

The Federal Foundation Mother and Child for pregnant women in emergency situations

Host Country Report

Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

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Preface

When we hear the word “poverty”, we initially think of people who are starving and have no idea how they are going to find enough food to survive another week. The UNO definition of poverty is based on less than \$1.25 per day.

Anyone willing to recognise that poverty exists in rich countries, must necessarily go beyond such a narrow definition of poverty. Hence in Germany, as in most European countries, we usually speak of “relative poverty”¹ – an insufficient supply of material *and* immaterial resources. Combating poverty therefore means taking those people into consideration whose living situations are characterised by a precarious income situation and/or grave structural exclusion in the fields of education, culture, social services, or health. Among those social groups affected by poverty, families with a number of children, and families with only one income (e.g. single parents, women not gainfully employed with unemployed partners, etc.) are cited here specifically.

The risk of poverty is a social reality, but a reality that can be altered through political action and through better networking between existing aid measures. With 2010 as the European Year for Combating Poverty and Social Exclusion, public awareness of these risks shall be raised, and the perception of their diverse causes and effects brought into sharper focus. 2010 as the European Year for Combating Poverty and Social Exclusion offers an opportunity, to focus public interest on social hardship, risks of exclusion, as well as ways of avoiding these risks and promoting the process of social integration. At the same time, this framework also provides an opportunity to illustrate how the modern welfare state in Germany improves chances for leading self-determined lives and enhances direct participation.

“Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.” according to Article 1, paragraph 1 of the Basic Law, the constitution of the Federal Republic of Germany.

This is the standard by which all of the Federal Government’s political measures and decisions must be measured– this includes preventing and combating poverty and exclusion.

The Federal Foundation “Mother and Child - Protection of Unborn Life” also contributes to preventing poverty. It provides assistance for women, families, and children, who are particularly threatened by poverty.²

The year 2010 is the European Year for Combating Poverty and Social Exclusion. It, therefore, seems appropriate that the Peer Review of the Federal Foundation “Mother and Child - Protection of Unborn Life” is taking place at the beginning of this year.³

¹ With “relative poverty” we mean, in this context, ‘relative’ in relation to poverty in the Third World.

² In addition to Article 1 of the Basic Law, Articles 3 and 6 are also of particular importance for the work of the Federal Foundation Mother and Child. “The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.” (Art. 3 paragraph 2, second sentence, Basic Law); “Every mother shall be entitled to the protection and care of the community.” (Art. 6, paragraph 4, Basic Law).

³ Preventing poverty is also one of the Federal Foundation’s essential objectives.

Children are born into poverty through no fault of their own. In order to break the cycle of “inherited poverty”, assistance must be provided as early as possible and offered at a level with a low threshold.⁴ The Federal Foundation “Mother and Child - Protection of Unborn Life” is precisely this sort of low-threshold option. It supports expectant mothers, before the additional risks of poverty manifest themselves when the child is born. The Foundation’s goal is to make it easier for mothers to decide in favour of life with the child. A pregnancy should not be overshadowed by financial distress; every child should have an opportunity to get a good start in life.

Important determinants for a child’s development are set in place during the first months of its life. When the mother is alleviated of the burden of financial concerns related to the birth, and is shown how to find access to a system of assistance, that provides extensive support, this will ultimately benefit the child.

1. History and Structure⁵

1.1. Goal of the Legislators

The Federal Foundation was established on the initiative of the federal government in 1984 through the “Act on Establishing the Federal Foundation “Mother and Child - Protection of Unborn Life” (Ger. abbr. = MuKStiftG). The federal government’s goal was to improve conditions for unborn life and to enhance its protection. The experience with pregnancy conflicts gathered by pregnancy counselling services operated by churches and social welfare associations had shown that the family’s economic situation and the fear of being (financially) burdened by a child in the long term played an important role in decisions concerning the continuation of a pregnancy. The supplementary financial support from the Federal Foundation was intended to improve the situation of expectant mothers in such emergency situations. The Foundation extended its field of operations to the new federal Länder (states) on 1 January 1993, where a fund that had been specifically established to provide assistance had been engaged in such work since the reunification in the autumn of 1990. Today, there are Länder-based foundations in each of the new federal Länder, which (inter alia) distribute funds from the Federal Foundation and support pregnant women and families in emergency situations.

1.2. Cooperation between the Federal Foundation and Länder-based Organisations

At the time, the establishment of a federal foundation under public law was - and still is - an appropriate instrument for linking the assistance to pregnant women in emergency situations offered by the Länder, the churches, and private organisations, for augmenting this assistance, and for promoting additional initiatives. Through cooperation between all those responsible on the federal, Länder, and municipal levels, as well as in church and nationally operating social welfare

⁴ This means that the opportunities made available should be easily accessed by all, for example even by telephone and via internet.

⁵ The original objectives, laid down when the Federal Foundation was initially set up, have been considerably expanded and adapted to the prevailing societal conditions in the course of the 25 years of its existence. These current social contexts are diverse and are therefore described in greater detail under point 3.1 to 3.3.

associations, broad ranging expertise, dedication, and diverse experience can be used to best advantage in providing the support for which the Foundation was established.

The Federal Foundation provides grants to one recipient in each of the 16 federal Länder. Eleven of these recipients are Länder-based foundations that provide assistance for mothers and families, while the other five are Länder-based organisations operated by social welfare associations.

A broad national network of pregnancy counselling services throughout Germany ensures fast and individual help. The local proximity of the counselling services guarantees that women can be seen quickly, counselled personally, and their situations treated confidentially.

The Federal Foundation thus makes an active contribution to effectively supporting pregnant women and protecting children at a very early point in time.

1.3. Administrative Bodies of the Federal Foundation

The Federal Foundation has three administrative bodies: the advisory council, the board of trustees, and the managing director.

The administrative office of this public-law foundation is located within the Directorate General for Gender Equality of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

The managing director, who is appointed by the chairperson of the advisory council, is responsible for the day-to-day operations of the Federal Foundation, representing the Foundation in legal and other matters, allocating Foundation funds to the grant recipients, and monitoring their appropriate and economical use. This body is responsible for executing the resolutions of the advisory council.

Both the advisory council and the board of trustees meet once a year to discuss important questions related to the work of the Foundation and improving the situation of pregnant women in emergency situations.

The advisory council, the members of which are appointed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth for the duration of two years, is the Foundation's most senior administrative body. It oversees the activities of the managing director and passes decisions concerning all of the fundamental questions related to the Foundation's field of activities, particularly the budget, annual account statement, allocation and the use of foundation funds, and discharges the managing director of liability at the end of the year. This body is made up of four representatives of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, a representative of the Federal Ministry of Finance, and four representatives of the grant recipients, i.e. the Länder-based foundations and other social welfare associations responsible for allocating the funds in the federal Länder.

The board of trustees advises the advisory council on the fulfilment of its tasks. The members of this body represent important social institutions (churches, social welfare organisations, the medical profession, women's and family associations, science and research) designated more specifically in the Foundation Act; they are appointed for the duration of four years. Currently, a

total of 32 members recruited from various institutions (including the vice-president of the German Bundestag, the president of the *Evangelische Aktionsgemeinschaft für Familienfragen* (Evangelical Working Group on Families), the deputy chairperson of the *Deutscher Ethikrat* (German Ethics Council), the chairman of the *Deutscher Frauenrat* (German Women's Council), the director of the *Verband alleinerziehender Mütter und Väter* (Association of Single Mothers and Fathers), and the president of the *Bundesärztekammer* (German Medical Association) ensure that the work of the Foundation rests on a broad social basis.

2. The Federal Foundation in Practice

2.1. Federal Funding and Federal Structure

For the past 25 years an annual sum of at least 92 million euros has been allocated to the Federal Foundation from the federal budget pursuant to Section 6, paragraph 1 of the Foundation Act. Thus, legislators have determined a minimum and pledged to provide at least this sum to the Federal Foundation to distribute to the Länder-based organisations every year.

The Federal Foundation does not make any direct payments to pregnant women in emergency situations, but instead distributes the federal money it receives as grants to one of the Länder-based foundations responsible for providing assistance to women and families in emergency situations or the central Länder institutions in each of the 16 Länder. The Länder Berlin, Rhineland-Palatinate, Bavaria and Thuringia provide additional funding for their Länder-based foundations. Funds from the Evangelical and Catholic churches are also allocated to religiously affiliated pregnancy counselling services for the support of pregnant women in emergency situations.

All of the federal funds allocated to the Länder-based organisations benefit pregnant women, because the administrative and personnel costs of the Länder-based organisations are covered by the Länder-based foundations and the social welfare associations themselves.

2.1.1. Allocation Process

As soon as the Federal Foundation's budget for the next household year has been adopted, the execution of the allocation process determined by budget law is undertaken by the Federal Office of Administration, which is responsible by sending grant notices to the Länder-based organisations.

All of the funds annually allocated to the Federal Foundation out of the federal budget are distributed to the Länder-based foundations or Länder-based organisations, with the exception of the estimated administrative costs (which do not include personnel costs for the managing director, but instead only expenditures for ongoing material costs).

2.1.2. Distribution Key

The basis for allocations to the Länder-based organisations in each of the 16 federal Länder is the distribution key developed by the Foundation's administrative bodies; it is essentially proportional to the population in each of the Länder. It is based on population data from the previous year (cut-off date: 31 December).

The city-states and the new federal Länder receive allocations according to a specifically adopted bonus regulation in order to compensate for their poorer economic situation; this entails a supplement paid in advance calculated at a rate of 6 % of the overall allocation, it is also distributed according to the population key.

2.1.3. Social Welfare Statistics

Social welfare statistics are used as an instrument for monitoring the work of the Federal Foundation. They are personal statistics regarding the assistance provided by the Foundation and document each pregnancy (once) by means of the initial application. The statistics are compiled on the basis of data collected by the pregnancy counselling services in the individual Länder and are surveyed by the Federal Foundation each spring for the previous year. In order to view the data in a wider context, the number of live births during the previous year is also included; these are documented by the Federal Statistical Office.

The statistics not only provide information on the numbers of applicants and recipients of assistance, but also on their age, economic status, nationality, week of the pregnancy in which the application was submitted, as well as whether the women were married, living in a marriage-like relationship, or without a partner.

Furthermore, the statistics provide data on the number of counselling services involved, information on the Länder where additional funds are available from grants provided by the Länder or the Evangelical or Catholic churches, the volume of these grants, and the income level of those determined to be in need in each of the Länder (according to the standard rates of the Book Twelve of the Social Code).

The statistics also indicate how the funds provided by the Federal Foundation are distributed among initially approved applications. This illustrates the frequency with which grants on the

order of up to €300.00, up to €600.00, up to €1,000.00, up to €1,500.00, and more were approved in a given year. *(According to these statistics, in the years between 2006 to 2008 nearly half of the grants were for up to €600.00, and a third of the grants were for up to €1,000.00. Grants under €300.00 and between €1,000.00 and €1,500.00 accounted for roughly 12 %, grants over €1,500.00 accounted for only 1 %.)*

Data on the economic situation of the recipients of assistance also indicate how many of them receive other social benefits, what these benefits are, and how many of the recipients have neither an income of their own nor social benefits. *(There was at least a reduction in the share of such cases between 2005 and 2008, from 19 % to 13 %.)*

The statistics show data differentiated for each of the federal Länder and combined data for the whole country. They clearly illustrate that the individual Länder differ greatly in terms of their economic structures, living standards, and living costs, as well as with regard to the average level of Foundation funds expended per woman. The statistics for the current year also show some considerable differences between the average grant levels in the individual Länder, particularly in the so-called new Länder, where the sums continue to be very low, much lower than Baden-Württemberg, for example, which is economically much stronger.

The Länder and the local pregnancy counselling services gear their practices in terms of counselling and submitting and approving applications towards an optimum balance between the capped budget and the (expected) number of grants during the operative year. The number of applicants, the sums granted, and the number of those who actually receive assistance, therefore only provide a rough impression of the real need experienced by pregnant women. Many factors have an influence on the average level of subsidies in each of the Länder: above all the total number of allocation recipients, the proportion of the population they represent, and the budget available from Foundation funds.

The most important results in recent years (2006 to 2008) show that:

- Of the roughly 160,000 applications for Foundation funds submitted on an annual average, around 92 % have been approved each year.
- The proportion of pregnant women financially supported by the Federal Foundation, remained constant in recent years at a rate of 21.5 %, i.e. more than one in five pregnant women received funds from the foundation.
- Roughly 97 % of the recipients of assistance were over 18 year of age, almost all of the remaining recipients were between 14 and 18 years of age. Only roughly 40 applications per year were submitted by girls under the age of 14.⁶
- Roughly two thirds of the recipients of assistance were German, a third were citizens of foreign countries.
- With a share of over 60 percent, the majority of applications approved were submitted after the twentieth week of pregnancy, and a third between the thirteenth to the twentieth week. The

⁶ In Germany the number of teenage pregnancies is fortunately quite low by international comparison.

proportion of approved applications that had been submitted within the first twelve weeks averaged around 8 %.

- A large number (over 40 %) of the recipients of assistance were married; almost the same number (roughly 36 % on average) indicated that they lived alone or in their parents' homes. According to the information they provided, roughly a fifth of the recipients of assistance lived in marriage-like relationships.
- On a national average, the allocation per recipient was €629.00 in 2008 (€604.00 in 2006; and €606.00 in 2007).
- For individual cases, nearly half of the allocations were for up to €600.00 and a third were for up to €1,000.00. Allocations of under €300.00 accounted for roughly 12 %, as did *those between €1,000.00 and €1,500.00, while allocations over €1,500.00 accounted for only 1 %.*
- Nationally, roughly 1,270 pregnancy counselling services cooperate every year in allocating the Foundation's funds, most of these were voluntarily organised by private welfare organisations (Caritas, Sozialdienst katholischer Frauen [Catholic Women's Welfare Service], Diakonie, Donum Vitae, Arbeiterwohlfahrt [National Society for Workers' Welfare], etc.) and only about a fifth of them were organised by state or municipal authorities.

2.2. Conditions for the Allocation of Funds

Emergency situations that are not sufficiently covered by the typical benefits provided by law are what the assistance provided by the Federal Foundation addresses. Particularly in the often difficult situation encountered during a pregnancy, in which assistance provided for the (newborn) child has not yet taken effect, e.g. child benefits, parental allowance, child supplement to long-term unemployment compensation, etc.), supplementary individual support aimed at protecting life is particularly important. Correspondingly, the Federal Foundation offers flanking aid measures in order to help pregnant women in financial emergency situations in ways that go beyond the usual legal benefits.

The most important principles in this conjunction are that assistance must be provided quickly and in an unbureaucratic manner, that it should not be subject to narrowly defined normative requirements, and provided according to the given concrete circumstances of the individual case. Such assistance is intended for the period before and after the birth in order to offset expenditures related to pregnancy and birth, as well as for the care and raising of a small child. Hence, it includes the costs of such things as maternity clothing, the baby's initial needs, and the cost of care for the young child, as well as the cost of maintaining a household and for accommodations and furnishings.

Applications for Foundation funds must be submitted to local pregnancy counselling services before the child is born by women who are domiciled in Germany, or generally domiciled in Germany. The level and the duration of the benefits are oriented on the individual situation of the expectant mother (according to a comparative assessment by the pregnancy counselling service, as described above).

2.2.1. Determining Cases of Need

The law focuses on emergency situations experienced by pregnant women. The Foundation funds are primarily intended to improve their living situations during and after pregnancy; according to the wording of the official rationale of the Foundation Act, this means to

- "improve conditions for the unborn life",
- "improve the situation of the mother",
- "reduce the disadvantages for families with children",
- "facilitate the continuation of the pregnancy and augment previous assistance"

(*Bundestagsdrucksache 10/1369*, p. 5).

The term emergency situation, which is decisive for the provision of benefits, is not precisely defined in the Foundation Act (MuKStiftG). The federal government intentionally refrained from including a definition of an emergency situation in the law when it was adopted, and yet was not interested in establishing a legal claim to benefits from the Foundation.

Funds that are allocated by the foundation cannot be attached or included in the calculation of social welfare benefits.

Differentiations are made between a variety of emergency situations – along with the woman's personal situation, her economic situation is an important criterion. Primarily, the determination of an emergency situation is made according to Section 3 of the Allocation Guideline, the core element of which is the determination of income ceilings. The applicant's current income and the question as to whether assistance is not otherwise available, or not available on time, or insufficient are decisive.

Need is determined pursuant to Section 2 of the Foundation Act is based on an income ceiling set at one and a half times the prevailing rate for unmarried people and single parents, and double the prevailing rate for a head of household as set out in Section 28 of Book Twelve of the German Social Code plus reasonable costs for accommodation. Income is defined as monthly net income plus all other income such as child benefit, housing benefit, and maintenance payments.⁷

2.2.2. Subordinate Role of Foundation Funds – The Principle of Subsidiarity

From the outset, the benefits provided by the foundation are intended as a supplement to other legal benefits and are only designed to flank regular sources of assistance and other measures by the federal, Länder, and municipal governments and other providers.

This principle of subsidiarity is pursuant to Section 4, paragraph 2, according to which benefits from foundation funds shall only be provided when assistance is not otherwise available, or not available on time, or not sufficient. The law thereby foresees various types of assistance being

⁷ The standard benefit for recipients of long-term unemployment compensation (ALG II) amounts to 359 euros (100 % for single parents). Every person in the eligible household receives the standard benefit which corresponds to them (90% of the standard benefit for two adult partners in the eligible household; 80 % for other gainfully employed members of the eligible household). Children under 15 years of age are considered incapable of earning and receive social allowance.

On 1st July each year, the standard benefit is adjusted in line with the pension adjustment. Alongside the standard benefit, the costs of housing and heating are assumed in full, in so far as the amounts are reasonable.

provided in parallel, whereby support benefits to which recipients are entitled under the Social Code take precedence. The Foundation funds are intended to cover additional specific needs not taken into account in the flat rate benefits provided under social law and thereby create a more favourable situation for pregnant women and better starting chances for their children.

2.2.3. Individual Assistance and Support

The level of the financial support is not decisive for how effective the assistance is, since the support provided by the Federal Foundation must be seen in a larger context.

The assistance is effective in every individual case; in this context the sum of the financial benefits (in which assistance from the Federal Foundation often covers a “peak need” for which no other benefits are available) is important, as is the sum of all benefits – particularly the immaterial support provided in the form of advice received from pregnancy counselling services.

In actual practice, pregnancy counselling services often deal with the everyday situations of unemployed, single women without partners for whom a supplement of only a few hundred euros represents a source of considerable financial and psychological support. The counsellors often experience women in highly distressed psychological and financial situations, burdened by conflicts with their families, with fathers who are obliged to provide child support, and with government bureaucracy.

In this context, the flexible assistance provided by the Federal Foundation is a ray of light and an essential component in the chain of protective and aid measures for the benefit of the mother and for the early protection of the yet unborn life. Receiving assistance in such an unbureaucratic manner provides the expectant, usually young, mothers with decisive encouragement for the further course of their pregnancies and the initial period with the child. While the women often only come to pregnancy counselling services with the intention of submitting an application for financial support, they often leave with a “road map” for the following weeks, having received considerable help to help themselves.

3. Context

In order to support families, particularly young women, and to improve the protection of children, there are measures, programmes and initiatives by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, which are closely related to the goals and tasks of the Federal Foundation.

3.1. Pregnancy Counselling Services and Act on Assistance to Avoid and Cope with Conflicts in Pregnancy

In Germany there is a nationwide network of counselling centres for the purpose of providing individual counselling with regard to pregnancy. Every woman and every man is legally entitled to counselling in questions of sex education, contraception, and family planning, as well as in all questions related to a pregnancy. The counselling is generally free of charge and, if desired, anonymous. People seeking advice can choose between counselling services oriented on diverse worldviews. Counselling services are voluntarily operated by independent social welfare organisations as well as by municipal institutions, such as local public health offices. Help in seeking appropriate counselling services is offered by the search engine www.schwanger-info.de, it is also possible to access the search engine from the homepage of the Federal Foundation Mother and Child (www.bundesstiftung-mutter-und-kind.de). The pregnancy (conflict) counselling services offer concrete help in individual cases.

The pregnancy counselling services are an integral component of the general system of assistance and have always seen themselves as protagonists and partners within the larger preventive network of “early prevention and intervention” (cf. 3.2.1). They work within a network, cooperate with other social institutions, and make specific referrals of those seeking advice according to their needs. In addition, the pregnancy counselling services can make use of a more extensive network of social counselling, including debt counselling, drug counselling, migration services, etc., and can provide support in enforcing claims against the providers of social benefits, etc. The advantage of these counselling services lies especially in the fact that they provide a refuge for pregnant women and where the counsellors are obliged to treat information confidentially (data protection).

The German Bundestag adopted the currently valid law pertaining to the termination of a pregnancy after a very thorough deliberation process: assistance provided to women through counselling is central to the package of regulations adopted in 1995 – in all difficult pregnancy constellations, and particularly in the face of a decision to terminate a pregnancy. The pregnancy counselling services and the Federal Centre for Health Education (*Bundeszentrale für gesundheitliche Aufklärung*) play a special role in this context.

Section 1 of the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy charges the Federal Centre for Health Education, in conjunction with the Länder and representatives of the family counselling agencies, with the task of avoiding pregnancy conflicts, developing concepts and disseminating materials. The Federal Centre for Health Education has its own budgetary title within the budget of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in order to fulfil this task.

Section 2 of the Act regulates the right of every woman and every man to information and counselling regarding all questions directly or indirectly related to a pregnancy from one of the counselling services charged with this task.⁸

⁸ In Section 2 of the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy states, “(1) Every woman and every man is entitled to information and counselling ... in questions of sex education, contraception and family planning as well as in all questions directly related to a pregnancy by a counselling service foreseen for this purpose. (2) The entitlement to counselling encompasses information concerning ... 2. Existing benefits to support families and assistance for children and families, including special rights in working life, ... 4. Social and economic assistance for pregnant women, especially economic benefits and assistance in seeking accommodations, employment or vocational training or maintaining such ..., 7. Possible solutions for

According to German law, the termination of a pregnancy is fundamentally subject to prosecution (Section 218 of the Criminal Code). However, during the first three months and under certain conditions – particularly after counselling has taken place – abortions are not subject to prosecution (so-called counselling regulation according to Section 218 a, Section 1, Criminal Code). In addition, there are regulations for cases in which such procedures are indicated for medical or criminological reasons (according to Section 218 a, paragraphs 2 and 3, Criminal Code). In cases where such indications are given, an abortion is not unlawful.

The regulation was adopted out of the recognition of the fact that the life of the child cannot be protected effectively against, but rather only with the pregnant woman.⁹ Thus, in the early stage of pregnancy the emphasis is on a woman's participating in compulsory counselling in order to enable her to make a responsible and conscientious decision (Section 219 Criminal Code).

It is important to emphasise the fact that the psychosocial pregnancy counselling offered by pregnancy counselling services goes far beyond the compulsory counselling as set forth in Section 219 of the Criminal Code; the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy legally entitles **every** pregnant woman and her partner to counselling during which questions of financial distress or the fear of economic hardship can be addressed.

In the Act Amending the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy, which will come into force on 1 January 2010, pregnant women's entitlement to counselling in relation to PND (pre-natal diagnostics) is formulated more precisely and further expanded, particularly in cases where pathological prenatal diagnostic findings are revealed. The goal of this improved medical and psychosocial counselling is to support pregnant women and their partners. This requires comprehensive interdisciplinary medical information on the health condition that has been identified and extensive psychosocial counselling concerning the psychological and social aspects of the medical finding and on life with a disabled child.

The physician's obligation to make patients aware of offers for psychosocial counselling and to make referrals to a psychosocial counselling service, in consensus with the pregnant woman, is new.¹⁰

psychosocial conflicts in relation to a pregnancy. ... The pregnant woman is also to be supported in enforcing claims as well as in seeking accommodations, in seeking childcare for the child and continuing her education or training. At the request of the pregnant woman, third parties are to be called in to counselling sessions ... Section 3 The Länder will provide a sufficient number of local counselling services for counselling pursuant to Section 2. In this conjunction counselling services voluntarily organised by independent social welfare organisations are also to be supported Section 4 The Länder will ensure that the pregnancy counselling services ... employs at least one full-time counsellor for every 40,000 inhabitants" The complete text of the law with comments is printed in a brochure published by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth entitled *Schwangerschaftsberatung § 218. Informationen für Frauen, Paare, Familien, Beratungsstellen, Ärztinnen und Ärzte...*

⁹ Genuine or real child protection can only succeed with the consent of the pregnant woman. If one were to try to do anything against her will, she will find other means of not carrying the pregnancy to term. It is precisely here that the Federal Foundation comes in with its objectives and purpose: on the one hand, to provide protection for the unborn child, since the decision in favour of a child may not be derailed by financial hardship; on the other, providing support for the parents from the very start before an additional risk of poverty emerges with the birth of the child.

¹⁰ The new regulation also affects counselling by physicians and the observance of a "deliberation" period. Specific details of the regulations can be found under <http://www.bmfsfj.de/bmfsfj/generator/BMFSFJ/gesetze,did=70182.html>. Parallel to the adoption of the Amendment to the Act on Assistance to Avoid and Cope with Conflicts in Pregnancy, the German Bundestag also adopted the Act on Genetic Diagnostics. It comes into force on 1 February 2010 and also includes

3.2. Protection of Children against Violence and Neglect

3.2.1. Role as Door Opener for the "Early Prevention and Intervention" Action Programme

For the federal government, the protection of children has the highest priority. Hence, the development of a strategy for early intervention and preventive protection of children represents an important focus of ongoing work. In the wake of shocking cases of child abuse, child neglect, and infanticide, the federal, Länder, and municipal governments are called upon to act together in their specific areas of responsibility.

When young families feel burdened by worries and feel that no help is in sight in their living situations, terrible developments can emerge within a self-perpetuating process: difficult living conditions become a burden, burdens become risks, and risks can result in a child's being endangered, abused, or neglected.

In order to end this vicious cycle, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth developed the "Early Prevention and Intervention for Parents and Children and Social Warning Systems" Action Programme three years ago in order to support the many activities in the Länder and municipalities, to focus them, and to set new accents. It takes special consideration of children during the first three years of life. The goal of the programme is to improve the competence of parents through early prevention and intervention, to promote growing up healthy, and to thereby protect the children against abuse and neglect in a preventive manner.

An important leitmotif for the success of early prevention and intervention is the establishment of networks. It is especially important that the health care system and assistance for children and youth be more closely meshed with one another, and this includes pregnancy counselling, the services offered by (family) midwives and women's protection facilities, childcare options, and the many other facilities that come into contact with women, families, and children in difficult living situations. They must all work as partners in a network of early prevention and intervention.

In order to begin during pregnancy and within the context of the birth, and to develop a new understanding of child protection, early prevention and intervention measures make use of the nearly constant and uninhibited access to expectant mothers during this period through the health care system and the equally widespread system of pregnancy counselling services. The pregnancy counselling services are often the first points of entry for expectant mothers and fathers seeking well-informed advice related to their individual living situations and information regarding pregnancy conflicts or practical advice concerning the benefits to which the mother and child are legally entitled.

A special incentive for taking advantage of the broad spectrum of assistance available through pregnancy counselling services is provided by the Federal Foundation "Mother and Child - Protection of Unborn Life", which financially supports pregnant women in emergency situations in order to make it easier for them to continue a pregnancy. By requiring that applications for financial assistance from the Federal Foundation are submitted through pregnancy counselling services before the birth of a child, pregnant women are predestined to seek out pregnancy

improvements regarding counselling in conjunction with pre-natal diagnostics – here the focus is on counselling before PND.

counselling services at an early date, thus making it possible for the latter to point out possibilities for attaining assistance beyond the supplementary financial support from the Federal Foundation. This “door-opener function” on the part of the Federal Foundation is of decisive importance for effectively and sustainably linking early prevention and intervention within the network that includes the health-care system and children’s and youth services.

3.2.2. *Protecting Women against Violence*¹¹

Violence committed by a partner often begins during a pregnancy and/or after the birth of a child. The representative study on the living situations, security and health of women in Germany (“*Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland*”) provides evidence of the fact that one in four women living in Germany is subject to domestic violence at the hands of their current partner or a former partner.

In this conjunction, ten percent of the women affected cite a pregnancy, and twenty percent the birth of a child, as the biographical event that gave rise to the initial violence by the partner.

Children are often also affected by domestic violence against mothers: they either also become victims of the mother’s violence-prone partner, or they witness the violent treatment of their mothers in a manner that results in a traumatic disorder. At any rate, violence experienced or witnessed in childhood has a detrimental effect on the health of the child and also has a lasting effect on their lives as adults.

The federal government has dedicated itself to interrupting this cycle of violence as early as possible in order to protect women against violence and to make it possible for children to grow up in a safe environment free of violence.

In order to gain access to those affected as early as possible, to identify risks on time, and to be able to offer assistance, it is important to make greater use of interdisciplinary professional competence and develop cooperation between the health-care system, children’s and youth services, pregnancy counselling services, and institutions designed to support women.

In Germany, there is a wide-ranging system of support for women and children affected by domestic violence in the form of women’s refuges, sheltered housing for women, and women’s counselling and intervention centres. According to the federal structure of authority determined by the Basic Law, the Länder and the municipal governments are primarily responsible for these measures as well as for funding pregnancy counselling services.

Through the effective cooperation between pregnancy counselling services and the systems of assistance for women affected by violence (the system of providing assistance to women affected by violence is maintained for the most part by social welfare associations and church-related organisations, e.g. the Catholic Women’s Welfare Service), pregnant women affected by violence receive not only financial support from Foundation funds, but also competent advice and referral to other local institutions offering support and assistance for women affected by violence (women’s shelters, hotlines, women’s counselling services, intervention centres, as well as health care facilities and the system for providing protection for children, etc.).

¹¹ In this context, as well, the Federal Foundation has a decisive role to play as a ‘door-opener’.

3.3 Comprehensive Political Measures to Prevent Poverty

In pregnancy counselling services, the financial situation of the women and families is one of the most frequently encountered problems.¹²

According to the Third Governmental Report on Poverty and Wealth of July of 2008, Germany belongs to the group of OECD countries that has been most successful in reducing income inequality through taxes and social transfer payments. The transfer payments within the context of social and family policy, such as through long-term unemployment compensation, child benefits, child support for needy families, accommodation allowances, and the former child-raising allowance, have reduced the risk of income poverty in Germany from an overall level of 26% in 2005 to 13 %, and for children from 34 % to 12 %. Hence, it is lower than the European average in both cases. The groups particularly endangered by poverty include the unemployed, people who have never completed vocational training, single parents (mothers), people with migrant backgrounds, and children who live in families that belong to these groups.

There is a close connection between the parents' employment situation and the children's risk of poverty.

The lack of vocational training or the inability to reconcile having a child with vocational training or higher education represents a particularly precarious situation for young mothers. When they lack an initial vocational qualification, young women later have considerable difficulties re-entering the workforce.

Hence, there is a great need for action in promoting training for young pregnant women and mothers in order to enable them to make a reliable and independent economic contribution to the income of the family later on. The federal government is pursuing the goal of making more part-time vocational training and vocational training accompanied by support from a social worker available in order to enable young women to complete training with a child and thereby enhance their economic stability and avoid the risk of poverty. The numerous instruments employed include a child-care supplement to support under the Upgrading Training Assistance Act for single parents; this makes it easier for young women training in a trade to complete this training with a child.

Due to Germany's federal structure, sustainably avoiding poverty and achieving social integration is only possible through joint activities on all state levels and in cooperation with a wide range of activists in civil society.

Progress has been made on individual levels in past years, and this has also been reflected in the social welfare reports submitted by the Länder and municipalities. The most important key to avoiding poverty is increased training, education, and employment. Good education must begin in early childhood and is an essential precondition for good opportunities in education and vocational training as well as employment.

Targeted measures have been undertaken by the federal government to ensure equal opportunities for women and men in working life. The current economic crisis, in particular, illustrates how important it is that men alone are not responsible for earning a family's income

¹² Unpublished feasibility study by the Federal Centre for Health Education entitled "Handlungsbedarfe bei Schwangerschaftskonflikten" (Needs for Action in Pregnancy Conflicts).

even in households where couples live together. In Germany, “typically male sectors and professions” have been more affected by the increase in unemployment in the wake of the economic crisis. In a growing number of multi-person households, women are the breadwinners in the family (2006 one in five multi-person households). In most cases, this “model” has not been elected by choice, and the woman’s income is barely sufficient to sustain the family. Decisive efforts to overcome pay inequality, which also adequately address the causes, are to be seen as a sustainable policy for preventing and overcoming of poverty in this context.

Decisive measures to expand childcare options – including those for children under the age of three (through the introduction of a legal claim to care for children aged one and over as of 2013) – and efforts to overcome stereotypical father and mother roles with the help of the parental allowance (which includes partner months and promotes mothers’ re-entry into the workforce), play an important role in combating poverty. The effect of the assistance provided by the Federal Foundation Mother and Child is to be seen within the context of this modern family policy. The counselling offered by pregnancy counselling services contributes to the avoidance of “welfare careers” and to instead empowering people to come to terms with life on their own.

4. Information and Public Relations

In 2007/2008, work within the administrative bodies of the Federal Foundation Mother and Child was streamlined, in naming new members to the board of trustees, the focus was shifted towards high-profile figures who would serve as opinion leaders, and efforts were adopted to raise broader public awareness of the philosophy on which the Federal Foundation’s work is based. As a result of the fact that the Foundation allocates its funds indirectly, many politicians from the circles that support the Foundation were not as familiar with its work as they should and must be if the funding is to be sustainably ensured.

A communications concept was developed in 2008, to enhance the image and public relations work of the Federal Foundation Mother and Child. After deliberation by the administrative bodies, it was adopted in 2009. The aim was, on the one hand, to increase public awareness of the support provided by the Foundation in order to make its work more effective in the long term, and to make it more well known in order to attract more support and donations from the business community and private persons.

An initial success of the intensified efforts to communicate and present the Foundation’s achievements within the context of early prevention and intervention was an increase in the support the Foundation received in the federal budget for 2009: the annual minimum of 92 million euros was increased to 97 million euros by the German Bundestag.

In 2007, on the occasion of a benefit concert under the auspices of the President of the Federal Republic of Germany (half of the proceeds of which were dedicated to the Federal Foundation Mother and Child), a postcard designed to solicit donations was introduced. It represented the first time that the Foundation’s public relations work went beyond the production of purely informational materials (cf. 4.1).

4.1. Information Flyers in Four Languages

A flyer available in four languages (German, English, Turkish and Russian) summarises the most important information regarding the Foundation and the assistance provided to pregnant women in emergency situations. It is available directly from the Foundation or from the responsible pregnancy counselling services and other relevant agencies. In addition to the printed version, the flyer can also be downloaded from the Foundation's website (www.bundesstiftung-mutter-und-kind.de) in any one of the four languages.

There are also plans to make the flyer available on the Internet in additional languages for women with migrant backgrounds living in Germany. The most important languages may include Polish, Italian and Croatian, as well as French for migrants from Africa.

4.2. Website

Since July of 2009, the Foundation has also had a homepage on the Internet under www.bundesstiftung-mutter-und-kind.de. Information on the goal and purpose of the Foundation is provided in reference to the Act on Establishing the Federal Foundation. The members of the advisory council and the board of trustees are presented along with information on the tasks for which the managing director is responsible. Support from potential donors is also sought.

In addition, interested parties and those directly affected can find addresses and information on relevant facilities and institutions in each of the Länder. A special feature enables users to search for the nearest pregnancy counselling services, from a total of more than 1,270 in Germany, by using a local postal code. This service, which is provided by the Federal Centre for Health Education under www.schwanger-info.de, is available as a link on the Foundation's homepage.

4.3. Donation Concept

In the past, the Foundation has always received donations, albeit on a relatively low level. The volume is to be increased, since it represents an opportunity to directly express solidarity. Donors can provide financial support in order to promote the social policy goal of providing more concrete assistance for pregnant women and children.

The start of the Foundation's website on the occasion of its 25th anniversary in 2009, was a first step to this end. In a subsequent step, greater public attention will be generated for the website. In addition, a series of annual benefit concerts is planned. They are to be staged every year by the Federal Foundation and one of the Länder-based foundations or organisations. The proceeds from these concerts will be divided equally between the Federal Foundation and the Land-based foundation.

5. Outlook

5.1. Coalition Agreement and Government Programme for the Current Legislative Session

According to the coalition agreement, “Women can find themselves in an emergency situation due to a pregnancy for a variety of reasons. The option of giving birth anonymously and its legal basis are to be examined. A decision in favour of a child shall not be hindered by a financial emergency. The federal funds for pregnancy counselling will be distributed equally in order to support counselling offered by a wide-range of organisations.”

The Federal Foundation Mother and Child represents an instrument that aids the federal government in successfully pursuing the goals of

- “providing assistance to pregnant women in emergency situations”,
- “serving as a door opener for early prevention and intervention”,
- “preventing poverty” and
- “protecting life”.

In order for this success to be sustained, the Federal Foundation seeks to make the one-time increase in funds allocated to the Federal Foundation in 2009, a permanent minimum of 97 million euros. This would also require the Act on Establishing the Federal Foundation to be amended and updated.

The information and public relations work is also to be intensified and the counselling function fulfilled by the homepage further developed. The homepage is, however, not only intended to be a source of information, but also a means of soliciting donations, because in order to continue successfully fulfilling its task, the Federal Foundation will require additional funds – money that will support pregnant women in emergency situations quickly, unbureaucratically, and directly.

5.2. Enhancing the Federal Foundation’s Role as a “Door Opener”

A central focus in further developing the Federal Foundation is enhancing its role as a “door opener” to a broad system of early prevention and intervention measures. In order to establish a low-threshold system of assistance, being able to ensure the rapid alleviation of the most pressing financial concerns is essential. On this basis, empowerment and access to assistance plans with sustainable options are possible.

Gaining access to pregnant women is particularly effective when professional counselling is combined with financial support while keeping the threshold to these offers low, as is the case when the Federal Foundation’s funds are allocated through pregnancy counselling services. This channel of access must be further developed and more effectively linked to existing assistance options.