

SDG Indicator 5.1.1 - Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex

Data for Germany – 2022

SDG INDICATOR 5.1.1			
Area 1 - Overarching legal frameworks and public life		Score: 70	
	Question	Answer	Legal Basis
1	If customary law is a valid source of law under the constitution, is it invalid if it violates constitutional provisions on equality or non-discrimination?	N/A	Basic Law for the Federal Republic of Germany
2	If personal law is a valid source of law under the constitution, is it invalid if it violates constitutional provisions on equality or nondiscrimination?	N/A	Basic Law for the Federal Republic of Germany
3	Is there a discrimination law that prohibits both direct and indirect discrimination against women?	Yes	Law on Elimination of All Forms of Discrimination, Art. 2
4	Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?	Yes	Basic Law, Art. 33
5	Are there quotas for women (reserved seats) in, or quotas for women in candidate lists for, national parliament?	No	No applicable provisions could be located
6	Do women and men have equal rights to confer citizenship to their spouses and their children?	Yes	Nationality Act
7	Does the law establish a specialized independent body tasked with receiving complaints of discrimination based on gender (e.g., national human rights institution, women's commission, ombudsperson)?	Yes	General Act on Equal Treatment, Sec. 1 and 27
8	Is legal aid mandated in criminal matters?	Yes	Code of Criminal Procedure, Sec. 140, 397a and 406(g)
9	Is legal aid mandated in civil/family matters?	Yes	Code of Civil Procedure, Sec. 114
10	Does a woman's testimony carry the same evidentiary weight in court as a man's?	Yes	No restrictions could be located
11	Are there laws that explicitly require the production and/or dissemination of gender statistics?	No	No applicable provisions could be located
12	Are there sanctions for noncompliance with mandated candidate list quotas, or incentives for political parties to field women candidates in national parliamentary elections?	No	No applicable provisions could be located

Area 2 – Violence against women		Score: 100	
	Question	Answer	Legal Basis
13	Is there legislation specifically addressing domestic violence?	Yes	Law on civil protection against acts of violence and reenactments
14	Have provisions exempting perpetrators from facing charges for rape if the perpetrator marries the victim after the crime been removed or never existed in legislation?	Yes	No applicable provisions could be located
15	Have provisions reducing penalties in cases of so-called honor crimes been removed, or never existed in legislation?	Yes	No applicable provisions could be located
16	Are laws on rape based on lack of consent, without requiring proof of physical force or penetration?	Yes	Criminal Code, Sec. 177
17	Does legislation explicitly criminalize marital rape or does legislation entitle a woman to file a complaint for rape against her husband or partner?	Yes	Criminal Code, 1998, Sec. 177
18	Is there legislation that specifically addresses sexual harassment?	Yes	General Equal Treatment Act (AGG), Ch. II, Sec. 2.2
19	Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women by creating an obligation on government to provide budget or allocation of funding for the implementation of relevant programmes or activities?	Yes	Law on the Establishment and Operation of a federal hotline for Violence against Women, 2012; Senate administration for Health, Nursing and Gender
20	Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women by allocating a specific budget, funding and/or incentives to support non-governmental organizations for activities to address violence against women?	Yes	Ministry of Family, Seniors, Women and Youth: Ministerial regulation on the granting of subsidies and services for the promotion of equality between men and women, 2008, Secs. 1.2, 2.5; The Association of Women's Shelters (Frauenhaus - koordinierung e.V. - FHK)
21	Is there a national action plan, policy or strategy to address violence against women that is overseen by a national mechanism with the mandate to monitor and review implementation?	Yes	Second Action Plan of the Federal Government to Combat Violence against Women
Area 3 – Employment and economic benefits		Score: 100	
	Question	Answer	Legal Basis
22	Does the law mandate nondiscrimination on the basis of gender in employment?	Yes	General Equal Treatment Act, Sec. 2

23	Does the law mandate equal remuneration for work of equal value?	Yes	Act on the Promotion of Transparency of Pay between Women and Men, 6 July 2017, Arts. 3 and 4
24	Can women work in jobs deemed hazardous, arduous or morally inappropriate in the same way as men?	Yes	No restrictions could be located
25	Are women able to work in the same industries as men?	Yes	No restrictions could be located
26	Are women able to perform the same tasks at work as men?	Yes	No restrictions could be located
27	Does the law allow women to work the same night hours as men?	Yes	No restrictions could be located
28	Does the law provide for maternity or parental leave available to mothers in accordance with the ILO standards?	Yes	Maternity Protection Act, Secs. 3, 6, 11, 13; Parental Benefit and Leave Act, Sec. 2 & 4; Social Security Code V, Sec. 24(c)
29	Does the law provide for paid paternity or parental leave available to fathers or partners?	Yes	Parental Benefit and Leave Act, Sec. 4, 15 and 16
30	Is there a public entity that can receive complaints on gender discrimination in employment?	Yes	General Equal Treatment Act, Sec. 25
31	Is childcare publicly provided or subsidized?	Yes	Implementation Instructions for Children's Daycare, Art. 1(4); Berlin Day Care Assistance Act, Sec. 21-22
Area 4 – Marriage and family		Score: 100	
	Question	Answer	Legal Basis
32	Is the minimum age of marriage at least 18 years, with no legal exceptions, for both women and men?	Yes	New Child Marriage law and Civil Code Sec. 1303
33	Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?	Yes	Civil Code Sect. 1310 and 1564
34	Do women and men have equal rights to be legal guardian of their children during and after marriage?	Yes	Civil Code Sec. 1626
35	Do women and men have equal rights to be recognized as head of household or head of family?	Yes	No applicable provisions could be located
36	Do women and men have equal rights to choose where to live?	Yes	No restrictions could be located
37	Do women and men have equal rights to choose a profession?	Yes	Civil Code Sec. 1356
38	Do women and men have equal rights to obtain an identity card?	Yes	Act on Identity Cards and Electronic Identification, Sec. 1 and 5; Attachments to the Ordinance on Identity Cards and Electronic Identification

39	Do women and men have equal rights to apply for passports?	Yes	Passport Act, Sec. 4 and 6; Passport application form
40	Do women and men have equal rights to own, access and control marital property including upon divorce?	Yes	Constitution of the Federal Republic of Germany, Arts. 3 and 14; Civil Code, Sec. 1363-1369
41	Is marriage under the legal age void or voidable?	Yes	Civil Code Sec. 1314
42	Are there dedicated and specialized family courts?	Yes	Courts Constitution Act, Sec. 23(b)