



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org – cedaw@ohchr.org

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Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined seventh and eighth periodic reports of Germany, at the Committee's sixty-sixth session, held in February 2017. At the end of that session, the Committee's concluding observations (CEDAW/C/DEU/CO/7-8) were transmitted to your Permanent Mission. You may recall that in paragraph 55 on follow-up on the concluding observations, the Committee requested Germany to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 38 (b), 40 (b), 48 (b) and 50 (d) of the concluding observations.

The Committee welcomes the follow-up report received on time in March 2019 (CEDAW/C/DEU/CO/7-8/Add.1) under the CEDAW follow-up procedure. At its seventy-fourth session, held in November 2019 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 38** of the concluding observations, urging the State party to “**ensure access to safe abortion without subjecting women to mandatory counselling and a three-day waiting period, which the World Health Organization has declared to be medically unnecessary, and ensure that such procedures are reimbursed through health insurance**”:

The Committee takes note of the State party's position rejecting to amend section 218a (1) of the Criminal Code, which subjects women who wish to have an abortion to mandatory counselling and a three-day waiting period, with respect to a balance with a conflicting interest of the right to life of the unborn child. It also notes that the State party restricts the entitlement of health insurance coverage in case of unlawful abortions. The Committee considers that the information provided by the State party reflect rejection of the recommendation. It considers that the State party **has failed to cooperate with the Committee** in respect of this recommendation.

The Committee considers that the information provided by the State party is thorough and extensive, and responds fully to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

His Excellency
Mr. Michael Freiherr von Ungern-Sternberg
Permanent Representative of the Federal Republic of Germany
to the United Nations Office at Geneva
Chemin du Petit-Saconnex 28C
1209 Geneva

Email: info@genf.diplo.de



The Committee recommends that, in relation to **paragraph 38** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Amend section 218a (1) of the Criminal Code to ensure access to safe abortion without subjecting women to mandatory counselling and a three-day waiting period, and ensure that abortion are reimbursed through health insurance.

With regard to the recommendation made in **paragraph 40** of the concluding observations, recommending that the State party “**design a sustainable system of child maintenance payment and introduce a means-tested child allowance along with minimum maintenance payments for children after their parents separate or divorce**”:

The Committee welcomes the information provided by the State party that it expanded advance maintenance payments in 2017, and this allows single parents to receive the payments for their minor children without time restrictions. It also takes note of the measures taken by the State party on the federal child benefit, through the Federal Government’s Coalition Agreement in March 2018, which is better relievable for low-income families, particularly single-parent families and families with many children. Furthermore, the Committee notes that an agency of the State party retrieves this advance maintenance payment for the child from other parent who are able to pay but does not do so. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds fully to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation made in **paragraph 48** of the concluding observations, recommending that the State party “**incorporate into national law the provisions of European Union asylum legislation in relation to reception conditions and asylum procedures, reflecting the specific needs of particularly vulnerable refugee and asylum-seeking women in all measures relating to integration**”:

The Committee welcomes the information provided by the State party that provisions of European Union asylum legislation have been incorporated into national law and being implemented. It also notes with appreciation that the State party recognizes the social and labour integration of migrant and refugee women as important concerns and adopted measures to support them. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds fully to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

Regarding the recommendation made in **paragraph 50** of the concluding observations, urging the State party to “**establish a State compensation scheme to provide redress by supplementing the pensions of women who divorced in the former German Democratic Republic**”:

The Committee takes note of the information provided by the State party that, since the dialogue with the Committee in 2017, it had examined the status of women getting divorced under the law of the German Democratic Republic and concluded that there had been no substantiated and unequal treatment against them. The Committee acknowledges the efforts made



by the State party to provide financial support for special cases of hardship after the transfer process of pension, including women who divorced in the former German Democratic Republic, by the Coalition Agreement in 2018. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds fully to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 50** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Continue providing financial support for women who divorced in the former German Democratic Republic and face hardship after the transfer process of pension.

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

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