rights for same sex partners on the LSVD website: [http://www.typo3.lsvd.de/230.0.html, accessed on 3 June 2008].

There is a legislative gap in the field of reproductive medicine in Germany. The Embryo Protection Act from 1990 is silent on matters of who has access to sperm banks and assisted reproduction. However, a directive from the Medical Association regulates that only married couples and long-lasting partners are to be treated. This regulation that leaves out single mothers or same sex couples from treatment is renewed in November 2006. Heterologous insemination (sperm donation) in lesbian couples is interpreted as permissible by law, but it is not often practiced. Legal problems of paternity and maintenance duties that arise with heterologous insemination have been mitigated by the 2002 Children's Right Improvement Act that rules that parents who have agreed on heterologous insemination do not have the right to contest paternity afterwards. This regulation should have nullified objections from the side of medics – which did not happen. A revision of the Medical Association Guideline from November 2006 reaffirms the exclusive treatment of heterosexual (married) couples.

A ruling from the Federal Constitutional Court from February 2007 determines that the costs for artificial insemination are only to be met by public health insurances for married couples (and not for non-married). It is silent on the question of legitimacy of artificial insemination for lesbian couples.

- Family reunification – have partners the right to settle and be employed in the country where their partners live? *YES; reuniting partners have also the right to be employed, when the resident partner has the right to employment.*

Number of registered civil partnerships, annually and in total?

There is no federal statistical material on registered same sex partnerships. The LSVD estimates that by the end of 2004, between 12.500 and 14.000 same sex partnerships were registered⁵².

4.3 Gender-based violence

Has there been a national survey on gender based violence? When was the most recent one carried out?

BMFSFJ. 2004. Health, Well-Being and Personal Safety of Women in Germany. A representative Study of Violence against Women in Germany. (Data collection from February until October 2003).

Does it include:

- Domestic violence and violence in partnerships? *YES*
- Sexual assault/violence and rape? *YES*
- Sexual harassment and stalking? *YES*
- Trafficking – no
- Prostitution – *Yes; the exposure of prostitutes to physical, sexual and psychological violence is documented.*
- Forced marriage – *YES, separate analysis of the survey based on a smaller sample⁵³.*
- Honour crimes - no
- FGM - no

4.3.1 Domestic violence

What legal devices are available to prevent domestic violence? Do they target perpetrators and/or victims? (Yes/no +year when introduced). Devices could for instance include:

Violence Protection Act from 2001, entering into force on 1.1.2002

- restraining orders: *yes*
- non-molestation orders: *yes, temporary contact ban*

⁵² Source: LSVD – Statistics. [<http://www.lsvd.de/233.0.html>, accessed on 5 June 2008]

⁵³ „Die Auswertung zeigt für den Themenbereich „Zwangsverheiratung“ insgesamt, dass die Hälfte der in Deutschland lebenden Migrantinnen türkischer Herkunft die Partner in erster Ehe vollständig selbst ausgewählt haben und nicht von einer angebahnten oder arrangierten Ehe betroffen waren. Die große Mehrheit der durch Verwandte arrangierten Ehen (etwa drei Viertel) wird mit expliziter Zustimmung und unter aktiver Mitsprache oder Beteiligung der Frauen angebahnt. Etwa jede vierte bis fünfte in der Studie erfasste arrangierte Ehe ist allerdings menschenrechtlich als problematisch zu bewerten, weil die Frau nicht nach ihrem Einverständnis gefragt wurde, den Partner lieber selbst ausgewählt hätte und/oder mit der Partnerwahl nicht einverstanden war. Insgesamt etwa jede zehnte in der Studie befragte Migrantin türkischer Herkunft wurde eindeutig mit Zwang oder mangelhafter Zustimmung/Beteiligung gegen ihren Willen mit ihrem ersten Ehepartner verheiratet. Wie hoch die darunter liegenden Dunkelfelder sind, lässt sich anhand der vorliegenden Daten schwer bestimmen. Frauen, die ins Ausland verheiratet werden, sind in dieser Schätzung noch nicht einbezogen.“ Source: Schröttle, Monika. 2007. Zwangsverheiratung, Gewalt und Partnerschaften von Frauen mit und ohne Migrationshintergrund in Deutschland – Differenzierung statt Polarisierung, In BMFSFJ. 2007. *Forced Marriages in Germany*. Vol.1, p. 152-153.

- occupation orders - *Go-order: right to stay in marital dwelling for the victim*
- state funded perpetrator programs: *In the First Action Plan to Combat Violence Against Women (1999) and in the Second Action Plan (2007), work with perpetrator is listed as a point of action.*
- other devices? *A violation of the court orders is subject to criminal proceedings and sentenced to up to one year in prison or a penalty payment.*

What is the prevalence of domestic violence against women, in one year? (from the survey) *No data available in the survey;*

What is the life time prevalence of domestic violence against women? (from the survey) *25 %*

What is the number of incidents of domestic violence against women, in one year (from the survey) *No data available in the survey;*

What is the number of incidents of domestic violence reported to the police (annual)? *The German criminal statistic does not document domestic violence explicitly. Exception: abuse of children.*

What is the number of domestic violence convictions in the courts? *Not possible to attribute the convictions to domestic violence⁵⁴.*

What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? *See above*

If there is any information on the previous questions broken down by age, class, sexual orientation, race/ethnicity etc, give it here too.

Physical or sexual violence in actual or past relationship: (16-59 years)

29 % of women of German origin

37 % of women of Turkish origin

29 % of women of origin from the former USSR

It is stated that the prevalence of violence cannot be contributed to a certain social class⁵⁵.

4.3.2 Rape & Sexual assault

When was marital rape criminalized? *1997*

What is the number of annually reported incidents to the police? *2007: Offences against sexual self-determination: 15.930, 91,7% of victims are women. 7.511 cases of sexual coercion and rape.⁵⁶*

What is the attrition rate for rape in the criminal justice system (convictions as % of reports to police)? *Clear-up rate: 82,9%*

What is required for an act to be considered to be rape, e.g.:

- lack of consent (since when)
- physical resistance? (since when)
- Other? *Coercion by means of violence, threat against life and body, exploitation of an unprotected situation since 1998*

Is any characteristic of victim or perpetrator considered relevant (e.g. age, sex), and if so which characteristic?

Perpetrator: severe case when a group of perpetrators

Victim: special regulation § 179 for persons incapable of resistance (as compared to rape and sexual coercion in § 177)

4.3.3 Trafficking for sexual exploitation

Has the government signed and ratified the EU convention on human trafficking (date); *Germany has only signed, but not ratified the Council of Europe Convention on Action Against Human Trafficking⁵⁷.*

Is trafficking primarily seen as a problem of the sending or the receiving country? *Rather of the receiving country. It is talked of as a human rights violation of especially female victims. It is also discussed in relation to prostitution (the liberalisation of prostitution as a problem) and in relation to criminal prosecution.*

⁵⁴ Source: Federal Statistical Agency, Lange Reihen zur Strafverfolgungsstatistik: Verurteilte nach ausgewählten Straftaten, Geschlecht und Altersgruppen, [http://www.destatis.de, accessed on 11 June 2008].

⁵⁵ Schröttle, Monika. 2006. Gewalt gegen Migrantinnen und Nicht-Migrantinnen in Deutschland. IFF Info 23 (32): 105-115.

⁵⁶ Source: Polizeiliche Kriminalstatistik 2007 [http://www.bka.de/pks/pks2007/pks2007_imk_kurzbericht.pdf, accessed on 10 June 2008]

⁵⁷ Albania, Armenia, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Latvia, Malta, Moldova, Norway, Portugal, Romania and Slovakia are the first 16 states to ratify the Council of Europe Convention on Action against trafficking in Human Beings. The Convention has been signed by 21 other Council of Europe member states: Andorra, Belgium, Finland, Germany, Greece, Hungary, Iceland, Italy, Ireland, Lithuania, Luxembourg, Montenegro, Netherlands, Poland, San Marino, Serbia, Slovenia, Sweden, "the former Yugoslav Republic of Macedonia", Ukraine and the United Kingdom. Source: [http://www.coe.int/t/DG2/TRAFFICKING/campaign/default_en.asp, accessed on 10 June 2008]

Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long?

Yes, they are given a temporary residence title when they act as witnesses in criminal proceedings, but have to leave after the trial has ended. If they do not act as witness, they have to leave right away or latest after a period of four weeks (an out-dated administrative order which was not adjusted to the Immigration Law of 2005. A recommendation of the Ministry of Interior to the Länder states that the order should be applied still. However, this is not legally binding⁵⁸).

4.3.4 Intersections

Have specialised policies and practices on gender based violence that address gender as intersecting with race/ethnicity, class, sexual orientation been developed by:

- Police: *not developed, but included.*
- NGOs: *driving forces in the development of the Violence Protection Act and in the Intervention Projects*
- Local Authorities / government: *YES, the 1999 and 2007 National Action Plans to Combat Violence against women. It includes all stakeholders (police, NGOs, shelters etc.)*
- Other

4.3.5 Service provision

Are there refuges and/or sexual assault centres? (dates) Yes

How many are there? *Around 380; thereof 140 autonomous⁵⁹; 240 from welfare organisations and churches.*

When was the first set up? *1976⁶⁰*

Are they state funded, to what extent? *The communities and regional governments are funding the women's shelters to a varying degree. They also depend on donations. A federal government answer to a parliamentary motion by the liberal party FDP in March 2008 revealed that the federal government did not aim at coordinating their funding at a federal level⁶¹.*

CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

5. Political system

5.1 Is the state unitary or federal?

If federal, are key gender+ equality decisions made at national or provincial/local level?

Germany is a strong federal state. Thus, there is key framework equality legislation at the federal level as well as at the regional level. Every Federal State (Land) has its own gender equality law. The gender equality laws at the regional level also triggered developments at the federal level.

Regional: Equality and Women's Institutions at the Länder level

All the Länder government have equality institutions, be it either ministries, state secretaries or commissions. According to the 5th CEDAW country report of 2003, the tasks and powers refer to the policy process (drafting of proposals), consultations with civil society and other associations concerned with women's affairs as well as cooperation with the respective Federal and Länder agencies that are associated with the implementation of gender equality measures.

Communal: Municipal Equal Opportunity Boards

According to the 5th CEDAW country report, about 1.900 municipal equality offices existed in 2003; their assignments and legal foundation depend on the statutory provisions of the respective state. Municipal equal opportunity officers have joined forces, e.g. in the Federal Association of Municipal Women's and Equality Offices (Federal Association of Municipal Women's and Equality Offices, BAG) in order to exert political influence at the federal level.

⁵⁸ Source: KOK [<http://www.kok-buero.de/index.php?idcat=44&lang=1>, accessed on 11 June 2008]

⁵⁹ The term 'autonomous shelters' has to be understood historically as these shelters were initially founded by the autonomous women's movement in the 1970s. However, they are now partly state funded.

⁶⁰ Source: Autonomous Women's Shelters [http://www.autonome-frauenhaeuser-zif.de/pdf/zif/sn_01_pm_30jahre_0704.pdf, accessed on 11 June 2008]

⁶¹ Source: Antwort der Bundesregierung auf die Kleine Anfrage der FDP ‚Frauen- und Kinderschutzhäuser in Deutschland‘, Drucksache 16/8651, 25.3.2008.

5.2 To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

- Are there legally binding decision making processes similar to the EU framework agreements (e.g. as the Parental Leave Directive)?

The dominance of associations (Verbandsherrschaft) is described by some political scientists as the organising principle of the German state. Lobbying organisations and interest groups are key players in the political process. Associations of the economy for example usually dominate the Ministry of Economy; the farmers' associations the Ministry of Agriculture and the unions the Ministry of Employment and Social Affairs. These associations have a privileged position in the political process: there is a system of direct co-operation or close contact between the interest groups and the state, e.g. the representation of associations in public bodies of the ministries. Also, interest groups are also present in Parliamentary Commissions ('Verbandsherrztümer'). Also, associations have the right to be heard in public hearings of bills. However, other political scientists also show the limits of associations according to their position within the political system⁶².

- Would the political system be possible to describe as corporatist or neo-corporatist, where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?

The system is neo-corporatist. The important four associational groupings ('The big four') are the business associations (consisting of the BDA⁶³, the BDI and the DIHK), the unions (with its umbrella organisation of the DGB), the churches and the farmers' associations (Deutscher Bauernverband). The unions and the employers' association (BDA) negotiate on tariffs⁶⁴. However, the degree of organisation via these grouping has been decreasing, at least for the unions and the churches and the farmers' associations. Party politics increasingly disconnect from these association⁶⁵.

- What is the gender composition in the decision making process of agreements made by the social partners (if there are any such agreements)?

No information available.

5.3 In which policy environment (ministry) is a decision on the issue predominantly made (for each area: general gender equality policies; non-employment; intimate citizenship; gender-based violence)?

General gender equality policies: justice, interior

Non-employment: family, labour

Intimate citizenship: justice

Gender-based violence: justice

5.4 Political cleavages

Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

No. There are no major divisions regarding ethnicity, language or religion: The majority of German inhabitants are German speaking; they are mostly Christian (half Protestant, half Catholic) and there are only few recognised ethnic minorities in the north of Germany.

What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

- *Religious versus secular → Christian conservative parties (CDU and CSU (in the Catholic South, Bavaria);*

⁶² Schmidt, Manfred G. 2007. Das politische System Deutschlands. München: Beck.

⁶³ BDA Federation of German Employers' Associations (Bundesvereinigung der Deutschen Arbeitgeberverbände), BDI Federation of German Manufacturing (Bundesverband der Deutschen Industrie); DIHK German Industry and Commerce Chamber (Deutscher Industrie und Handelskammertag); DGB Confederation of German Trade Unions (Deutscher Gewerkschaftsbund).

⁶⁴ As the government always emphasises, it has no negotiating powers when it comes to tariffs (no legislative powers when it comes to equal pay. The unions and the employer's associations are free negotiate the tariffs ('Tarifautonomie').

⁶⁵ Schmidt, Manfred G. 2007. Das politische System Deutschlands. München: Beck.

- Religion and ethnicity → But there is no party with Muslim migrant communities (Turkish as the biggest migrant group) as a constituency.
- Region (East and West Germany) → the leftist party DIE LINKE
- Class → Social democratic party SPD and leftist party DIE LINKE versus the Christian conservative party CDU/CSU and FDP

5.5 International obligations and links

When, if at all, was CEDAW signed?⁶⁶ Germany became a member state to the CEDAW on 17 July 1980 (ratified 1985) and signed the Optional Protocol in 1999 (ratified in 2002). Up to now it has already submitted six country Reports, the last in 2007.

When did the country join the EU? *Founding member (1951 onwards).*

6. Political Representation

6.1 The development of women's political representation, including:

- Date of female suffrage⁶⁷ - 1918
- Note any caveats, e.g. age, property qualification, ethnicity, and when removed.

1871 Male Suffrage (age: major than 25 years)

Preußen – Independent state – 3 Class Suffrage until 1919 (class: privileges for the high class and people with property)

1933 abolish of passive suffrage for women (gender)

1936 abolishment of suffrage for Jews (religion/ethnicity)

1945 active suffrage: elevation from 20 to 21 years (age)

West Germany:

1970 active suffrage: lower from 21 to 18 (age)

1974 general suffrage: lower from 21 to 18 (age)

- Date of male suffrage – see above
- Use of quotas⁶⁸
 - When introduced
 - What form e.g. party, electoral, constitutional

Excuse: In the German Democratic Republic (GDR), the Democratic Women's Association (DFD Demokratischer Frauenbund Deutschland) formed a faction (reserved seats) in the parliament, the Volkskammer. THE DFD was also part of the National Front, uniting parties and mass organisations. The mass organisations secured the dominant position of the SED (Socialist Unity Party of Germany/ Sozialistische Einheitspartei Deutschlands).

Constitutional Quota for National Parliaments? No

Election Law Quota or Regulation, National Parliament? No

Legal Sanctions for Non-Compliance? N/A

Political Party Quota for Electoral Candidates: Yes

The Left Party (Die Linkspartei) Die Links has a 50% quota for women on party lists.

Alliance 90/The Greens (Bündnis 90/Die Grünen) has a 50% quota for women on party lists (1986).

Christian Democratic Union CDU (Christlich-Demokratische Union) At least one-third (i.e. every third candidate) on a CDU electoral list must be women (1996). If this quota is not met, the internal elections for CDU delegates have to be repeated. The delegates are also candidates for elections on national level.

Social Democratic Party of Germany SPD (Sozialdemokratische Partei Deutschlands) introduced a quota system in 1988. The target was 25% by 1990, 33% by 1994 and 40% by 1998. According to the

⁶⁶ See <http://www.un.org/womenwatch/daw/cedaw/states.htm>

⁶⁷ See Inter-Parliamentary union (IPU) website: <http://www.ipu.org/wmn-e/world.htm>

⁶⁸ See IDEA: <http://www.idea.int/gender/index.cfm>

40% rule, it is required that the lists should be zipped, with the option of allocating every fifth place to someone of either sex.⁶⁹

- What is the numerical representation of women in parliament? (over QUING period)

Election 10/1994

(Bundestag) Lower House Seats 672; Women 176; Percentage 26.2

(Bundesrat) 1997 Upper House Seats 69; Women 13, Percentage 18.8

Election 09/1998

Lower House Seats 669; Women 207; Percentage 30.9

1999 Upper House Seats 69; Women 13, Percentage 18.8

Election 09/2002

Lower House Seats 603; Women 194; Percentage 32.2

N.A. Upper House Seats 69; Women 17, Percentage 24.6

Election 09/2005

Lower House Seats 613; Women 194; Percentage 31.6

N.A. Upper House Seats 69; Women 15, Percentage 21.7

- Was the increase in women's representation a gradual increase since suffrage, or were there any key turning points? E.g. quotas, 1989.

Key turning points:

- *demographic change in the late 1970s: higher share of well-educated women, increasing participation in political life*
- *entering of the Green Party (incl. quotas) in the 1980s into parliament*
- Other important developments

6.2 Political representation for intersecting inequalities:

- Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament)

Most independent states on the territory of Germany had discriminating regulations on suffrage; in Prussia census suffrage was abolished only in 1919. With the wake of the Weimar Republic, general suffrage (male and female) was achieved.

- ethnicity/religion (what exclusions and when; numerical representation in parliament)
- 1936 abolishment of suffrage for Jews (during the National-socialist regime)
- Other important intersecting inequalities, any quotas:

The 5 % regulation (minimum percentage of votes in order to enter into parliament) is abandoned for national minorities.

6.3 Political parties and gender

- Does women's political representation vary by Party;
 - if so, do these Parties tend to represent different class, ethnic, religious or other interests?

The parties most sensitive to gender issues are the Alliance 90/The Greens (numerical representation is 58,2 %) and the leftist party PDS (100 % of parliamentary representatives are female), followed by the SPD (37, 8 %). Descriptive and substantive representation are lower in the Christian conservative union CDU/CSU and the liberal party FDP (little over 20 %).

The parties more sensitive to gender issues also present class issues (SPD), and class and ethnic interests (Alliance 90/The Greens) and the PDS/now called DIE LINKE.

Table 6.7: Parliamentarians in the 15th Electoral Period (2002-2005) in the German Parliament Bundestag by gender and party (absolute and in %)⁷⁰

⁶⁹ Source: <http://www.quotaproject.org/displayCountry.cfm?CountryCode=DE>, accessed on February 14, 2008

⁷⁰ Source: Gender Data Report. 2005. []

Abgeordnete	SPD	CDU	CSU	Grüne	FDP	PDS	Insgesamt
Frauen (abs.)	95	43	12	32	10	2	194
Frauen (in %)	37,8	22,6	20,7	58,2	21,3	100	32,2
Männer (abs.)	156	147	46	23	37	0	409
Männer (in %)	62,2	77,4	79,3	41,8	78,7	0	67,8
Insgesamt (abs.)	251	190	58	55	47	2	603

Translation: Frauen: Women; Männer: Men; Insgesamt: In total

- What is the current Party / Parties in Government: *grand coalition CDU/CSU and SPD*
 - With which European Parliament political group is this Party / Parties affiliated?⁷¹

Christian Democratic Party/Christian Socialist Party CDU/CSU = EPP and the Social Democratic Party SPD = PES

- What political party / parties have held office during 1995-2007?
 - 1994-1998 coalition CDU/CSU and FDP*
 - 1998-2002 coalition SPD and the Alliance 90/The Greens*
 - 2002-2005 coalition SPD and the Alliance 90/The Greens*
 - 2005- grand coalition CDU/CSU and SPD*

Main European Political Parties (each footnote provides a link to party's website where you can find their national political party members)

European People's Party (EPP): Centre right Christian democrats and conservatives. The largest group in the European Parliament with 277 members.⁷²

Party of European Socialists (PES): Social democrats, democratic socialists. With 218 members the PES's socialist group is the second largest group in the.⁷³

European Liberal Democrat and Reform Party (ELDR): Liberal democrats and centrist, the ELDR is the third-largest political party represented.⁷⁴

European Free Alliance (EFA): Pro devolutionists, independence⁷⁵

European Green Party: Greens, ecologists, environmentalists⁷⁶

6.4 Representation in government

- What percentage of government Ministers are female?⁷⁷
6 of 16 the highest government positions are occupied by women (37,5 %)

- To which Ministries do female ministers belong?

Chancellor Angela Merkel (CDU/CSU)

Federal Minister of Family, Senior Citizens, Women and Youth Ursula von der Leyen (CDU/CSU)

Federal Minister of Education and Research Dr. Annette Schavan (CDU/CSU)

Federal Minister of Health Ulla Schmidt (/SPD)

Federal Minister of Justice Brigitte Zypries (SPD)

Federal Minister for Economic Cooperation and Development Heidemarie Wiecek-Zeul (SPD)

2/3 of state ministries are occupied by women:

2005- State Minister in the Office of the Federal Chancellor and Government Commissioner of the Coordination between the Federation and the States Hildegard Müller CDU/CSU

2005 State Minister in the Office of the Federal Chancellor and Government Commissioner for Migration, Refugees and Integration Dr. Maria Böhmer CDU/CSU⁷⁸

⁷¹ See list Of EP political groups: http://www.europarl.europa.eu/groups/default_en.htm

⁷² www.epp.org

⁷³ www.pes.org

⁷⁴ <http://www.eldr.org/>

⁷⁵ <http://www.e-f-a.org/>

⁷⁶ www.europeangreens.org

⁷⁷ See IPU: <http://www.ipu.org/wmn-e/world.htm>

⁷⁸ Source: <http://www.bundesregierung.de/Webs/Breg/DE/Bundesregierung/Bundeskabinett/bundeskabinett.html>, accessed on February 14, 2008

7. Civil Society

7.1 Gender

Is there one (or more than one) national organisation that coordinates feminist and women's organisations. → **Deutscher Frauenrat (German Women's Council)**⁷⁹

The Deutscher Frauenrat is the national council of more than 50 nation-wide women's associations and organisations. The members are professional and religious associations, women's groups from political parties, trade unions and the German Sports Federation, as well as non-partisan organisations with a diverse array of social and political objectives.

As a non-profit association, it operates primarily on public funding. It is recognised as a non-governmental organisation (NGO). The Deutscher Frauenrat has special advisor status at the Economic and Social Council of the United Nations, and is a member of the European Women's Lobby (EWL).

If so,

- is this the same as the body which is affiliated to the European Women's Lobby? Yes
- when was it established?

The Deutscher Frauenrat has two historical roots. On the one hand, it views itself in the tradition of the Bund Deutscher Frauenvereine (BDF), or "Union of German Women's Associations" founded in 1894, which brought together a large number of organisations of the bourgeois women's movements of that time. The BDF dissolved in 1933 to avoid appropriation by the Nazis. A new beginning was made in 1951. Fourteen women's associations joined together to form the Informationsdienst für Frauenfragen ("Women's Information Service") for the purpose of exchanging information on upcoming federal legislation and other important events relating to women's interests. The new association was supported both conceptually and materially by the women's division of the US American military government, which considered civil education for women as an important element of its program to democratise the young Federal Republic of Germany.

- how many organisations are affiliated to the national body? *56 organisations.*
 - how many women are so coordinated? *More than 10 million members*
 - How many staff work for the organisation (how many paid, how many unpaid)? *No information available.*
 - What is its budget? *No information available..*
 - What is its range of activities (are these in an annual report)?
- a) *Political lobbying at the federal government and parliament by means of presenting positions in letters and statements as well as at hearings. Contact with ministers and their staffs and frequent exchange with members of the federal parliament.*
 - b) *Publication of position and presentation of the German Women's Council's work in the association magazine FrauenRat as well as other media.*
 - c) *Campaigning and participation in campaigns*
 - d) *The GWC is represented in a number of commissions and civil society alliances, and communicates with many associations, networks and initiatives.*
 - e) *Within the Council: promotion of communication and exchange among the member associations.*

- Does the national body engage with all or only some of our 3 issues:
Non-employment: economy and the labour market, pension system, tax law,
Intimate citizenship: reproductive rights (self-determination); health
GBV: forced prostitution

- Are there national coordinating organisations for feminist/women's activities in:
employment/non-employment; gender based violence; and intimate citizenship (if so name them)?

Non-employment:

- *German Women's Council (Deutscher Frauenrat)*

Intimate citizenship:

⁷⁹ Source: <http://www.frauenrat.de>

- *pro familia* – for self-determined sexuality

Gender-based violence:

- *KOK - Federal Coordination against Trafficking in Women and Violence against Women in Migration Processes (Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e.V.)* – 38 member organisations
- *bff - Federal Association of Women's Counselling Centers and Women's Helplines (Bundesverband Frauenberatungsstellen und Frauennotrufe – Frauen gegen Gewalt)*
- *ZIF Central Information Center of Autonomous Women's Shelters (Zentrale Informationsstelle Autonomer Frauenhäuser)*
- *Broken Rainbow - German Association of Lesbian, Lesbian-Gay and Transident Anti-Violence Initiatives (Bundesverband der lesbischen, lesbisch-schwulen und transidenten Anti-Gewalt-Initiativen Deutschlands)*

Across issues:

Federal Association of Migrant Women (Bundesverband der Migrantinnen)

Weibernetz – Federal Lobby Group Women with Disabilities (Bundesweite politische Interessensvertretung Behinderter Frauen)

List the key women's / feminist civil society organisations and their main methods / activities

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
- research
 - Are they important or marginal to national politics?
 - Are they centralised or dispersed?

German Women's Council: see above

German Women's Lawyers Association

Methods:

- *Co-operation at European level with the EWLA*
- *Lobbying state at federal, state and regional level: parliaments, governments and administrative authorities of the Federal and the State levels as well as to the media.*
- *Participating in the legislative decision-making process by submitting written opinions and by giving expert opinions at parliamentary hearings.*
- *The Federal Constitutional Court requests written opinions and presentation of oral arguments in specific cases.*

Fields of activities: further the development of law in the following policy areas:

- *Non-employment: Labour, Corporate and Commercial Law, Equal Opportunities, Social Security and Retirement Benefits; Starting Off Professional Life, Career Planning*
- *Intimate citizenship: Civil and Family Law, Law of Inheritance, Law of other Partnerships than Marriage; Genetic Technology*
- *GBV: Criminal Law; Violence against Women and Children*
- *Special Problems of the Elderly*
- *Legal Rights of Immigrant Population*

Important or marginal to national politics? Important

Centralised or dispersed? Federal and regional offices

Pro familia – for selfdetermined sexuality

Pro familia is the leading non-governmental service and consumer organisation for sexual and reproductive health and rights in Germany. Founded in 1952, it is a charity with a Federal structure

Methods: service provision (counselling clinics, ambulant sterilisation and abortion services, sexual education, information; considering special target groups: adolescents, elderly, migrants, disability); research and conferences; lobbying at the federal level for sexual and reproductive rights (; network with international and national organisations;

Fields of activities: sexual and reproductive health and rights (incl. abortion)

*Important or marginal to national politics? Unclear
Centralised or dispersed? Federal association, state association and local services*

Association of Single Mothers and Fathers (Verband alleinerziehender Mütter und Väter (VAMW))

Methods: political lobbying at federal and state level; public awareness raising; information (publications), self-help group

Fields of activities: reconciliation for single parent families; alimony rights of children

Important or marginal to national politics? Unclear

Centralised or dispersed? Federal association, state associations and regional centres

Association of working mothers (Verband berufstätiger Mütter vbm):

Methods: lobby, network, information, public awareness raising, networking and counselling for members

Fields of activities: reconciliation

Important or marginal to national politics? Unclear

Centralised or dispersed? Federal office and regional/city offices

KOK - Federal Coordination against Trafficking in Women and Violence against Women in Migration Processes (Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e.V.)

Methods: political lobbying, public awareness raising; counselling services provided by the member organisations

Fields of activities: trafficking in women, human rights of migrant women, rights of prostitutes

Important or marginal to national politics? Important

Centralised or dispersed? Centralised

Agisra Köln – Human Rights for Migrant Women and Female Refugees

Methods: information and counselling for affected women; also lobbying, networking at European, federal and state level; public awareness raising; organisation and participation of/ in conferences; training of multipliers

Fields of activities: trafficking in women, forced marriage, FGM, forced prostitution

Important or marginal to national politics? Rather important

Centralised or dispersed? Local counselling office; but lobbying at European, federal and state level

Terre des Femmes

Methods: public awareness raising, campaigning, participation in conferences, expert knowledge also at EU level (European Parliament), information material for affected;

Fields of activities: domestic violence, women trafficking and migration, FGM, forced marriage and honour crimes

Important or marginal to national politics? Unclear

Centralised or dispersed? Centralised

Ban Ying Koordinations- und Beratungsstelle gegen Menschenhandel (Coordination and Counselling Center on Human Trafficking) for Women from South-East Asia

Methods: counselling for affected; research, library; public awareness raising – trial documentation; networking

Fields of activities: trafficking in women

Important or marginal to national politics? Unclear

Centralised or dispersed? Centralised

Women's Rights are Human Rights (Frauenrecht ist Menschenrecht FIM) for Migrant Women and their families

Methods: counselling, education, public awareness raising and lobbying (through publications, seminars, press releases)

Fields of activities: human trafficking, prostitution, marriage migrants, migrants in the informal sector, refugees, violence against women in migration processes,

Important or marginal to national politics? Unclear

Centralised or dispersed? Regional; but lobbying at international, national and regional level

Papatya: Anonymous Intervention Centre for young female migrants

Methods: service provision (protection, shelter, counselling)

Fields of activities: forced marriage, threat of honour killings, sexual violence, pregnancy

Important or marginal to national politics? Referred to for practitioner/expert knowledge

Centralised or dispersed? centralised (local level)

bff - Federal Association of Women's Counselling Centers and Women's Helplines (Bundesverband Frauenberatungsstellen und Frauennotrufe – Frauen gegen Gewalt)

Methods: network between women's counselling centres and women's helplines; public awareness raising – campaigning,

Fields of activities: all forms of violence against women at the intersection of age, migration, disability, sexual orientation

Important or marginal to national politics? Unclear

Centralised or dispersed? federal association and local counselling centres and helplines

Broken Rainbow - German Association of Lesbian, Lesbian-Gay and Transident Anti-Violence Initiatives (Bundesverband der lesbischen, lesbisch-schwulen und transidenten Anti-Gewalt-Initiativen Deutschlands)

Methods: networking among lesbian national and international counselling centers, networking with women's counselling centres, strengthening of regional networks, community education, development of standards and best practices in dealing with incidences of violence, training for practitioners, social science and research,

Fields of activities: violence against lesbians; violence against transgender persons

Important or marginal to national politics? Marginal

Centralised or dispersed? No available information

ADEFRA – (Black German Women and Black Women in Germany) Schwarze deutsche Frauen und Schwarze Frauen in Deutschland

Methods: education and empowerment; self-organisation of Black women in Germany

Fields of activities:

Important or marginal to national politics? Marginal

Centralised or dispersed?

Federal Association of Migrant Women Germany (Bundesverband der Migrantinnen Deutschlands)

Methods: organising workshops/conferences, project for girls with migrant background, press releases, participation in the National Integration Summit

Fields of activities: rights of migrant women in the fields of employment, violence, social rights, residence rights, nationality law

Important or marginal to national politics? Important

Centralised or dispersed? Centralised

Weibernetz – Federal Lobby Group Women with Disabilities (Bundesweite politische Interessensvertretung Behinderter Frauen)

Methods: political lobbying: comments on bills, participation in working groups/boards (Gremien), contact to parliamentarian speakers on disability and the ministries

Fields of activities: rights of migrant women in the fields of employment, violence, social rights, residence rights, nationality law

Important or marginal to national politics? Important

Centralised or dispersed? Centralised

List the key anti-feminist organisations and their main methods/ activities?

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
- research
 - Are they important or marginal to national politics?
 - Are they centralised or dispersed?

Network Family (Familiennetzwerk)

50 groups and 70 single persons; conservative-Christian; popular member: Eva Herman (publication: *The Eve-Principle*);

Methods: lobbying; media presence

Fields of activities: family and reconciliation policy.

Important or marginal to national politics? Important

Centralised or dispersed? Centralised

Gabriele Kuby

Christian-fundamentalist author; sociologist

Methods: publications (*'Verstaatlichung der Erziehung - Auf dem Weg zum neuen Gender-Menschen'*, *'Die Gender Revolution - Relativismus in Aktion'*); media: writing against gender mainstreaming, sexual education in a right wing newspaper *'Neue Freiheit'* (*'New Liberty'*); media resonance

Fields of activities: gender mainstreaming, gender equality, sexual education

Important or marginal to national politics? Unclear

Centralised or dispersed? No available information

Manndat

German nationalist background, men's lobby

Methods: lobbying; present in the Media (also associated with the right wing newspaper *'Neue Freiheit'*)

Fields of activities: gender equality for boys and men; combat existing discrimination in the fields of health, violence, domestic violence, denunciation of men regarding sexual violence, against unisex tariffs in insurance schemes, education system, migrant boys, forced marriage and honour killing, fathers rights, paternity rights,

Important or marginal to national politics? Marginal

Centralised or dispersed? No available information

Vafk – Fathers' Initiative for Children (Väteraufbruch für Kinder);

Methods: lobbying, organisation of the first *'Fathers' Conference'* in March 2008

Fields of activities: rights of fathers after separation and divorce; right of the child of two parents

Important or marginal to national politics? Unclear

Centralised or dispersed? No available information

Are there any men's groups / organisations that are supportive of women's / feminist organisations?

Dissens e.V. – Dissent with the Dominating Masculinity

Methods: counselling on gender sensitive education, gender research, implementation of gender mainstreaming

Fields of activities: gender sensitive youth work, gender mainstreaming

Important or marginal to national politics? No; expert NGO

Centralised or dispersed? No available information

Women's / feminist organisations in civil society

- What are the major distinctions in civil society between different types of organisations/projects e.g. feminist, pro-family etc.?

Feminist-autonomous: Historically developed as autonomous women's movement/second wave feminism. Now, it is increasingly state-funded.

Social-democratic party feminists: The women's organisation (ASF) of the Social Democratic Party SPD

The traditional bourgeois women's movement: The German Women's Council (Deutscher Frauenrat) understands itself as following the tradition of 19th century feminism (Deutscher Frauenbund)

- Do women's organisations actively engage with other intersecting inequalities (in each area?)

Non-employment: gender – age – disability (care); gender – marital status (single mothers); gender – class (reconciliation)

Intimate citizenship: gender – sexuality: low (the lesbian/gay/and women's movement are rather separate); gender – ethnicity: especially in the field of gender-based violence (see below)

Gender-based violence: gender – ethnicity/nationality (migrant women, female refugees, asylum → specialised women's organisations)

Cross-cutting: The feminist-disability movement.

○ Do they have good alliances with those representing other inequalities or not? (in each area)
Rather weak alliances; recently there have been some initiatives to gather forces by demanding a reform of income taxing systems (demanding individual taxing). 16 NGOs from different inequality strands participated in the petition.

○ Are there alliances between women's / feminist organisations and men's groups (if these exist in your country)?

NO

○ Are there many organisations of minoritised women? (in each area)

For all areas, there are hardly any organisations of minoritised women. Only recently, the Federal Association of Women Migrants was founded (2005). It works across issues.

○ What links are there with international? / EU level / bilateral bodies? (in each area)

Non-employment: The DGB (Federation of German Trade Unions) is member of the ETUC; German Women's Council is member of the EWL

Intimate citizenship: ILGA, EWL, European Conference of Bi-national / Bicultural Relationship (ECB), ENAR

Gender-based violence: EWL, WAVE, NGOs (e.g. KOK) reporting and lobbying the UN CEDAW, UN Commission for Human Rights, Council of Europe

Other

Approx. 80 German NGOs and organisations are members of the ENAR.

○ Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example, is it invited to report to consultations; does it take money from the state; is it commissioned by the state to undertake specific tasks?

As Lang (2007⁸⁰) argues, the women's movement today is highly institutionalised and thus has come a long way from its initially separatist beginnings. It is characterised into three types:

- 1) The disintegrated and largely state dependent local grassroots project culture. The formerly independent projects are now semi-institutionalised and receive basic founding for personnel and infrastructure from local or state governments. Expenditure depends across state and local governments.*
- 2) An impressive number of professional and cultural national women's organisations. The majority of these organisations are members of the German Women's Council (28 professional organisations, 6 from parties or trade unions, 19 from social/cultural groups and 3 from religious groups. The German Women's Council is an important voice in the mainstream policy process as is the German Women Lawyer's Association. However, their leverage in the mainstream policy process is weak. Public visibility, e.g. in the form of protest events, is low.*
- 3) Femocrats, feminists and women's advocates within the institutions of the state and the parties.*

1. Does this vary between issue areas? Yes, see below.

2. Has this changed over time?

The different gender regimes in West and East Germany had an impact on the respective civil society. While in East Germany, women's equality largely meant integrating women into the labour force, developed "top down", in state institutions, equality in the West carried other meanings, developed

⁸⁰ Lang, Sabine. 2007. Gender Governance in Post-unification Germany: Between Institutionalization, Deregulation and Privatization. In *Changing State Feminism*, ed. Joyce Outshoorn and Johanna Kantola. Palgrave Macmillan.

“bottom up”, in the women’s movement. Hence, when speaking about the German women’s movement, we mainly refer to the West German tradition..

The autonomous women’s movement of the Federal Republic that had been sparked by other revolutionary mobilisations at the end of 1960s first and foremost engaged in the politisation of the private and demanded the democratisation of gender relations⁸¹. Special points of concern were sexual self-determination (that amounted in the abortion debate) and the creation of special spaces for women in order to compensate for structural discrimination in a male dominated society. The fact that violence against women was increasingly addressed in public led to the establishment of women’s shelters in the 1970s. The fight against gender-based violence proved to be the most fruitful of the battles of the women’s movement. Despite different positions on how to co-operate with gendered state institutions and debates on the possibilities or threats of anti-violence campaigns run by and with men, co-operation projects were set up.

At least for the last decade, extensive political lobbying in the field of violence against women with migrant background incl. refugees and asylum seekers can be observed. Citizenship rights like residence permits are often a conditionality to effectively combat gender-based violence. While this connection is emphasised by respective NGOs lobbying in both fields, intimate citizenship and gender-based violence, these issues are hardly ever that closely tied in the respective policies. Clearly, the LSVD has been effectively addressing same sex partnership rights at the political level. Other intimate citizenship issues like tax alleviations for couples and families that intersect with the issue of non-employment have been extensively addressed by the German Women Lawyers Association. The women’s sections of the unions, which are – strictly speaking – not attributable to civil society, are especially active in the areas of non-employment and intimate citizenship. Women’s groups have joined forces in the shadow reports in order to contrast the official country reports (CEDAW, Beijing Platform for Action) with the demands from civil society.

3. When engaging with the state is a coalition form of organising common or not?

There are very few coalitions; a recent one was the call for individual taxing (see above).

- Does it make sense to talk of a ‘women’s movement’ or not?

1. Briefly explain your answer.

The answer depends on one’s definition of women’s movement: In Germany, there are relatively strong femocrats (within parties, ministries) and rather institutionalised feminism.

- Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?

The two major tendencies are sameness and transformation.

- Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?

Support for a public (state provision) regime

- How closely aligned is feminism with social democracy?

Rather close, but even closer to the Alliance 90/the Greens.

- Notes on the history of the development of gendered or feminist civil society organisations:

1. Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate? YES

- Does this vary by 4 areas (general, employment, intimate citizenship, gender based violence)? Yes: *continuum from close to the state to autonomous*

2. Is there a history of divisions as to: socialist, radical, liberal? Yes

- Does this vary by 4 areas? *Socialist: employment; Radical: Intimate citizenship and GBV; Liberal: general.*

3. Is there a history of changing engagement with class, ethnic and religious forces? YES;

⁸¹ Source: Müller, Ursula G. Ein Geschlechterkampf in vier Runden. Rückblick auf fünfunddreißig Jahre Frauenbewegung und Frauenpolitik. In *Beiträge zur feministischen Theorie und Praxis* 28 (66/67): 67-89.

- Does this vary by 4 areas? *Initially strong engagement with class; now increasing concern with ethnicity and religion across all areas.*
- Is feminist research organised in Universities and research institutes? *YES*
 1. Are there named centres? *YES*
 - If yes, are they important?
 - If not, is important feminist research primarily dispersed or mainstreamed? *Dispersed; not mainstreamed.*
 2. Are there specific positions, funds or journals within the country (or region e.g. Nordic)? *Yes*
 3. Is there a national association for women's studies/gender studies? *No (in preparation)*
- Are there feminist lawyers' organisations?
 1. Are there radical lawyers' organisations that support justice claims for one or more of the inequalities? *YES, see above the section on the DJB, the German Women Lawyers Association.*

7.2 Class

○ A short history of the development of organisations representing class interests. *In the wake of civil rights movement around 1848, when the suffrage for men (above 25) was discussed and the first German constitution was presented, women's concerns were mostly 'forgotten', as Louise Otto recognised. Initially, this women's movement also demanded rights for female workers. Shortly after these first organising initiatives that were supported by a separate media product (Frauen-Zeitung), the prohibition of association was ruled in 1850. When the General German Women's Association (Allgemeiner Deutscher Frauenverein) was founded in 1865, objectives had to be formulated in an apolitical way, such as the right to work and to education. Eventually, in 1870, the split into a bourgeois and proletarian women's movement became obvious. The latter one was subject to double persecution under the 'socialist laws' ('Sozialistengesetze') that combated the promotion of social democracy. In the heydays of the women's movement before the First World War, the women's movement was split into a) the proletarian women's movement under the lead of Clara Zetkin and Rosa Luxemburg, b) the bourgeois women's movement and c) the confessional women's organisations.⁸² After the second world war and the division of Germany, women and class interests were not primarily taken up by the autonomous women's of the second wave feminism, which focused primarily on violence against women and the abortion debate as well as on establishing women's spaces and cultures. However, increasingly in the 1980s, employment became the arena where gender equality concerns were fought over⁸³. Secondary literature seems to be silent on the role the German traditional women's movement (represented by the predecessor organisation of the now called German Women's Council) played in relation to promotion and gender and class interests. Remain the unions as sites where gender and class interest were negotiated; however, academic literature clearly shows the traditional gender bias of unions⁸⁴. While the formal principle of gender equality was incorporated into the principles of the DGB (German Trade Union Federation = (Deutscher Gewerkschaftsbund) and while women's departments were established from the 1945 onwards, there was still little concern for gender issues up until the 1970s. The traditional gender division of labour was neither challenged in the 'Leitbild' of the male breadwinner model, nor challenged by the organisational set-up of unions. Usually, the low degree of female union members was attributed to a general disinterest of women in union affairs. The exclusion of women from representation in decision making bodies was maintained up until the 1980s; they were sidelined into women's departments that had hardly any decision making nor representative powers.*

⁸² Source: Gerhard, Ute. 2003. Frauenbewegung in Deutschland – Gemeinsame und geteilte Geschichte. In *Europas Töchter. Traditionen, Erwartungen und Strategien von Frauenbewegungen in Europa*, ed. Ingrid Miethe and Silke Roth, 81-100. Opladen: Leske + Budrich.

⁸³ Source: Müller, Ursula G. Ein Geschlechterkampf in vier Runden. Rückblick auf fünfunddreißig Jahre Frauenbewegung und Frauenpolitik. In *Beiträge zur feministischen Theorie und Praxis* 28 (66/67): 67-89.

⁸⁴ See Kurz-Scherf, Ingrid. 1995. Arbeit für alle? – Über die Notwendigkeit der Entpatriarchisierung von Arbeit und Arbeitspolitik am Beispiel der deutschen Gewerkschaften. In *Frauenwirtschaftskonferenz*. Wien: Bundeskanzleramt.
Brigitte Young. 1996. The German State and Feminist Politics: A Double Gender Marginalisation. *Social Politics* 1996: 159-184.
Koch-Baumgarten, Sigrid. 1999. Vom 'Arbeiternehmerpatriarchat' zur Quotengewerkschaft? In *femina politica* 8 (1): 36-48.
Buchholz-Will, Wiebke. 2001. Wann wird aus diesem Traum Wirklichkeit? Die gewerkschaftliche Frauenarbeit in der Bundesrepublik Deutschland. In *Geschichte der deutschen Frauenbewegung*, ed. Florence Hervé, 185-208. Köln: PapyRossa Verlag.

Also, female unionists departing from difference feminism, already pursued during the Weimar Republic, did not challenge discriminating structures. Unions also participated in the construction of 'female low salary groups' (Leichtlohngruppen), thus contributing to the devaluation of female labour and the gender pay gap.

Rising organisation and qualification levels of women since the late 1970s, influenced also by second wave feminism, contributed to a shift in women's politics of the unions. However, substantive representation of women's issues in the sense of gender mainstreaming as well as the discussion of topics such as sexual harassment at the workplace proved difficult. Also, quota regulations were rarely introduced or generally rejected (by the DGB and the IG Metall in the 1990s). The ratio of female high executive positions remains low. Also, initiatives of unions in their role as tariff partners to re-evaluate female labour by tackling the gender pay gap have been weak.⁸⁵ While gender mainstreaming in the Union for Services, ver.di, founded in 2001, has been documented in detail⁸⁶, it is hard to evaluate the degree to which it has been realised.

- How strong are trade unions? Use the following four measures of trade union strength (Data: European Industrial Relations Observatory Online, national sources)
 - density (proportion of workers that are organised) → 18 %
 - coverage (what proportion of workers are covered by collective bargaining agreements) → 65 %

- centralisation of collective bargaining → 47 %
 - is there a national body of trade unions

Yes, the DGB German Trade Union Federation (Deutscher Gewerkschaftsbund)

- what proportion of TU members and unions are affiliated?

85% of union members belong to one of the unions affiliated to the DGB. The biggest trade unions are the metal workers union (IG Metall), the united services union (Ver.di) and the chemical industry, energy, and mining union (IG BCE)

- coordination of collective bargaining.
 - Does the national body of trade unions negotiate on behalf of trade unions
 - Can it coerce or discipline member unions to enforce agreement?

One of the DGB's responsibilities is to reach agreement on the demarcation of the industries represented by its member unions in order to avoid competition within an industry or company. However, collective bargaining is exclusively the affiliates' responsibility.

- Women and trade unions:
 - What percentage of total trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female?

31,9 % of DGB members are female (Source: <http://www.dgb.de/dgb/mitgliederzahlen/mitglieder.htm>) (Use national Labour Force Survey. Website providing links to country LFS available from International Labour Organisation: <http://www.ilo.org/dyn/lfsurvey/lfsurvey.home> - not available.

- How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)? Separate branches

Central trade union body: DGB Women (DGB Frauen) at the Confederation of German Trade Unions (Deutscher Gewerkschaftsbund, DGB)⁸⁷

Member unions:

Union for Services (Dienstleistungsgewerkschaft ver.di): Groups for Gender and Women's politics; Disabilities; Lesbian, Gay, Bi-Sexuals and Transgender

Union for Education and Science (Gewerkschaft für Erziehung und Wissenschaft, GEW): Women's politics

⁸⁵ Source: Koch-Baumgarten, Sigrid. 1999. Vom 'Arbeiternehmerpatriarchat' zur Quotengewerkschaft? In *femina politica* 8 (1): 36-48.

⁸⁶ Source: Klett, Joachim H. and Ilona Schulz-Müller. 2006. Gender Mainstreaming bei ver.di: Stationen eines Marathonlaufes. In *Gender Mainstreaming. Lernprozesse in wissenschaftlichen, kirchlichen und politischen Organisationen*, ed. Christiane Burbach and Peter Döge, 91-105. Göttingen: Vandenhoeck & Ruprecht.

⁸⁷ In April 2007 a feasibility study for a Gender Index Germany was presented by the Confederation of German Trade Unions (DGB) in Berlin. This Gender Index comprises of 15 indicators that try to capture the fields of women and employment (occupation, payment, unemployment, social care receivers etc.) This instrument would enable comparisons of economic positions across regions in Germany. (zwd Frauen, Gesellschaft und Politik (243) 2007:15).

Union for Metal (IG Metall): Groups for Disabled; Women; Youth; Migrants; Unemployed

- What proportion of women are in the executive of (major) trade unions?

The average percentage of women in managing boards is 27 %.

Table: Source: Gender Data Report 2005⁸⁸

Gewerkschaft	Vorstände insgesamt	davon Frauen	Frauenanteil Vorstände (in %)	Frauenanteil Mitglieder (in %)
IG BAU	11	2	18	14
IG BCE	7	1	14	20
GEW	8	5	63	68
IG Metall	7	1	14	19
NGG	3	1	33	40
GdP	10	2	20	18
TRANSNET	3	1	33	21
ver.di	16	6	38	49
DGB	5	2	40	32

Translation: Gewerkschaft: Union; Vorstände: Managing Boards; Insgesamt: In total; davon Frauen: thereof women; Frauenanteil: Ratio of women; Mitglieder: Members

- Is gender equality high or low on the bargaining agenda? *Low*
- Is it seen as an issue for women, or for all trade unionists? *A women's issue*
- How well organised are employers?
 - European Industrial Relations Observatory Online: Employer's Organisation Density: 63 %*
 - Do they have a single (or more) national organisation? Is it powerful or not? E.g. can it control its members?

The structure of the employer associations to some extent mirrors that of the unions. In some industries, such as metalworking (Gesamtmittel), the employers have formed special organisations dedicated to collective bargaining. In many other industries there are hybrid structures for both industrial organisation and collective bargaining.

The only employer confederation is the Bundesvereinigung der Deutschen Arbeitgeberverbände (BDA, Federation of German Employers' Associations), founded in 1950 and open to employers in all industries, it is focused on collective bargaining. Economic, business, and political interests are covered by the Bundesverband der Deutschen Industrie (BDI, Federation of German Manufacturing) and various service sector organisations. The employer organisations are structured by industry and region. According to Schmidt (2007: 114), the BDI is a very powerful lobby group⁸⁹.

Like its trade union counterpart DGB, the BDA is not involved directly in collective bargaining but tries to coordinate the bargaining strategies of its members. In addition to Gesamtmittel, other major member associations represent the chemical, construction, and printing industries; domestic and foreign trade; banking; and insurance.

- Are they indifferent or hostile to gender equality in the workplace?

They are in favour of creating 'equal opportunities' for women in the economy. The BDA follows a strong liberal rationale comprising of individual responsibility and little state interference with businesses. Measures are primarily located to the field of human resources: transparency in training on the job, training also for part time employees, mentoring, and encouragement to take on leading positions.

- Do they oppose the development of gender machinery, gender equality policies and gender equality laws?

The BDA opposed the coming into force of gender equality law for the private sector in 2001. Instead, a voluntary agreement between the private sector businesses and the state was signed.

⁸⁸ Source: Gender Data Report 2005. <http://www.bmfsfj.de/bmfsfj/generator/Publikationen/genderreport/6-Politische-partizipation-und-buergerschaftliches-engagement/6-4-Frauen-und-maenner-in-der-institutionalisierten-interessenvertretung/6-4-4-frauen-und-maenner-in-gewerkschaften.html>, accessed on 24 June 2008.

⁸⁹ Schmidt, Manfred G. 2007. Das politische System Deutschlands. München: Beck.

The BDA also opposed an extended version of the GETA⁹⁰.

- Do they support 'diversity management'? (e.g. policies that emphasize the gains associated with the promotion of diversity in the organisation, in contrast to an emphasis on equality / equal opportunities).

In August 2007, the State Minister of Integration, Maria Böhmer, issued the campaign 'Charter of Diversity' to which 284 companies signed up until today. The BMFSFJ did not co-operate in this initiative. In the text of the Charta, there is no allusion to equality or similar.

The rationale of Charta is to acknowledge and use the potentials of employees regardless of gender, rate, nationality, ethnicity, religion or belief, disability, age, sexual orientation and identity; the use of potential will have economic benefits for businesses.

Currently, also the ADO, based at the BMFSFJ tries to establish close contacts to the private economy (Pakt mit der Wirtschaft).

- Did they lobby for a merged rather than separate equalities bodies?

The BDA was in favour of single body that would not cause more bureaucracy. It was also in favour of limited tasks and powers of the body⁹¹.

- Are there tri-partite or corporatist bodies including employers, trade unions and government that make important national decisions?

European Industrial Relations Observatory Online: There is no institutionalised tripartism, but there have been several more or less successful voluntary approaches of cooperation between trade unions, employer organisations, and the state.

- Are women represented in such bodies?
- Are there EU, bilateral or other international level links for either trade union or employer organisations?
 - Are these links important (e.g. in lobbying government at national level)
Hard to evaluate; no information available.

7.3 Other intersecting social inequalities

7.3.1 Ethnicised / racialised groupings

- What is the composition of the national population by ethnicity?

In Germany, the Federal Statistical Agency used not distinguish between ethnicity, but aggregated the statistics along the lines of nationality (German or other nationality). For the first time in 2006, the micro census documented population with a migrant background, many of which already have German citizenship. 18% or 15,1 million of the general population have a migrant background (9 % are foreign citizens and nearly 10 % are German citizens). 4,7 million of them did not migrate themselves, but have a migrant background in their families. Generally, one out of five foreign citizens was born in Germany; for the Turkish citizens, it is one out of three that was born in Germany⁹².

According to the 7th Foreign Citizen Report [7. Ausländerreport]⁹³ Turkish citizens constitute the largest group of foreigners (25,8 %), followed by Italians (7,9 %), Polish (5,4 %) and Greek (4,5 %). 1/3 of all foreigners stem from the EU; 2/3 from European Third Party States.

Germany officially recognises four minority groups: the Danish, the Friesan, the Sinti and Roma and the Sorbs⁹⁴. The Kurdish, Turkish, Polish and the Yenish (Jenische) are not officially recognised.

⁹⁰ Antidiskriminierungsgesetz: Stellungnahme des BDA: [<http://www.altersdiskriminierung.de/themen/artikel.php?id=644>, accessed on 5 June 2008]

⁹¹ Source: see footnote 54.

⁹² Source: Federal Ministry of the Interior

[http://www.bmi.bund.de/cln_012/nn_161630/Internet/Content/Themen/Auslaender__Fluechtlinge__Asyl__Zuwanderung/Daten_undFakten/Deutsche__Auslaender__mit__Migrationshintergrund.html, accessed on 21 May 2008]

⁹³ Source: 7th Foreign Citizen Report [7. Ausländerreport] of the Commissioner of the Federal Government on Migration, Refugees and Integration:

[<http://www.bundesregierung.de/Content/DE/Publikation/IB/Anlagen/auslaenderbericht-7-tabellenanhang-barrierefrei,property=publicationFile.pdf>, accessed on 21 May 2008]

⁹⁴ Source: Federal Ministry of the Interior. 2006. National Minorities in Germany.

[http://www.bmi.bund.de/Internet/Content/Common/Anlagen/Broschueren/2006/Nationalen_Minderheiten_in_Deutschland__Id__25495__de,templateId=raw,property=publicationFile.pdf/Nationalen_Minderheiten_in_Deutschland_Id_25495_de.pdf, accessed on 21 May 2008]

- What are considered to be the most important ethnicised, racialised, and linguistic divisions politically (e.g. Roma/non-Roma, Black/White, citizen/migrant, language communities)?

German citizen - German citizen with migrant background - foreign citizen (especially Turkish/and Muslim)

- Is ethnicity considered to be intersected by religion (e.g. Islamic/non-Islamic)?
Yes, Muslim and Turkish

- Prioritise the ones that have been the most important in the development of gender+ equality policies.

The support of migrant women and the combat of violence against migrant women (both expressed in the National Integration Plan and the Second National Action Plan to Combat Violence against Women) is important to the development of gender+ equality policies. While the target group is called 'migrant women' it can be often assumed that Muslim/Turkish communities are addressed.

- What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)?

As of end of 2007, 6,7 Mio foreigners (excluding tourists or visitors) were registered, the largest group is Turkish citizens (25 %). One out of five foreign citizens was born in Germany; for the Turkish citizens, it is one out of three that was born in Germany⁹⁵. 2/3 of Turkish foreigners in Germany (total of 1,7 Mio) have an unlimited residence title (approx. 1,1 Mio), the rest temporary (540.000) or 'tolerated' (10.000).

Political rights, such as the right to vote, are attached to citizenship.

Usually, the right to take up employment is granted together with the right to (temporary) residence (Aufenthaltserlaubnis). A special case is the immigrants without a residence title, the 'tolerated' (Duldung).

The right to (temporary) residence is granted in cases of

- *Employment migration: for high qualified workers (employment migration) and for less qualified workers for certain branches*
- *Humanitarian reasons and family reunification. Spouses that have immigrated via family reunification only are granted an independent resident title after two years, problematic in cases of domestic violence and forced marriage. Family reunion is tied to class.*

Tax law and family law are usually attached to residence and not to citizenship. Foreign parents having a (temporary) residence have an entitlement to parental benefit; however, certain humanitarian residence titles are excluded.

- In what way are ethnicised and racialised groups organised? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)
 - In what way are women engaged in these organisations?
 - Do minoritised women organise separately within or outside of such organisations?

Important mainstream (i.e. not specifically dedicated at gender issues) migrant associations are:

The Turkish Community in Germany (Türkische Gemeinde in Deutschland)

Since 1995, umbrella organisation of 200 nation-wide Turkish associations; active for legal, social and political equality, against-discrimination of Turkish and xenophobia, for the promotion of integration and at the same time cultural identity

Strategies: political interest and lobby group for German Turks via state authorities and the general public

Women in the organisation: It is not clear from the website, how many women are engaged or active in the organisation. However, there is a position paper on women's politics as one of the four main

⁹⁵ Source: Federal Ministry of the Interior

[http://www.bmi.bund.de/clin_012/nn_161630/Internet/Content/Themen/Auslaender__Fluechtlinge__Asyl__Zuwanderung/Daten_undFakten/Deutsche__Auslaender__mit__Migrationshintergrund.html, accessed on 21 May 2008]

sections of the TGD. This position paper contains the topics of honour killings, domestic violence, forced marriage, victim protection, 10 Point Action Plan to Combat Intolerance Against Women⁹⁶.

The head of the TGD, Kenan Kolat, is both, participant to the 1st Integration Summit⁹⁷ (to the 2nd the TGD was invited, but did not appear due to the New Immigration Act) and to all of the three Islam Conferences (2006, 2007, 2008).

Federation of Turkish Parents Associations (Föderation Türkischer Elternvereine in Deutschland),

This organisation is also part of the TGD; it was founded in 1995.

Fields of activities: education

Strategies: seminars, conferences, public awareness raising among Turkish parents, establishment of counselling centers, support of projects

Women in the organisation: not explicitly visible; no gender issues; marginal: intersection with disability

The Turkish-German Health Organisation (Türkisch-Deutsche Gesundheitsstiftung),

It was founded in 1988.

Fields of activities: health prevention, education and research

Strategies: seminars, research, conferences, promotion of medical education for Turkish Germans, information material on health issues in Turkish, telephone counselling, bilingual projects

Women in the organisation: women as target group; not visible in the structural set-up of the organisation

Central Council of German Sinti and Roma (Der Zentralrat Deutscher Sinti und Roma)

It was founded in 1982

Fields of activities: racism, genocide (NS regime), discrimination on grounds of ethnicity, recognition as a national minority (1995)

Strategies: campaigning, documentation centre, political lobbying

Women in the organisation: not visible

Addition: Issues of migration, asylum, racism (nationality/ethnicity)

Association of bi-national families and partnerships iaf

Methods: counselling, political lobbying, networking, projects

Fields of activities: intimate citizenship, bi-national partnerships, anti-discrimination

Important or marginal to national politics: ?

Centralised or dispersed: central office; regional offices.

Women in the organisation: gender mainstreamed

Intersectionality: LESCHIAK Lesbian and Gay Working Group of the iaf (der Lesbisch-Schwule

Internationale Arbeitskreis in der iaf): counselling for bi-national homosexual couples.

International links:

European Coordination for foreigner's right to family life

European Conference of Binational / Bicultural Relationship (ECB)

Anti-Discrimination: advd General Anti-Discrimination Association Germany

(Antidiskriminierungsverband Deutschland) (ethnicity/racism)

Methods: political lobbying, public awareness-raising

Fields of activities: combat individual and institutional discrimination on various grounds, especially, but not only ethnicity

⁹⁶ Source: Turkish Community in Germany (Türkische Gemeinde in Deutschland, Frauenpolitische Thesen) [<http://www.tgd.de/index.php?name=News&file=article&sid=660>, accessed on 21 May 2008]

⁹⁷ **First Integration Summit in July 2006:**

Participants from Turkish organisations: DITIB, Federation of Turkish Parents Associations, The Turkish-German Health Organisation, TDG.

The Muslim organisations the ZDM and the Islamic Council were not invited.

Second Integration Summit in July 2007:

The TGD, the Federation of Turkish Parents Associations, the Turkish-German Health Organisation and the DITIB did not participate in the Second Integration Summit on grounds of the New Immigration Act that was about to be passed

Important or marginal to national politics: ?

Centralised or dispersed: centralised; regional member organisations.

Women in the organisation:

NGOs active in relation to asylum: Pro Asylum, Refugee Council Berlin (Flüchtlingsrat Berlin)

In each case, are there EU, bilateral or other international links.

ENAR

Amnesty International

- Are there any groups organised against certain ethnic groups?

The National Democratic Party of Germany: party at the extreme right; neo-nationalist movements and their media;

7.3.2 Religion/belief/faith

- What is the composition of the national population by religion / faith

Christian 62,6 % (Catholics 31,5 %, Protestants 31,1 %); Muslims 3,9 %; Jewish 0,1 %. However, the data on the Muslim population can only be an estimate, as Muslim citizens are not an organised or recognised in an overarching institution. Islam is not like the Catholic or Protestant Church a 'public cooperation' (Körperschaft öffentlichen Rechts). Only 10 – 15 % of Muslims are members to Muslim associations like the DITIB, ZMD, VIKZ and the Alevites.⁹⁸

- What proportion of the population are practising members of an organised religion? See above
- What are the main religious organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)
 - How are women represented or not within them?
 - Do they oppose gender equality in general and in our three issues?
 - What is their preferred model of womanhood?
 - Do they support or oppose the other equalities issues?
 - Are they in alliance with any other inequalities or not?
 - Are there any groups organised against certain religious groups?

The Churches (Catholic, Protestant, Israelitische Kultusgemeinden, Neuapostolische Kirche etc.) are 'public cooperations'. The Constitution and the Länder legislations provide for an access of the churches to the political system, especially in social and cultural matters. They are represented in issues on education and in public broadcasting. They are in close contact with ministries of social, family and education affairs. Also, they are closely connected to the parties: the Catholic Church with the Christian-Democratic Union; the Protestant Church is traditionally close to the SPD.⁹⁹

Catholic Church

What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, campaigning, lobbying state, service provision, research)

Strategies: Building autonomous institutions, consultation processes with the parties; lobbying the state especially in family affairs; service provision (Seelsorge), research

- How are women represented or not within them? *Not visible*
- Do they oppose gender equality in general and in our three issues? *It is common to denounce gender as an ideology¹⁰⁰ and to defend a model of complementarity of women and men.*
- What is their preferred model of womanhood? *The model is Maria; the specific traits of womanhood are seen in 'caring for the other'; the task of caring is fulfilled in*

⁹⁸ Source: Press and Information Service of the Federal Government

[<http://www.deutschland.de/aufeinenblick/uebersicht.php?lang=1>, accessed on 21 May 2008].

(Source: Federal Ministry of the Interior:

[http://www.bmi.bund.de/cln_028/nn_759128/Internet/Navigation/DE/Themen/Deutsche__Islam__Konferenz/deutscheIslamKonferenz_node.html__nnn=true, accessed on 12 June 2008].

⁹⁹ Schmidt, Manfred G. 2007. Das politische System Deutschlands. München: Beck.

¹⁰⁰ Source: http://www.kfd-bundesverband.de/aktuell/meldungen/2008_55_aktuell.php?navid=37, accessed on 12 June 2008

biological motherhood, but can also be expressed in psychological, cultural or spiritual ways¹⁰¹.

- Do they support or oppose the other equalities issues? *Clearly, they are against rights for homosexual couples; they are socially active for children, youth, families, elderly and sick/disabled (caritas)*
- Are they in alliance with any other inequalities or not? *No info available.*

Working Group of Catholic Women's Associations (Arbeitsgemeinschaft katholischer Frauenverbände und –gruppen)

The Working Group is an association of 19 Catholic Women's Associations, who represent 1,2 million members. The biggest Catholic Women's Association is the

Catholic Women's Community (Katholische Frauengemeinschaft Deutschlands), representing over 600.000 members. *Strategies: lobbying – comments on laws, campaigning, awareness-raising*
Fields of activities: Stem cell law, domestic violence, forced prostitution and trafficking in women, pension system, fair trade and ethical production, gender equality and gender mainstreaming within the church, trafficking in women, integration.

Protestant Church *What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, campaigning, lobbying state, service provision, research)*

- How are women represented or not within them? *They are eligible to all positions within the church; however, in the higher echelons, they are rare: only 3 out of 25 bishops are female. 1/3 of the priests are female¹⁰². There is a gender equality unit within the church.*
- Do they oppose gender equality in general and in our three issues? *No*
- What is their preferred model of womanhood? *They explicitly operate with the term gender equality; to oppose violence against women and to mitigate discrimination*
- Do they support or oppose the other equalities issues? *They support same sex partnerships (blessing dependent on regional churches)¹⁰³; contact with other religious organisations dependent on regional churches.*
- Are they in alliance with any other inequalities or not? *No info available.*

Protestant Women in Germany (EFiD Evangelische Frauen in Deutschland)

Umbrella organisation of protestant women's organisations in Germany¹⁰⁴ was founded in 2008 (Union of the Evangelische Frauenhilfe in Deutschland and the Evangelische Frauenarbeit in Deutschland e.V.).

Fields of activities: refugees and immigration, trafficking in women, racisms, ethical production (CleanClothesCampaign), women's policies, gender mainstreaming, prostitution, equality for same sex couples (also within the protestant church), reproductive medicine, § 218 abortion.

Central Council of Jews in Germany (Zentralrat der Juden in Deutschland)

Umbrella organisation, representing 105.000 members. Strategies: Cultural events, seminars, integration from immigrants from the former USSR; political lobbying, service provision (welfare), research, payment of compensation.

- How are women represented or not within them? *Since 2006, a woman is president of the Council. Apart from this, no gender equality structures are visible. The Association of Jewish Women (Bund jüdischer Frauen) is part of the Central Council; however, there is no detailed information available.*
- Do they oppose gender equality in general and in our three issues? *Not available.*
- What is their preferred model of womanhood? *Not available.*
- Do they support or oppose the other equalities issues? *Not available*

¹⁰¹ Source: Stellungnahme des Vorsitzenden der Deutschen Bischofskonferenz, Karl Kardinal Lehmann, zur Veröffentlichung des Schreibens der Kongregation für die Glaubenslehre über die Zusammenarbeit von Mann und Frau in der Kirche und in der Welt am 31. Juli 2004 [http://www.dbk.de/aktuell/meldungen/00132/print_de.html, accessed on 12 June 2008]

¹⁰² Interview with female bishop Margot Kässmann 'Unterordnung ist nicht das Hauptthema der Bibel, sagt die evangelische Landesbischofin aus Hannover' in *Das Parlament* Nr. 7 / 12.2.2007

[<http://www.das-parlament.de/2007/07/Thema/13839847.html>, accessed on 12 June 2008]

¹⁰³ Source: <http://www.ekd.de/print.php?file=/homosexualitaet/einfuehrung.html>, accessed on 12 June 2008.

- Are they in alliance with any other inequalities or not? *Not available.*

Regarding Muslim organisations:

In April 2007, the Muslim Coordination Council (Koordinierungsrat der Muslime, KRM) was founded by conservative Muslim organisations: the ZMD, the DITIB, the Islamic Council and the Association of Islamic Cultural Centres (Verband der Islamischen Kulturzentren VIKZ). These four members are, together with the Alevite Community are permanent participants in the Islam Conference, organised by the Ministry of Interior.

Important Muslim organisations

What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, campaigning, lobbying state, service provision, research) Service provision, political lobbying,

The Turkish-Islamic Union for Religion (DITIB, Türkisch-Islamische Union der Anstalt für Religion): *Despite offering religious services it claims to be a civil organisation. It was participant of the Integration Summit (Chancellor Merkel) and the Islam Conferences (Minister of Interior Schäuble) and also of the 4th Dialogue with migrant organisations (Integration commissioner Böhmer)¹⁰⁵. With over 880 member associations, it is the largest umbrella organisation.*

- *How are women represented or not within them? According to the DITIB, it is claimed that 10 % of the higher positions in associations are held by women¹⁰⁶. There is a women's department (DITIB Frauenverband), mostly focusing on service provision.*
- *Do they oppose gender equality in general and in our three issues? There is no statement on gender equality or the like.*
- *What is their preferred model of womanhood? Not clearly stated; but from the service provision offers it is mostly women as mothers that are addressed; service provision e.g. does not explicitly mention labour market participation. Concepts of difference.*
- *Do they support or oppose the other equalities issues? Not available*
- *Are they in alliance with any other inequalities or not? Not available.*

The Islamic Council (Islamrat)

- *How are women represented or not within them? Not available.*
- *Do they oppose gender equality in general and in our three issues? Not available.*
- *What is their preferred model of womanhood? Not available. However, given a statement on co-educative physical education, it is clear that it pursues a gender-differentiated opinion (parents should be allowed to withdraw their daughter from co-educative swim training because it does not go along with religious rules).*
- *Do they support or oppose the other equalities issues? Not available*
- *Are they in alliance with any other inequalities or not? Not available.*

The Central Muslim Council (Zentralrat der Muslime, ZMD)

- *How are women represented or not within them? No detailed information available; there is a women's commission in the organigram; also the vice president is a woman.*
- *Do they oppose gender equality in general and in our three issues? Not available.*
- *What is their preferred model of womanhood? Not available.*
- *Do they support or oppose the other equalities issues? Not available*
- *Are they in alliance with any other inequalities or not? Not available.*

The Association of Islamic Cultural Centres (Verband der Islamischen Kulturzentren VIKZ)

- *How are women represented or not within them? Not available.*
- *Do they oppose gender equality in general and in our three issues? Not available.*
- *What is their preferred model of womanhood? Not available; however, in their section on service provision they offer 'sewing and crochet courses for girls'.*
- *Do they support or oppose the other equalities issues? Not available*
- *Are they in alliance with any other inequalities or not? Not available.*

¹⁰⁵ Source <http://www.ditib.de/detail1.php?id=106&lang=de>, accessed on 12 June 2008.

¹⁰⁶ Source: <http://www.ditib.de/detail1.php?id=107&lang=de>, accessed on 12 June 2008.

Are there any groups organised against certain religious groups?

Free Thinkers (Freidenker): *against religion, for secularism and humanism*

Humanist Association of Germany (Humanistischer Verband Deutschlands): *especially in the new Federal Länder of East Germany, non-religious, ethical Weltanschauung*

Zentralrat der Ex-Muslime: *public awareness-raising, secularism*

In each case, are there EU, bilateral or other international links.

Catholic Church: Dependent on the 'Leitbilder' of the Vatican

Muslim organisations: It is spread that some religious organisations are partially funded by Turkey'

7.3.3 Sexual orientation

- Are there gay/lesbian/trans/bisexual/queer organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)
 - Do they have a national organisation? *YES; the LSVD*
 - In what way are women engaged in and represented in these organisations? *See below*
 - Do they work in alliance with other inequalities or not? *See below*
 - Are there any groups organised against gay / lesbian / trans-people? *The Roman Catholic Church is opposing rights for homosexuals; the Protestant Church is in favour of limited rights.*

LSVD – The Lesbian and Gay Association Germany (Lesben- und Schwulenverband Deutschland)

Strategies: political lobbying, campaigning and public awareness raising, self-help organisation, solidarity and welfare provision

Fields of activities: same sex partnership, binational partnerships, asylum, violence

Women in the organisation: part of the programme

Alliance with other inequalities: Intersectional work: age, gender, ethnicity, nationality and religion; also transgender.

Lambda - LGBT Youth Association

Strategies: counselling, service provision

Fields of activities: leisure time, coming out, counselling,

Alliance with other inequalities: work: intersection of gender, sexuality, age and disability

dgti e.V. – German Organisation for Transidentity and Intersexuality

Strategies: counselling, political lobbying

Fields of activities: trans-identity, transgender, intersexuality

HuK – Oecumenical working group homosexuals and the Church (Ökumenische Arbeitsgruppe Homosexuelle und Kirche)

Strategies: counselling, empowerment, lobbying, public awareness raising

Fields of activities: homosexuality, Christian churches

Alliance with other inequalities: gender, sexuality and religion.

Co-operation, e.g. with amnesty international

LesMigras – Lesbian Immigrant Women in Europe

Strategies: empowerment, public awareness raising (politics, practitioners..)

Fields of activities: migration, violence, asylum,

Alliance with other inequalities: intersectional work: gender, sexuality and ethnicity/nationality (religion)

In each case, are there EU, bilateral or other international links.

ILGA Europe

ILGA

IGLYO

7.3.4 Disability

- Are there disability organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

In what way are women engaged in and represented in these organisations?

ABID – General Disability Association Germany (Allgemeiner Behindertenverband In Deutschland E.V. - Für Selbstbestimmung und Würde)

Strategies: Service provision, lobbying,

Women in the organisation: not visible, not explicitly gendered

Alliance with other inequalities: no info available

ISL Interest Group Self-Determined Living in Germany (Interessenvertretung Selbstbestimmt Leben in Deutschland e.V.):

Strategies: Campaigns (Public awareness raising), lobbying, networking among disability organisations, information on disability policies

Women in the organisation: not explicitly gendered

Alliance with other inequalities: no info available

Weibernetz – Federal Lobby Group Women with Disabilities (Bundesweite politische Interessensvertretung Behinderter Frauen)

Strategies: Campaigns (Public awareness raising), lobbying, networking among disability organisations, information on disability policies

Alliance with other inequalities: no info available

In each case, are there EU, bilateral or other international links.

European Network of Disabled Women (founded in May 2007)

Disabled Peoples' International

7.3.5 Age

- Are there organisations of / for older people? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)
- How are women engaged in and represented in these organisations?
No available information

Office against Age Discrimination (Büro gegen Altersdiskriminierung)

Strategies: document cases of age discrimination, political lobbying, awareness-raising

Women in the organisation: not visible.

7.4 Hotspots and Alliances

Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others (if so, which)? For example is gender/religion or sexuality/religion a regular source of controversy? Is this hostility best described as endemic or constant, or as occasional and issue based?

Given Germany's history of work migration from the South, especially Turkey, ethnicity has been a major field of conflict. During the last five years, the discourse on problems of migration and parallel societies has been constant. Increasingly, it evolves around the intersection of ethnicity, religion and gender, as it is the case in the debates around headscarves in employment and public service (especially schools) and in the debates around forced marriages and honour killings.

Strong opposition to gender equality stems from the Catholic Church and from authors defending a Christian-conservative world view, arguing that the transformation of gender roles will cause a new gender-person and is trying to dissolve natural given difference between women and men and contributing to borderless (homo-)sexuality.

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

Feminist organisations working on gender/migration, refugees/violence are usually well connected to the Green party; also the ASF (Women's organisation of the SPD) is an important ally. Secondary literature deals with the women's movement and the women in unions as two separate issues; it is hard to evaluate what the connections are e.g. between the German Women's Council and the women's departments of the unions.

WIDER SOCIAL INSTITUTIONS

8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

Population, economic development, economic inequality and state welfare

	Country	EU
GDP per capita PPP (Purchasing Power Parity) 2005 (Eurostat 2007)	25.700	EU 25: 23.400
Population size 2005 (Eurostat 2007)	82,5 Mio	EU 25: 459,5 Mio
% of workforce in agriculture 2005 (Eurostat 2007)	2,4	EU 15: 3,7
Longevity 2005 (Eurostat 2007)	78,9	EU 15: 79,7
Gini (measure of economic inequality) 2005 (Eurostat 2007)	26	EU-25: 30
% GDP/gov. expenditure on social expenditure 2005 (Eurostat 2007)	29,4	EU-25: 27,4
% GDP/gov. expenditure on active labour market policies 2005 (OECD 2007)	0,97	k.A.
% GDP/government expenditure on childcare 2003 (OECD 2003)	0	k.A.
% GDP/Government expenditure on military 2005 (World Bank 2007)	1,354	EU-15: 1,7

Gender Regime

	Total	Female	Male
Employment rate 2005 (Eurostat 2007)	66,6	59,6	71,3
Unemployment rate 2005 (Eurostat 2007)	10,7	10,3	
Share of women in adult labour force % (UN 2007)¹⁰⁷		45	
Women's share of part-time employment % (2004, UN 2007)¹⁰⁸		86	
Gender pay gap, unadjusted (gap= difference between average gross hourly earnings of male and female employees given as % of average gross hourly earnings of male paid employees, unadjusted form 2005 Eurostat)¹⁰⁹		22	
School enrolment tertiary % gross (2004, World Development Indicators)¹¹⁰	k.A.	k.A.	k.A.
Women in Parliament % of parliamentary seats in single or lower chamber occupied by women (Inter-Parliamentary Union 2005 and 2007)		31,8 and 31,6	
Women's share of legislators and managers % 2005 (ILO 2007)		37	
% one parent families (dependent children)	k.A.		

¹⁰⁷ Share of women in adult labour force: percentage of the economically active who are women:
<http://unstats.un.org/unsd/demographic/products/indwm/tab5a.htm>

¹⁰⁸ Women's share part-time employment:
<http://unstats.un.org/unsd/demographic/products/indwm/tab5b.htm>

¹⁰⁹ Gender pay gap:
http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em030

¹¹⁰ World Development Indicators, World Bank (September 2006)

Mean age at first marriage 2003 (Eurostat 2007) ¹¹¹	28,4		
Marriage rate 2005 (Eurostat 2007)	4,71		
Divorce rate 2005 (Eurostat 2007)	2,4		
Fertility rate (2005 , World Development Indicators) ¹¹²		1,4	

9. SUMMARY

9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

	Fully transposed	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references
Issues						
1 Equal pay/equal treatment	Contested	After	1980 1994 2001 2006	Less	Several	YES
2 Sexual harassment and discrimination	Contested	After	1994 2006	Less		
3 Equality bodies	Contested	After	2006	Contested		
4 NGO/civil society dialogue	Yes	After	2006 2007	Unclear		
5 Parental leave	Yes	Before	1992	Beyond 1996 in relation to length		
6 Organisation of working time		Later	1994 2001		Yes	YES
Gender Machinery						
<i>Anti-Discrimination Office</i>	<i>Contested</i>	<i>After</i>	<i>2006</i>			

9.2 Plans and programmes

National general gender equality plan (current)	Yes				No X
Reference to Lisbon targets					
Reference to Barcelona targets					
Targets and indicators	None	Weak	Moderate	Strong	

¹¹¹ Mean age at first marriage:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=Yearlies_new_population&root=Yearlies_new_population/C/C1/C13/cab11024

¹¹² World Development Indicators, World Bank (September 2006)

National plan: Gender-based violence (current)	Yes X			No
Targets and indicators	None	Weak	Moderate X	Strong

Focus on gender	No	Yes:	Weak	Moderate	Strong
Employment plan (general assessment)			X		
Social protection and social inclusion plan (general assessment)				X	
Reference to gender based violence	X				

9.3 Gender machineries

National gender machineries	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister	X			1987
Independent equality body (research, monitoring, and enforcement)		X		2006 The ADO (Anti-Discrimination Office) follows a horizontal approach and is an equality office dealing with 6 grounds of discrimination (gender, sexuality, age, disability, religion and ethnicity)
National consultative / representative body linking state and women's NGOs		X		2007 The Advisory Board of the ADO
Any other body / bodies (e.g. parliamentary committees) Please name: 1. <i>Conference of Equality and Women's Ministers and Senators of the Länder (GFMK)</i> 2. <i>Federal Association of Municipal Women's and Equality Officers (BAG)</i>	X			

9.4 Policy

	No -Not at all	Yes / Low	Yes / Moderate	Yes / High
General To what extent is gender mainstreamed throughout policies?				
Non-employment (4.1) Extent to which mothers can be legitimately non-employed			X	

Intimate citizenship (4.2)				
Extent to which women have access to abortion (in country of residence)				X
Extent to which state policies are highly heteronormative			X	
Gender-based violence (4.3)				
Extent to which policies on GBV go beyond domestic violence				X
Strength, resources and co-ordination of GBV policies			X	

9.5 Civil society and state interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)		X		
Extent to which the women's NGOs participate in policy making		X		
Extent to which women's NGOs are close to state			X	
Extent to which women's NGOs engage with intersecting inequalities			X	
Extent to which women's NGOs are state funded			X	
Extent of influence of trade union body on policy making				X
Extent of power of women within trade union body		X		