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4 November 2011

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the sixth periodic report of Germany at the Committee's forty-third session, held in January-February 2009. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/DEU/CO/6). You may recall that in paragraph 67 of the concluding observations, the Committee requested Germany to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 40 and 62 of the concluding observations.

The Committee welcomes the follow-up report submitted by Germany on 5 August 2011 under the CEDAW follow-up procedure (CEDAW/C/DEU/CO/6/Add.1). At its fiftieth session, held in October 2011 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 40** of the concluding observations to "take proactive concrete measures to narrow and close the wage gap between women and men, in particular, ensure that non-discriminatory job evaluations and job assignment systems are put in place and implemented", the Committee commends the State party for analysis provided on the wage gap between women and men and considered that the recommendation had been **partially implemented**. It recommends that the State party provide, **in its next periodic report**, additional information on:

.../...

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- a) Addressing gender-based pay inequality recommended in the First Equality Report of the Federal Government of June 2011;
- b) Further progress made through the implementation of the Federal Government strategy for addressing the causes of gender pay gap;
- c) Any steps taken to address other factors related to pay inequality, such as the spousal tax splitting system which has been creating a disincentive for women to engage in full-time employment and migrant women working in positions significantly below their qualifications due to lack of legal regulation of recognition of their foreign professional degrees/qualifications and integrating these factors in measures to narrow and close gender pay gap;
- d) Any steps taken to consider measures of binding nature, such as introducing temporary special measures to encourage diversification of occupational choices, the statutory minimum wage which could perhaps reduce pay inequality in lower income sectors, applying the European Union legislation which created an opportunity to link public procurement to employment policy and equality issues, and changes to the German corporate governance code to include gender equality as a benchmark for good governance as announced by the State party delegation during consideration of the sixth periodic report;
- e) Updated sex-disaggregated data on representation in management and decision-making positions in public and private sector and in leadership positions in trade unions and in the negotiating process through which collective wage agreements were signed and on works councils, actions taken to address the under-representation of women in trade unions and works councils leaderships, and whether the multi-stage plan to increase the number of women in executive positions for overcoming horizontal segregation was submitted by the Federal Government;
- f) The results achieved in overcoming main causes of gender pay gap through programmes, projects, initiatives and campaigns launched and supported by the relevant federal ministries and implemented in partnership and through cooperation with social partners and civil society organisations;
- g) The results achieved through policies and measures implemented to make easier for women and men to reconcile family and working life; and
- h) The results of the survey on part-time employment in executive positions in federal departments and any measures taken on their basis.

Regarding the recommendation to: “ensure that non-discriminatory job evaluations and job assignment systems are put in place and implemented”, the Committee considered that it had been **partially implemented** and recommends that the State party provide, **in its next periodic report**, additional information on results achieved through the voluntary application of the Logib-D instrument by companies, including measures developed and introduced by companies to remedy gender inequalities in their pay structures.

.../...

Regarding the recommendation to “consider enacting an equality act for the private sector, with the establishment of a gender-based definition of pay in wage agreements and company pay structures, or amending the General Equal Treatment Act to that effect”, the Committee considered that the recommendation had **not been implemented** and recommends that the State party provide, **in its next periodic report**, additional information on steps taken in view of enacting an equality act for the private sector, with the establishment of a gender-based definition of pay in wage agreements and company pay structures, or amending the General Equal Treatment Act and other relevant laws to that effect.

Regarding the recommendation made in **paragraph 62** of the concluding observations to “enter into dialogue with non-governmental organizations of intersexual and transsexual people in order to better understand their claims and to take effective action to protect their human rights”, the Committee considered that the recommendation had been **partially implemented** and recommends that the State party provide, **in its next periodic report**, additional information on:

- a) The opinion of the German National Ethics Council submitted to the Federal Government, its findings, challenges and recommendations as well as further actions taken by the government to enter into dialogue and ensure adequate consultations with relevant non-governmental organisations in order to better understand their claims as well as measures developed to effectively protect human rights of intersexual people; and
- b) Additional actions taken to enter into dialogue with the relevant non-governmental organisations in order to better understand their claims as well as measures developed to effectively protect human rights of transsexual people, in particular through the revision of the Transsexual Law by taking into account the current medical/scientific knowledge and the decisions of the Federal Constitutional Court.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Germany on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women