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The Long Road to Gender Equality (November 2005)

The Gender Data Report, which was commissioned by the Federal Ministry for Family, Senior Citizens, Women, and Youth, begins by describing progress made on the road to gender equality. It also identifies areas still in need of improvement. It gives particular attention to the legal foundations of gender equality and to the role of the European Union in equal opportunity policies.

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## Introduction

The living conditions of women and men in Germany have changed enormously since the founding of the Federal Republic. By the late 1970s, the slogan “from patriarchy to partnership” was already being used to describe this transformation. But in 1988 Jutta Limbach noted that “this dynamic-sounding phrase creates the false impression of a linear and straightforward development.” In actuality, one can see that the equalization of living conditions between men and women proceeded at different speeds, depending on the area of life and the particular group of women and men under consideration. The integration of childless women into the labor force, for example, has progressed significantly in Germany as elsewhere, whereas the participation of mothers in gainful employment is still very limited in Germany as compared with other European countries.

German women’s stronger orientation toward employment, which is also affecting more mothers, does not automatically lead to an egalitarian division of labor as regards gainful employment and work in the family. Men still do far more paid work and women far more unpaid work. Even today, it is almost exclusively mothers who take advantage of the regulations on parental leave that were instituted after 1986. The right to daycare that was established in 1996, together with parental leave regulations, has improved the vocational prospects of mothers since then. The options for childcare are still inadequate, however, and the German tax and social system still offers incentives for couples with children to adhere to a family model that envisions the husband as the main provider and the wife as a minimal earner.

Women have come closer to equal participation with men in the arena of political decision-making. In the meantime, it has become far more common for women to hold top positions in government administration than to occupy leading posts in business.

With the diversification of lifestyles and the modernization of the breadwinner-housewife family model through the [introduction of the] full-time/part-time model, women have more freedom to act than they did in past decades. Partnership, however, is by no means guaranteed in these new lifestyles, [i.e.] in non-married domestic partnerships and in relationships between single or divorced mothers and fathers and their (former) partners.

For decades, women were ill-equipped to secure their own livelihood. Many parents focused mainly on providing a good education and vocational training to their sons. That is no longer the case. Up to this day, however, mothers are often forced to temporarily withdraw from employment for family reasons, and this hurts their career prospects in the long run.

The development of new lifestyles was reflected in the legislative measures of various federal governments. The social hardships associated with these new lifestyles, especially for women, were mitigated, for example, by the Marriage Law Reform of 1976, the 1980 Alimony Advance Act, and its amendment in 1993. Conversely, consideration was also given to fathers' wishes to maintain contact with their children after separation and divorce. This was the context in which the new parent and child law [*Kindschaftsrecht*] took effect in 1998.

Occasionally, legislative amendments pertaining to gender equality were scaled back after the fact, because they did not appear to be reconcilable with the rights of third parties; this was the case with the alimony provisions of the 1976 Marriage Law Reform, which were relatively favorable for women, and the 1974 "periodic" regulation [*Fristenregelung*] on abortion, which, after the Federal Constitutional Court intervened in 1994, was changed into an "indication" regulation [*Indikationsregelung*] with compulsory counseling. The expansion of women's scope for action, the establishment of egalitarian gender relations in various areas of life, and the development of fair partnerships are long-term processes. They progress at different speeds in different segments of society. Oftentimes, male and female lifestyle patterns that were formerly in alignment start contradicting each other in new ways. The multiplicity of life models available to women and men do not make it easy to provide political support for models of partnership.

Important impetuses to legislative changes – as well as to changes in social practice – came from the new women's movement, from women's groups in political parties and trade unions, and from women's associations. These impetuses were seized upon by commissioners for women's affairs, for example, in municipalities and businesses. Affirmative action plans were developed to promote women, and quotas and quorums were established. These measures paved the way for qualified women in certain areas to be promoted, all the way to top-level positions.

Equal opportunity policies depended and depend to a large degree on agreements between EU countries. The 1996 Amsterdam agreement on gender mainstreaming has been of particular strategic relevance in recent years. It obligates all actors in government administration to review their own programs, regulations, and decisions in order to determine if they (indirectly) put one gender at a disadvantage.

Serious changes in the economy, politics, and society are constantly leading to new inequalities in gender relations, while the known disparities are diminishing only very slowly. As a result, even today there are still areas that are not in compliance with the promise of Article 3, Section 2, of the Basic Law, which declares that “men and women shall have equal rights,” and its supplement of October 1994, “The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.”

Debate on the present draft of an anti-discrimination law will certainly serve to raise awareness about matters of equal rights. In addition to women, other socially disadvantaged groups will also start speaking out more: for example, groups defined by citizenship, groups with foreign world views, or people with disabilities. In this debate, it is important to be able to refer precisely to the remaining discrepancies in the living conditions of women and men.

Therefore, it makes sense to look at the current status of [efforts toward] gender equality in Germany.

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Source: “Gender-Datenreport, 1. Datenreport zur Gleichstellung von Frauen und Männern in der Bundesrepublik Deutschland, November 2005”[ “1st Data Report on Gender Equality in the Federal Republic of Germany, November 2005”]; <http://bmfsfj.de/Publikationen/genderreport/0-einleitung.html>.

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