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Individual NGO Submission for the Universal Periodic Review of the human rights situation in Germany (2023)

Submitted by: The Institute for the Protection of Women's Rights (IPWR)

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The Institute for the Protection of Women's Rights (IPWR), a non-governmental organization, was established in 2015 and granted consultative status by the Economic and Social Council in 2019. In general, the institution's activities can be described in the direction of supporting women's rights in political, social, cultural, economic, etc. The Institute's most important goals are as follows:

- Helping women get to know their rights
- Empowering women and achieving gender justice
- Combating discrimination and violence against women
- Offering useful suggestions and proposals to the Government to realize women's rights

This report explains why Germany must take urgent actions to protect the rights of women, children, religious minorities, and refugees, as well as freedom of expression and peaceful assembly in accordance with their national and international obligations. IPWR makes recommendations to improve the implementation of Human Rights norms in two different areas:

- Recommendations on the elimination of violence against women
- Recommendations on the elimination of violations of the Right to Freedom of Expression and women's right to choose their dress

1) Women's Rights

- Violence against women is rooted in women's unequal position in society, which reflects the unequal distribution of social, political, and economic power between women and men in society. It is one of the most pervasive Human Rights violations of our time that may cause physical, sexual, psychological, and economic harm or suffering to women. Violence against women undermines their dignity and integrity and causes serious damage to families, communities, and societies. It is estimated that 1 in 3 women in the EU (61 million out of 185 million) have experienced physical and/or sexual violence after age 15.
- Germany has one of the highest rates of femicide in Europe. According to statistics from the Federal Criminal Police Office in December 2021, the pandemic has only made the situation worse. The number of femicides continues to rise. Activists condemn a failure by police to take women's cases seriously enough, as well as legal shortcomings in German law¹.
- The number of domestic violence victims in Germany has increased by 3.4% in the last five years and the overwhelming majority of them are women, the German government said Thursday. A government report indicated that there were 143,604 domestic violence cases in 2021, up by 4,711 from 2017. However, the real figure is likely much higher since many victims are afraid to report domestic violence to the police. According to the report's data

¹ Femicide in Germany: A silent epidemic, <https://www.france24.com/en/tv-shows/reporters/20220304-femicide-in-germany-a-silent-epidemic>

for 2021, 80.3 % of victims were female².

- The crime statistics analysis on intimate partner violence by the Federal Criminal Police Office shows that a total of 140,755 people were victims of intimate partner violence in 2018, 114,393 (81,3%) victims were female, and 26.362 (18,7%) male. Among 129,419 (91.9%) adult victims (aged 21 and over) 104,146 (80.5%) were women and 25,273 (19.5%) were men³.
- In 2019, police recorded 141,792 cases, charting an increase of almost 1 percent from 2018. According to the police's data, 81 percent of victims were women and 19 percent were men. More than half of the victims lived in the same household as the perpetrator. Over 69,000 women and 17,800 men were victims of assault. 28,906 women and 3,571 men were victims of threats, stalking, and coercion. Nearly 12,000 women and 5,169 men were victims of dangerous assault⁴.
- According to the German Federal Statistical Office Press⁵, women in Germany still earn significantly less than men, 20% less than men, and this unadjusted gender pay gap has remained in 2021⁶. To coincide with the Equal Pay Day on 7 March 2022, the Federal Statistical Office also reports that the average gross hourly earnings of women (19.12 euros) were 4.08 euros lower than those of men (23.20 euros)⁷.
- In Germany, one in three women is a victim of physical and/or sexual violence at least once in her life. Depending on the form of violence, girls and women with disabilities experience violence two to three times more often than the general population. Almost half experienced sexual violence in childhood, adolescence, or adulthood. They experience physical violence almost twice as often as women without disabilities, and around 70 percent to 90 percent of women with disabilities have experienced psychological violence in adult life⁸.
- According to the German federal criminal police office, there is on average one reported attempted homicide of a woman every single day. According to the new statistics, every two-and-a-half days a woman in Germany dies at the hands of her partner or former partner⁹.
- According to the UN report, work still needs to be done in Germany to achieve gender equality. Women and girls aged 10 and above spend 15.9% of their time on unpaid care and domestic work, compared to 10% spent by men¹⁰.

Recommendations:

² <https://apnews.com/article/europe-violence-germany-berlin-domestic-2b7b1ce4c139c401af312862c78bc6b5>

³ <https://training.improdova.eu/en/data-and-statistics/data-and-statistics-in-germany/>

⁴ <https://www.berliner-zeitung.de/en/german-women-killed-in-domestic-violence-once-every-three-days-li.118018>

⁵ [Gender Pay Gap 2019: Frauen verdienen 20 % weniger als Männer - Statistisches Bundesamt \(destatis.de\)](https://www.destatis.de/EN/Press/2022/03/PE22_088_621.html)

⁶ Human Rights Watch, 2021

⁷ https://www.destatis.de/EN/Press/2022/03/PE22_088_621.html

⁸ <https://www.bmfsfj.de/bmfsfj/themen/gleichstellung/frauen-vor-gewalt-schuetzen/haeusliche-gewalt/haeusliche-gewalt/80642>

⁹ <https://www.dw.com/en/violence-against-women-when-daily-life-becomes-a-nightmare/a-59917129>

¹⁰ <https://data.unwomen.org/country/germany>

- Preventing and combating violence against women in order to promote their rights and their participation in social and political arenas
- Taking further measures to close the gender pay gap
- Promoting women's businesses and employment and achieving equal pay
- Effective legislation to support affected women
- Create a comprehensive framework to prevent and combat all forms of violence against women, including domestic and sexual violence
- Identifying and amending all laws that discriminate against women and girls

2) Freedom of expression and freedom of religion

Muslim women suffer from the same inequalities as other women (access to employment, gender pay gap, domestic, verbal, physical violence, etc.) in Germany but additional factors such as perceived religion or ethnicity worsen the situation. Media and public opinion often express stereotypical views of Muslim women, often depicted through a binary representation - oppressed or dangerous -, and do not consider Muslim women as active agents. News stories either refer to violations of women's rights or use their image, especially when wearing religious clothing, to illustrate views framing Islam as a problem;

- The German state of Baden-Württemberg has banned burqas, niqabs, and other full-face covering in schools. Authorities said that this legal regulation will promote a sense of "togetherness" in education¹¹.
- German authorities registered at least 662 Islamophobic crimes in 2021. Over 46 mosques were attacked between January and December last year and at least 17 people suffered injuries because of anti-Muslim violence. Süleyman Demir, project director at the anti-discrimination group, Inssan, stated that attacks on Muslims and mosques have seen a rise following the coronavirus pandemic and the situation is serious as Germany is facing economic difficulties. He also said that the statistics have definitely increased, especially for women who wear a headscarf. Not only men but also women who wear the hijab and niqab are exposed to much more physical attacks, and this has actually increased significantly in recent years. German authorities recorded 152 Islamophobic attacks, while at least seven people were injured in the first six months of 2022¹².
- In 2017, the German parliament approved a ban on face veils, including the niqab and burqa, for women who work in the civil service, judiciary, and military. This was followed by a prohibition of full-face veils in schools, polling stations, universities, and government offices, instigated by the southern state of Bavaria. German teachers are also banned from wearing headscarves in eight of Germany's 16 states¹³.

¹¹ <https://www.euronews.com/my-europe/2020/07/23/german-state-of-baden-wuerttemberg-to-ban-niqabs-and-burkas-in-schools>

¹² <https://www.dailysabah.com/world/islamophobia/muslims-in-germany-worry-over-surge-in-islamophobic-attacks>

¹³ <https://www.middleeasteye.net/news/10-european-countries-restrict-religious-attire-muslim-women>

- The German Senate has approved a law banning public employees from wearing ideological or religious symbols on the job. The new legislation on dress and appearance allows state authorities to prohibit or restrict the wearing of tattoos, symbols, or visible clothing related to religion, regardless of belief, while public officials are at work or in service. The German Islamic coordination council said in a statement that the “legislative change gives the state authorities a tool by which to prevent civil servants from wearing the headscarves or capes,” adding that this would undermine freedom of belief¹⁴.
- According to the report of the Federal Anti-Discrimination Agency, with the spread of the Corona epidemic, in 2020, the number of requests for legal advice increased from 3,580 to 6,383 compared to the previous year. Most importantly, applications for protection due to discrimination "on ethnic origin or racial grounds" have increased significantly¹⁵.

Recommendations:

- Alignment of national laws with international Human Rights documents in the field of protecting freedom of opinion and religion
- Ensuring the participation of Muslim women in educational and academic arenas while wearing religious clothing
- Ensuring the realization of the Right to Religious Freedom and the Right to Clothing for minorities, especially women
- Developing strategic initiatives aimed at increasing the safety of Muslim women wearing hijab and niqab in public places
- Eliminating all forms of discrimination against Muslim women and girls, and repealing the law “banning hijab for government employees”
- Regarding violence against Muslim women as a crime and making legal reforms to protect the status and rights of women
- Raising awareness of and tackling discrimination against Muslim women
- Collaboration of NGOs, antidiscrimination agencies, lawyers, legal scholars, and representatives from the Muslim community to raise awareness of multiple discrimination against Muslim women.

¹⁴ <https://www.siasat.com/new-german-law-may-prohibit-the-wearing-of-headscarves-for-public-employees-2142344/>

¹⁵ https://mediendienst-integration.de/fileadmin/Dateien/Infopapier_Antimuslimischer_Rassismus.pdf