



Marina Schuster
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— **Algorithms for Opposing Gender Discrimination: the International Experience**

- International Conference -

— **Speech given by Ms. Marina Schuster, MP**

**“Gender Equality and the state of
Women in Germany”**

**Mariott Tverskaya Hotel, Moscow, 1st Tverskaya-Yamskaya 34
Saturday, March 12, 2011, 11 a.m.**



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Dear Misses Mlinar,
dear Misses Memecan,
dear Misses Ampar,
dear organizers, fellow participants and dear guests,

on the nineteenth of March, the “International Women’s Day” commits its one-hundredth anniversary. In 1911, women from Denmark, Germany, Austria-Hungary and Switzerland rallied for the first time in public spaces to give their claim a strong voice: a claim for participation, a claim for equal rights, a claim for self-determination!

Today, we are meeting here to discuss “Algorithms for opposing Gender discrimination: the international experience”. Almost right on the anniversary of the day that women raised their cry for emancipation, the title of today’s conference highlights two things:
on the one hand, it shows that the fight against discrimination remains still as relevant as it has been before. On the other, it signifies how successful the women’s movement has been since then. Starting mainly in the German-speaking community in 1911, we today exchange ideas and international best practices here in Moscow.

Therefore, ladies and gentlemen,
I’d like to thank you very much for the invitation. It is an honour, a pleasure and a privilege for me to discuss these highly relevant topics with you today.
In particular, ladies and gentlemen, I would like to thank the organizers of today’s event. The idea to participate in this conference dates back as far as to my last visit in Moscow in September 2010. I got to know Yabloko as Russia’s only liberal party and am therefore delighted to support their endeavour address you today.

Ladies and Gentlemen,
I take this occasion as a great opportunity to learn more about the situation of women in Russia, but also on the situation of women in other European countries. I am very curious to learn from my fellow colleagues on this panel from Russia, Austria and Turkey about the situation in their countries.



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In exchange, I'm glad to provide you now with some insights from the situation in Germany.

I will start off with a short history of the development of women's rights in Germany. From this assessment I will go on and comment on current trends and challenges in my country. Finally, I will conclude with a brief outlook on likely future developments.

The history of women's rights in modern Germany is – like elsewhere in Europe – unfortunately a rather short one. It begins in 1918, when women were finally allowed to study. After World War One, they gained the active and passive right to vote with the new constitution of the Weimar Republic. The rise of Nazism meant an early setback also for the women's movement: they lost the passive right to vote, and were mainly excluded from universities as well as leading positions in society.

The Second World War brought changes to this situation. In 1949 West Germany's new constitution introduced Article 2, Paragraph 3. It stated for the first time in clear words that "*Men and women shall have equal rights*".

In consequence, this little sentence had a tremendous effect on all subordinate legislation in West-Germany. All rules and laws opposed to this new fundamental right were subject to change.

It took however quite some time till German legislation was modified to comply fully with the new constitution. For the time being, men retained a superior position in marriage. Till 1958, husbands had the right to terminate their wives' job contracts without notice. Further, they disposed over their wives' money and property. Only in 1977, the last discriminating laws of this kind were abolished.

In 1994, article 2 of the constitution was amended:

"The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist."

Ladies and gentlemen,

from a judicial point of view, there is no more women's discrimination in Germany.



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In 2006, the federal “law on equal treatment” was introduced to abolish all remaining forms of discrimination at the workplace, for example with regard to recruitment, promotion and payment. And in a recent verdict, the European Court of Justice made clear that insurance tariffs must be equal for men and women.

Apart from these developments, numerous governments – including the current – have introduced financial measures to promote work-life balance. These include, inter alia, transfer payments such as parental leave and child benefit. Parental leave entitles for time off work to care for one’s child by getting 60 percent of your last salary. Child benefit on the other provides parents with monthly payments from 184 up to 215 Euros per child, depending on the number of children you have.

As a result of the continuing efforts to strengthen women’s participation in all areas of German society, we can nowadays witness a number of promising developments:

Today, women are very successful at schools and universities all over Germany. Fifty-one percent of graduates are female. Often, they graduate with better marks than their fellow male colleagues. The number of women working full-time has significantly increased over the last decades. With almost seventy percent, it is considerably above EU average.

However – and this brings me to the most recent debate on the issue of gender equality in Germany –there is one feature that has virtually never changed, despite all this progress.

Women’s share of leading positions in economy, science, and public administration is in stark contrast to their education. In Germany’s two-hundred biggest companies, women account for less than eleven percent of members of the board. In science, only seventeen percent of professorships are held by women. And even in the public sector, the percentage of women in leading positions amounts to merely thirty percent.

On this background, ladies and gentlemen, the German public has just started a lively debate. It circles around the question which instrument is best suited to increase women’s share in leading positions. At least in declarations, all parties and associations agree on this goal.



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One prominent idea put forward by leftist, but also conservative groups is a compulsory quota. The rationale behind: the situation will never change, unless the state steps in and regulates what cannot be achieved by other means. You need a mighty friend to break “glass ceilings”, the line of argument goes.

But is it really time now for a compulsory quota, a solution by law? Is a quota by law the solution that a liberal party should go for? A party that cherishes freedom, liberty, and self-initiative as its highest values? Obviously, the answer is a “no”.

However, also within the liberal party a lively debate evoked about how to engage more women actively in politics. Whereas women’s proportion in the German parliament is on average at 32.8 percent, the share within the liberal fraction is at a mere 24.7 percent. Thereby, we are the only fraction that has not yet introduced a quota scheme. For this and other reasons we will discuss the motion for a 40 percent quota within our own party at our upcoming party congress in April.

A quota, ladies and gentlemen, is however linked with a number of serious problems. First of all, it would constitute a serious interference into private companies’ decision-making autonomy. Further, there is a controversy in how far such a solution would be consistent with the constitution. And finally, a quota cannot cope with all the complexities given in the outside world. There are a number of industries where a fixed quota simply cannot be fulfilled for the time being. This is evident for sectors such as construction, steel-manufacturing or engineering.

Ladies and gentlemen,

a liberal solution for the problem we are facing has to be found elsewhere.

But, I can relieve your mind, we are already about to deliver! We are currently setting up a “pact for increased women-power”. It involves a new package of tools and instruments to enhance women’s share in leadership positions till 2013. Among other measures, we promote voluntary self-commitments with business associations, closer collaboration of women initiatives



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and the industry, and more flexible working-time solutions as well as offers for childcare at the workplace.

With this package, we expect to increase women's share of leadership positions within the next three years significantly. It is a better, a liberal solution to the problem than a quota. And I assure you: I did not start my career in politics with a lot of work to end up as "Quotenfrau".

With this policy, dear ladies and gentlemen, we carry on the heritage of those women activists of 1911. We continue their fight for equality and eradicate the last remaining obstacles on this road.

Thank you very much for your attention – I am looking forward to a fruitful debate now.