

# GERMANY 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Germany is a constitutional democracy. Citizens choose their representatives periodically in free and fair multi-party elections. The lower chamber of the federal parliament (Bundestag) elects the head of the federal government, the chancellor. The second legislative chamber, the Federal Council (Bundesrat), represents the 16 states at the federal level and is composed of members of the state governments. Observers considered the September 2013 national elections for the Bundestag to have been free and fair. Authorities maintained effective control over security forces.

Right-wing extremism and xenophobia continued to be serious problems. Perpetrators attacked ethnic non-Germans on a number of occasions. Continuing manifestations of anti-Semitism, including several anti-Semitic incidents and many instances of anti-Semitic behavior, were another serious source of concern. Authorities attributed the incidents to adherents of the extreme right as well as to some Muslims. Some participants in demonstrations protesting Israeli actions in Gaza expressed anti-Semitic views. A series of anti-immigrant protests, particularly aimed at Muslim immigrants, took place during the year.

There were a number of other human rights problems. Authorities continued to prolong the incarceration of certain categories of offenders after they completed their sentences, asserting they remained a threat to society. The government limited the freedoms of speech, press, assembly, and association of neo-Nazi and other groups deemed extremist or threats to the constitution. Contractors committed human rights abuses against asylum seekers and refugees in government-provided temporary housing. Observers questioned whether the country's "fast procedure" for determining the refugee status of asylum seekers gave applicants a fair hearing. There were reports of discrimination at the federal and state levels against some religious minorities, notably Scientologists, and members of Jehovah's Witnesses, and Muslims. There were also reports of gender-based violence and trafficking of men, women, and children for sexual exploitation and labor. Societal violence and discrimination because of sexual orientation persisted, as did some societal discrimination against persons with HIV/AIDS.

The government took steps to prosecute and punish officials in the security services and elsewhere in government who committed abuses.

**Section 1. Respect for the Integrity of the Person, Including Freedom from:****a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

**b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, and there were few reports that government officials employed them.

On September 29, police began investigating 11 employees of security contractors at refugee centers in Burbach, Essen, and Bad Berleburg in North Rhine-Westphalia after the press reported they committed violent attacks on asylum seekers and refugees in government-provided temporary housing. The state's interior minister mandated background screening of all security personnel working with asylum seekers and created a task force to enforce compliance with safety standards in its 20 centers housing asylum seekers.

In the reports on its 2010 and 2013 visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) expressed objections to the country's use of voluntary surgical castration as a means of treatment of sex offenders, stating that it was a mutilating, irreversible intervention. While it acknowledged that the use of surgical castration in the treatment of sex offenders had drastically diminished in recent years, the CPT stated that its application to detained sex offenders could be considered as amounting to degrading treatment. According to authorities, two of eight applications by prisoners in 2010-12 were approved.

**Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

Physical Conditions: As of March 31, according to the Federal Statistics Office, the prison population was 64,804, including 3,632 women and 11,260 pretrial detainees. Of the latter, 656 were women and 338 were juveniles between 14 and 18 years old. The prison system had a capacity of 76,181 inmates.

Food was adequate and convicts and detainees had access to potable water. Sanitation and medical care were adequate. Statistics on the prevalence of death in prisons and pretrial detention centers were not available.

Administration: Authorities kept adequate records. They used alternatives to incarceration, including fines and social work, for some nonviolent offenders. Prisoners had reasonable access to visitors and could engage in religious observance. Authorities permitted convicts and detainees to submit complaints to judicial authorities without censorship. They investigated credible allegations of inhuman conditions. The government investigated and monitored prison and detention center conditions. The Federal Agency for the Prevention of Torture conducted numerous visits of facilities throughout the country and reported on them. There was no ombudsman for prisons or prisoner affairs.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. In November 2013 the CPT made ad hoc visits to seven prisons and prison hospitals across the country. The CPT reviewed the treatment and conditions of persons held in preventive detention, procedures for mechanical restraint, and voluntary surgical castration of sex offenders. The government published the CPT's report and the government's response, which provided information on its actions and plans to implement the CPT's recommendations. For example, the CPT reiterated its concern that authorities, generally denied its visiting teams access to prisoners' personal and medical files without prisoners' consent, citing data protection (privacy) law. The CPT regarded access to this information as critical to its function. In May the State Committee on Prisons agreed to inform the states that unrestricted access to such files was not inconsistent with the law on data protection.

Improvements: On June 26, justice ministers of the states agreed to double the staff of the Federal Agency for the Prevention of Torture from four to eight. This measure was partly in response to criticism from the UN Subcommittee for the Prevention of Torture that the personnel and budget of the country's national CPT

branch were insufficient to meet its obligations to monitor law enforcement agencies and prisons.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

Police forces of the 16 states and two federal law enforcement agencies, the Federal Criminal Police Office (Bundeskriminalamt, or BKA) and the Federal Police (Bundespolizei), maintain internal security. The states' police forces report to their respective interior ministries; the federal police forces report to the Federal Ministry of the Interior. The Federal Office for the Protection of the Constitution (FOPC) and the state OPCs are responsible for intelligence gathering on threats to domestic order and certain other security functions. Like police, OPCs report to their respective state ministries of the interior. Effective mechanisms were in place to investigate and punish abuse and corruption in police and security forces. Civilian authorities maintained effective control over police and OPCs, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces.

#### **Arrest Procedures and Treatment of Detainees**

Authorities may arrest an individual only with a warrant issued by a competent judicial authority unless police apprehend a suspect in the act of committing a crime or have strong reason to believe that the individual intends to commit a crime. The constitution provides that authorities must bring a suspect they have apprehended before a judge no later than the day after taking him into custody. At that time the judge must inform the suspect of the reasons for detention and provide opportunity for objections. The court must then either issue an arrest warrant stating the grounds for detention or order the individual's release. Authorities generally respected these rights. The law entitles a detainee to prompt access to an attorney at any time, including prior to any police questioning. According to the law, before interrogations begin authorities must inform suspects, arrested or not, of their right to consult an attorney.

Bail exists, but authorities granted it infrequently. Authorities usually released individuals awaiting trial without requiring bail, except in cases where a court

decided there was a clear risk that the individual might flee. In such cases authorities could hold detainees for the duration of the investigation and subsequent trial, subject to judicial review. Time spent in investigative custody applies toward any eventual sentence. If a court acquits a defendant whom authorities have incarcerated, the government must compensate the defendant for financial losses as well as for “moral prejudice” due to the incarceration.

While the law does not allow courts to punish persons twice for the same crime, a court may order as part of an original sentence that an offender convicted of rape, homicide, or manslaughter spend additional time in “subsequent preventive detention” after completion of sentence if the court determines that the offender represents a continuing danger to the public. The law permits the imposition of such detention for an indefinite period. At the end of March, according to the Federal Statistics Office, prisons held 498 offenders, including one woman, in preventive detention.

The law limits the imposition of subsequent preventive detention to the most serious circumstances, such as a serious risk that the convicted person would commit severe, violent, sexual criminal offenses, or suffered from a mental disorder. Because the law does not regard such detention as punishment, authorities are legally required to keep such detainees in separate buildings or at least in special sections of prisons; conditions must be better than in prison and include a range of social and psychological therapy programs. Courts monitored the situation of such detainees. In their response to CPT criticism following its 2013 visit, authorities stated they were implementing such measures as antiviolence programs, social training, and group therapy for persons in subsequent preventive detention.

The states of Berlin and Brandenburg took measures to rebuild existing facilities or construct new buildings especially for preventive detention, often accompanied by therapy arrangements. Some states (such as Bremen and Saarland) made cooperative arrangements with other states to accommodate such prisoners and meet the requirements of the law. Progress on the implementation of measures varied from state to state.

Detention of Rejected Asylum Seekers or Stateless Persons: Authorities in the various states continued the practice of detaining rejected asylum seekers awaiting deportation, sometimes for protracted periods. The nongovernmental organization (NGO) Pro Asyl continued to express concern that their accommodations, especially those for women, were inadequate.

On July 25, the Federal Court of Justice fully concurred with a July 17 European Court of Justice ruling that authorities may not hold deportees in prisons together with convicts. The ruling required authorities to move refugees awaiting deportation from prisons to separate, special facilities with less strict security measures. As of October only five states had separate facilities, although some states collaborated to share facilities. As of the beginning of October, three legal actions contesting the holding of rejected asylum seekers together with convicts were pending in Bavaria, North Rhine-Westphalia, and Hessen. Notwithstanding the International Court of Justice and Federal Court of Justice rulings, the government reasserted the right of an EU member state to detain asylum seekers pending deportation if there is evidence they may abscond.

On August 13, in a case involving alleged unlawful detention, the Nuremburg Higher Regional Court acquitted Gustl Mollath of molesting his then-wife a decade earlier, despite its acknowledgement that he had committed the abuse. The court stated that Mollath should not serve longer than the time he had served after his first trial. Initially, in 2006 another court had found Mollath not guilty due to insanity and ordered him incarcerated. A series of subsequent court decisions prolonged his incarceration from 2006 until a court ordered his release in 2013, after evidence surfaced that cast doubt on the original insanity finding.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

#### **Trial Procedures**

The constitution provides for the right to a fair and public trial without undue delay, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence, have the right to be informed promptly and in detail of the charges (with free interpretation as necessary), and have the right to adequate time and facilities to prepare a defense. Juries are not used. A single judge, a panel of professional judges, or a mixed panel of professional and nonprofessional judges may try a case, depending on the severity of the charges. The law requires that defendants be present at their trials. Defendants have the right to consult with an attorney, and the government provides an attorney at public expense if defendants demonstrate financial need. Defendants and their attorneys have access to all court-held evidence relevant to their cases. Defendants may

confront and question adverse witnesses and present witnesses and evidence on their behalf, and are not compelled to testify or confess guilt. Defendants have a right of appeal. These rights extend to all citizens.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens could file complaints over violations of their human rights with petition committees and commissioners for citizens' affairs. Citizens usually referred to these points of contact as "ombudsmen." Additionally, an independent and impartial judiciary in civil matters provides access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Persons who exhaust domestic legal remedies can appeal cases involving alleged violations by the state of the European Convention on Human Rights to the European Court of Human Rights (ECHR).

### **Regional Human Rights Courts Decisions**

From January through July, the ECHR reviewed 778 cases involving the country. In all but eight, the ECHR struck down the case or declared it inadmissible. The court delivered eight decisions against the state for human rights violations and ordered 12 interim measures. The state generally paid monetary judgments against it within the time ordered by the court.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

The Federal and state OPCs continued to monitor political groupings deemed potentially hostile to the constitution, including the Left Party and the right-wing extremist National Democratic Party. The law allows OPCs to monitor private, online communications only if they suspect individuals of committing serious crimes that endanger the free democratic order or existence of the state. Authorities stated they employed monitoring as a last resort requiring approval by state or federal interior ministries and review by state or federal parliamentary intelligence committees. Authorities monitored the Left Party because they

considered it tolerated left-extremist groups within its ranks, including by collecting information on individual parliamentarians.

In March, Interior Minister Thomas de Maiziere formally stated in a letter to the Left Party's Bundestag caucus chief, Gregor Gysi, that the FOPC would no longer observe Bundestag members. In September the Cologne Administrative Court ruled that the FOPC must delete all data collected on Gysi. These developments followed an October 2013 ruling of the Constitutional Court that the FOPC's monitoring of Left Party parliamentarian Bodo Ramelow was unconstitutional and that an elected member of parliament may be monitored only in exceptional cases. In lengthy court cases in recent years, the Left Party successfully fought OPC observation of its state and federal politicians.

All OPC activities are challengeable in court, including ultimately in the Federal Constitutional Court. In May the Lower Saxony OPC stated that 39 percent of the personal data it collected had either been wrongfully collected or saved for too long. In September 2013 the Lower Saxony interior minister commissioned a review of data of all nine thousand persons monitored by the OPC in response to revelations that the Lower Saxony OPC wrongly monitored several journalists covering right-wing extremism in the period 2008-13 and then denied it had monitored them. The task force implementing the examination recommended the OPC delete the data without delay.

Law enforcement officials may monitor the telecommunications of suspects only in investigations of certain serious crimes. In most instances when they do so, they must obtain court approval. In intelligence-related cases, such as suspected involvement in terrorism, intelligence services may engage in surveillance activities without court approval. In such cases an independent commission elected by a parliamentary control committee must approve the surveillance.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press. The law bans Nazi propaganda, Holocaust denial, fomenting racial hatred, and child pornography.



Freedom of Speech: While the government generally respected these rights, it imposed limits aimed at groups it deemed extremist. The government arrested, tried, convicted, and imprisoned a number of individuals for speech that incited racial hatred, endorsed Nazism, or denied the Holocaust (see also section 6, Anti-Semitism).

Press Freedoms: The independent media were active and expressed a wide variety of views with few restrictions; however, there were limitations on press freedoms similar to those on speech. On September 18, the Tuebingen Municipal Court sentenced a former publisher to six months on probation and a fine of 5,000 euros (\$6,250) for publishing an article in the periodical *Euro-Kurier* that trivialized atrocities at the Nazi concentration camp at Buchenwald.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The government had the authority to take down websites belonging to banned organizations or including speech that incited racial hatred, endorsed Nazism, or denied the Holocaust. According to the World Bank, 84 percent of the country's population used the internet in 2013.

### **Academic Freedom and Cultural Events**

There were some government restrictions on academic freedom or cultural events supporting extreme right-wing neo-Nazism.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for freedom of assembly, and the government usually respected this right. The government occasionally prevented certain prohibited organizations, mainly right-wing extremist groups, from assembling publicly. Groups seeking to hold open-air public rallies and marches must obtain permits, and state and local officials may deny permits when public safety concerns arise or the applicant is a prohibited organization. In rare instances during the year, authorities denied applications.

Authorities allowed several right-wing extremist or neo-Nazi groups to hold public rallies or marches when they did so in accordance with the law and the groups were not prohibited organizations.

It is illegal to block an officially registered demonstration, including demonstrations organized by neo-Nazi groups. Many anti-Nazi activists refused to accept such restrictions and attempted to block neo-Nazi demonstrations or to hold counterdemonstrations, resulting in clashes between police and anti-Nazi demonstrators.

Police detained known or suspected activists, primarily right- or left-wing extremists, when they believed such individuals intended to participate in illegal or unauthorized demonstrations. The length of detention varied from state to state.

### **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected this right. The law permits authorities to prohibit organizations whose activities the Constitutional Court or federal or state governments determine to be opposed to the constitutional democratic order or otherwise illegal. While only the Federal Constitutional Court may prohibit political parties on these grounds, both federal and state governments may prohibit or restrict other organizations, including groups that authorities classify as extremist or criminal in nature. Organizations have the right to appeal such prohibitions or restrictions.

The federal and state OPCs monitored several hundred organizations. Monitoring generally consisted of collecting information from written materials and firsthand accounts but also included intrusive methods, such as the use of undercover agents who were subject to legal oversight. The FOPC and state OPCs published lists of monitored organizations, including left-wing political parties. Although the law stipulates that OPC surveillance must not interfere with an organization's activities, representatives of monitored groups complained that the publication of the organizations' names contributed to prejudice against them. In a number of cases, authorities banned organizations and raided their premises. Authorities stated they took such actions if there was evidence the groups or persons were incompatible with or caused a threat to the country's democratic order.

On January 27, the Cologne Regional Court sentenced eight members of the neo-Nazi group Freundeskreis Rade to punishment that ranged from six months' probation to two and one-half years in prison for membership in a criminal

organization, assault, and property damage. The group had distributed Hitler stickers and flyers with the phrase, “Jews are our misfortune,” targeted a local teacher by displaying posters with his face shown in the crosshairs of a gun sight, threatened children of immigrant heritage, and physically confronted leftist groups and other targets.

On July 23, the Bavarian Interior Ministry prohibited the state’s largest neo-Nazi organization, Freies Netz Sued (Free Network of the South), an umbrella network of 20 groups with approximately 150 members. Bavaria’s interior minister described the ban as the result of evidence collected during a 2013 raid in which police searched more than 70 locations of leading right-wing extremists. He stated the confiscated material showed that the organization was aggressive and opposed to the constitution and was a continuation of the activity of the Frankish Action Front organization, which authorities banned in 2004.

On September 12, the Federal Interior Ministry banned any activities of the Islamic State of Iraq and the Levant (ISIL), including recruitment, fundraising, and the use of the group’s symbols under the name “Islamic State” (German: Islamischer Staat), such as the black flag bearing ISIL’s name.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

On January 4, the Hamburg police declared several neighborhoods of Hamburg to be a “hazardous zone” (Gefahrengebiet) and restricted movement into and out of it. Police made the designation following several attacks on police stations and violent protests by left-wing extremists at the end of December 2013. During the 10 days of the ban, police denied 195 persons entry into the zone, conducted 990

checks on persons in the zone, issued 14 evictions, took 66 persons into custody, and formally detained five. Under a Hamburg city law, city police may declare such zones at their discretion.

### **Protection of Refugees**

Access to Asylum: Laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit: The country adheres to the EU's "Dublin III regulation," according to which authorities may turn back or deport individuals who attempt to enter the country through a "safe country of transit," i.e., a member state of the EU or a country adhering to the 1951 Convention relating to the Status of Refugees. Several NGOs questioned this regulation.

Authorities' adherence to several rulings by European courts improved the legal situation of asylum seekers in this category by allowing them to stay in the country temporarily. The Federal Interior Ministry prolonged until January 2015 the suspension of application of Dublin III in the case of asylum seekers who passed through Greece, due to systematic failures in Greece's asylum system. According to the Interior Ministry, there is no blanket denial of asylum to applicants from safe countries of origin or transit, and all have an opportunity to appeal. Such an appeal, however, would not prevent authorities from returning applicants to their country of origin or transit before a court rules on the appeal. In September the Federal Interior Ministry expanded its list of safe countries to include Bosnia-Herzegovina, Macedonia, and Serbia, stating that these countries' governments do not persecute persons for political reasons and that consequently applications from these countries are rarely approved. In making this decision, the ministry noted the reforms those countries had made as part of their efforts to become candidates for EU membership. Some NGOs criticized the decision, asserting that the Sinti and Roma populations continued to face social discrimination in these countries.

In 2012 approximately 300 refugees of West African origin arrived in Hamburg after 18 months in a refugee camp in Italy. They originally fled to Italy from Libya, where they had been working. During the year members of civil society, church, and refugee support organizations staged several large-scale protests in Hamburg calling for legal residence for these refugees. The Hamburg government instead insisted that they apply for asylum and not be afforded special treatment. After the city refused the first applications in 2013, the refugees demanded the city review them as a group. Approximately 230 of the refugees requested residence

permits for the whole group. Citing fear that the city could deny the group application, 70 of the refugees also filed asylum requests, which were pending.

On June 26, the Federal Court of Justice ruled that authorities may not detain asylum seekers awaiting deportation to a country within the EU under Dublin II unless there is evidence they may abscond.

Reports continued of authorities deporting Roma and others to Kosovo, and human rights organizations questioned whether an agreement with Kosovo provided adequate safeguards for failed asylum seekers whom authorities deported. The federal government considered the security situation for returnees in Kosovo as stable, including for members of the Romani minority.

Refugee Abuse: Human rights organizations continued to criticize the “fast procedure” at the Frankfurt airport, under which the Federal Office for Migration reaches a decision on asylum applications within two days and does not permit asylum seekers legal entry to the country. An applicant could appeal the decision, and authorities would make a final decision within two weeks. If authorities denied the appeal, they deported the applicant. Authorities maintained that they applied this procedure only to persons coming from safe countries of origin. The NGO Pro Asyl stated the number of asylum seekers rejected under the fast procedure was relatively low and that the vast majority of asylum seekers entered the country and filed their applications from inside the country.

In September the Bundestag passed legislation to provide some freedom of movement and employment for asylum seekers and refugees awaiting recognition/acknowledgement of their applications. Previously, states required asylum seekers to remain in locations designated by authorities.

In April, following negotiations with the Berlin city government, the approximately 100 mostly African refugees who had been living in a tent camp in a square in Berlin’s Kreuzberg district moved to government-provided temporary housing. Their legal status was unclear because most of them entered through Italy, a safe EU country of transit. The refugees protested against the refugee law and also called for free choice of residence within the country. Other asylum seekers in Berlin, including some who traveled from other German states, demanded permanent residence and, with the help of local civil society groups, also staged protests, went on hunger strikes, and occupied churches, prominent tourist sites, empty school buildings, and the headquarters of political parties and national trade unions. Police removed protesters from occupied premises.

Authorities returned some protesting asylum seekers to the states where they had applied originally.

Employment: Under the new legislation, after being in the country for four months, asylum seekers may move around; after three months, they may start work; and after 15 months, they may take a job without the employer giving priority to a citizen of an EU member state.

Access to Basic Services: In 2012 the Constitutional Court ruled that social benefits for asylum seekers must be equal to those of citizens or permanent residents. According to an intermediate regulation stipulated by the court, officials must provide social benefit payments to asylum seekers at the level of such payments for unemployed persons. On September 19, the Bundestag amended the legal provision that gave preference to payment-in-kind over cash payments. The amendment limited the payment-in-kind preference to the arrival and registration phases only.

NGOs criticized medical care for asylum seekers, which was free for refugees only in cases of acute illness or pain. Some local communities and private groups initiated additional health-care projects.

Durable Solutions: The government accepted refugees for resettlement from third countries and facilitated local integration (including naturalization), particularly of refugees in protracted situations. The government assisted the safe, voluntary return of refugees to their homes. In coordination with the UNHCR, authorities granted residence permits to long-term refugees with no prospects of returning to their home countries.

Temporary Protection: Authorities granted a number of individuals subsidiary protection status (individuals who do not meet the criteria of the refugee convention but need protection for other reasons, for example, because they faced the death penalty, torture, or risks related to armed conflict in their home countries). On June 12, the state interior ministers agreed to accept 10,000 additional refugees from in and around Syria under humanitarian programs primarily intended for relatives of Syrians already living in the country. That increase brought to 50,000 the number of refugees and asylum seekers from Syria that the country accepted since the beginning of fighting in Syria in 2011.

## **Stateless Persons**

Citizenship derives primarily from birth to a citizen parent, but children may also acquire citizenship based on their birth in the country provided one parent has been living there for at least eight years or one parent has had a permanent residence permit for at least three years.

The UNHCR reported 11,709 stateless persons in the country in 2013. German authorities, who used somewhat different criteria, estimated that as of September, there were 14,000 stateless persons who claimed to have been in the country for an average of 23 years. Many of the persons lost their previous citizenship when the Soviet Union collapsed and Yugoslavia disintegrated. From January through August, 807 stateless persons filed applications for asylum; among them were 377 persons who described themselves as Palestinians, 216 as other Arabs, and 133 as Kurds.

The government generally implemented laws and policies to provide stateless persons the opportunity to gain nationality on a nondiscriminatory basis. Refugees and stateless persons may apply for citizenship after six years' residence, but producing sufficient evidence to establish statelessness could be difficult, since the burden of proof is on the applicant. Authorities generally protected stateless persons from deportation to their country of origin or usual residence if they faced a threat of political persecution there.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In September 2013 the country held parliamentary elections that observers considered free and fair. On May 25, nationwide elections for the European Parliament took place; observers also considered them free and fair.

Political Parties and Political Participation: Political parties generally operated without restriction or outside interference unless authorities deemed them to be a threat to the federal constitution. When the federal authorities perceive such a threat, they can petition the Federal Constitutional Court to ban the party, which has banned only two parties, in the 1950s. Of the 58 parties that applied to

participate in the September 2013 parliamentary elections, 38 parties met the required criteria to compete in elections, 34 of which actually participated. For the May 25 European Parliament elections, 25 parties met the required criteria, but authorities did not allow 19 other parties to compete because they did not meet registration deadlines or gather the required number of signatures.

Participation of Women and Minorities: As of June, 230 of the 631 members of the Bundestag were women (36.5 percent), including the federal chancellor, Angela Merkel. Although Bundestag records on members' ethnic and religious background were incomplete because the information was voluntary, media sources estimated after the September 2013 elections that there were 36 members (5.7 percent) with some non-German heritage, 11 of them with Turkish, four with Iranian, and (for the first time) two with African heritage. Five members of the federal Cabinet were women, and five judges on the 16-member Federal Constitutional Court were women. There was no official data on the participation of minorities in leadership positions.

In December 2013 the North Rhine Westphalia state parliament passed legislation to create "integration councils" to promote political participation and the interaction of local immigrant representation with city councils. All residents of foreign nationality, including Germans with dual citizenship, could vote in elections for representatives to integration councils, which took place concurrently with local elections for regular city councils and the European Parliament on May 25. Local officials credited the legal changes, as well as holding elections concurrently, for more than doubling turnout of this group of eligible voters, compared with elections in 2010.

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption: The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Most state governments and local authorities had contact points for whistleblowers and provisions for rotating personnel in areas prone to corruption. Government officials may not accept gifts linked to their jobs. There are serious penalties for bribing officials and price fixing by companies competing for public contracts. There were some reports of government corruption.

On October 27, the Cottbus Administrative Court sentenced the former technical chief of the Berlin-Brandenburg Airport to one year of probation and a fine of 200,000 euros (\$250,000) for bribery, attempted bribery, and fraud. He had



demanded a bribe of 500,000 euros (\$625,000) from a company in exchange for assurances that the company would receive a planning contract. He also defrauded the project of an additional 50,000 euros (\$62,500) by submitting invoices with additional charges.

Financial Disclosure: Members of state and federal parliaments are subject to financial disclosure laws that require them to publish their earnings from outside employment. Members of parliament must disclose categories of outside regular employment and earnings greater than 1,000 euros (\$1,250) in a month in 10 different income categories, with the highest category being for income above 250,000 euros (\$313,000) per month. No special institution has responsibility for monitoring and verifying disclosures. State prosecutors generally are responsible for investigating corruption cases. Disclosures are available to the public via the Bundestag website (next to the parliamentarians' biographies) and in the Official Handbook of the Bundestag. Sanctions for noncompliance can range from an administrative fine to as much as half of a parliamentarian's annual salary.

Public Access to Information: Federal law provides for public access to government information, but there are numerous exceptions, and fees for records searches could be as much as 500 euros (\$625), payable in advance. Eleven federal states also have freedom of information laws. There is an appeals process.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The courts were the main resource for individuals seeking protection of individual human rights. A wide range of government bodies and NGOs also worked to protect human rights. Citizens could file complaints with petition committees and commissioners for citizens' affairs.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and laws prohibit discrimination, including in employment, based on sex, parentage, race, language, homeland and origin, faith, religious or political opinion, disability, sexual orientation and gender identity, or social status.

Authorities compiled a strong enforcement record in most of these areas but acknowledged that they needed to do more in some areas, such as enforce laws prohibiting discrimination against persons with disabilities.

## **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and provides penalties for violations of up to 15 years in prison. The government enforced the law effectively. According to national police crime statistics, authorities received reports of 7,408 cases of rape or serious sexual assault in 2013. In 82 percent of these cases, police identified the perpetrators. Courts, however, convicted only approximately 12 percent of identified perpetrators due to a lack of required evidence. NGOs and the Green Party criticized the courts' evidentiary standards as too stringent. In April the Criminological Research Institute of Lower Saxony published a study showing that rapists were often acquaintances or relatives.

The federal government supported numerous projects in conjunction with the federal states and NGOs to deal with gender-based violence, both to prevent violence and give victims greater access to medical care and legal assistance.

The law prohibits violence against women, including spousal abuse. Officials may temporarily deny abusers access to the household without a court order, put them under a restraining order, or in severe cases prosecute them for assault or rape and require them to pay damages. Penalties depend on the nature of the case. The government enforced the law, but authorities believed that violence against women was widespread.

The Federal Ministry of Family Affairs, Senior Citizens, Women, and Youth estimated that approximately 35 percent of women in the country had at some time experienced physical or sexual violence but that 85 percent of these women did not seek external assistance. In 2012 approximately 360 women's shelters were operational. According to the NGO Central Information Agency of Autonomous Women's Homes, approximately 17,000 to 20,000 women, plus their children, use the shelters annually. On March 31, the ministry published its first report on a national 24-hour hotline established in 2013, whose 60 staff members provided counseling in 15 different languages for affected women. In its first year of operation, the hotline was contacted 47,504 times and provided 18,800 counseling sessions. Many NGOs at the local level also provided hotlines, assistance, advice, and shelter.

Female Genital Mutilation/Cutting (FGM/C): In September 2013 authorities added female genital mutilation to the list of criminal offenses punishable by one to 15 years in prison. Additionally, immigration law includes provisions requiring authorities to consider FGM/C in reviewing immigration and asylum applications. FGM/C affected segments of the immigrant population and their German-born children, although official statistics were limited.

Other Harmful Traditional Practices: Forced marriages are illegal, invalid, and punishable by up to five years' imprisonment. While there were no reliable statistics on the number of forced marriages, evidence indicated that the problem was more prevalent in the immigrant Muslim community than in the general population. Forced marriages reportedly often led to violence. Victims included women and, in some cases men, whose families brought a spouse from abroad. Additionally, some families sent women to other countries to marry against their will.

The law criminalizes "honor killings," as it does any form of murder, and provides penalties that could include life in prison. The government enforced the law effectively. A 2011 study by the Federal Criminal Statistics Office estimated the number of honor killings at approximately 12 annually between 1996 and 2005. Official data was unavailable.

Sexual Harassment: Sexual harassment of women was a recognized problem. The law prohibits it and requires employers to protect employees from it. A variety of disciplinary measures against harassment in the workplace were available, including dismissal of the perpetrator. The law considers an employer's failure to take measures to protect employees from sexual harassment to be a breach of contract, and an affected employee has the right to paid leave until the employer rectifies the problem. Although the press reported instances of sexual harassment in the workplace and in public facilities, no statistics were available. Unions, churches, government agencies, and NGOs operated a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. There was easy access to contraception; sexual and reproductive health care, including for sexually

transmitted diseases; emergency health care, including for complications arising from abortion; skilled health attendance during pregnancy and childbirth; prenatal care, and essential obstetric and postpartum care.

Discrimination: Men and women enjoy equal rights under the constitution. The law provides for equal pay for equal work. Women were underrepresented in highly paid managerial positions and overrepresented in some lower-wage occupations (see section 7.d.).

During the year the Federal Statistics Office reported that, based on 2013 figures, the hourly pay gap between women and men for equivalent work remained at 22 percent. The survey also found that the gender pay gap increased with age. When adjusted for structural differences (such as profession, education, part-time and full-time employment), the gap narrowed to 7 percent.

In August the German Institute for Economic Research (Deutsches Institut fuer Wirtschaftsforschung) published a study indicating that women's per capita gross income, including income from property, interest, and investments, was 49 percent that of men.

In 2013 women occupied 15 percent of positions on supervisory boards in the country's top 200 companies (an increase from 13 to 14 percent in 2012) and 5 percent of the positions on their management boards. On July 30, the German Federal Statistics Office published a study showing that in 2012 the share of female professors in higher education institutions had almost doubled, to 20 percent, over the previous decade. Slightly more than half of university graduates in 2012 were women; 45 percent held a doctoral degree and 27 percent held postdoctoral degrees. The Antidiscrimination Agency reported in 2013 that women were at a disadvantage regarding promotions, often due to interruptions for child rearing.

There were no statistics available on discrimination against women's access to credit or housing, but there were reports of single mothers with children having problems in renting apartments.

## **Children**

Birth Registration: In most cases persons derive citizenship from their parents. The law also allows citizenship based on birth in the country, provided one parent

has been a resident for at least eight years or has had a permanent residence permit for at least three years. Immigrants born in the country could hold dual citizenship only temporarily and had to choose which nationality to keep before they reached the age of 23. In September the Bundestag passed legislation that allows dual citizenship for immigrants who were born in the country and have lived there for at least eight years before reaching the age of 21, attended school in the country for at least six years, or earned a school or professional degree in the country. Parents or guardians have the responsibility to apply for registration for newborn children. Once officials received registration applications, they generally processed them expeditiously. Parents who fail to register their child's birth may be subject to a fine.

Child Abuse: According to the NGO Deutscher Kinderschutzbund's analysis of BKA data, 4,650 cases of abuse (defined as bodily harm or neglect) of children under 18 occurred in 2013, a 1.9 percent increase from 4,565 cases reported in 2012. Of these cases, 3,525 involved abuses of children under the age of 14, a 2.2 percent increase from 3,450 cases in 2012.

In December 2013 a mother allegedly beat and tortured her three-year old daughter, Yagmur, to death while Yagmur's father watched. As of October the parents were awaiting trial. According to court testimony, although child protection services had reports of Yagmur's injuries in January 2013, they did not investigate, and the parents retained custody of the child. The media reported the office of child protection services was understaffed and overworked.

Early and Forced Marriage: The legal minimum age for marriage is 18. Forced marriages are illegal and invalid and can be punished with a prison sentence of up to five years. There were no reliable statistics on the number of forced or early marriages.

Female Genital Mutilation/Cutting (FGM/C): In September 2013 authorities added female genital mutilation to the list of criminal offenses punishable by one to 15 years in prison. In addition, immigration law includes provisions requiring authorities to consider FGM/C in reviewing immigration and asylum applications. Female genital mutilation affected segments of the immigrant population and their German-born children, although official statistics were limited.

Sexual Exploitation of Children: The penalty for rape--up to 15 years in prison--also applies to the rape of children. Consensual sex is legal from the age of 14 in most cases. There is an exception if the older partner is more than 18 years old and

is “exploiting a coercive situation” or offering compensation, and the younger partner is under 16. It is also illegal for someone older than 21 to have sex with someone under the age of 16 if the older person “exploits the victim’s lack of capacity for sexual self-determination.”

According to the annual statistics of the BKA, 13,521 incidents of sexual abuse of children younger than 18 were reported in 2013, compared with 13,628 in 2012. Of these, 12,437 involved children under the age of 14 (compared with 12,623 in 2012). In 84.8 percent of cases, police identified the perpetrators.

Possession of child pornography is a criminal offense. By law possession of, or attempts to acquire, any material reflecting a true or realistic incident of child pornography is punishable by imprisonment for three months to five years. According to criminal statistics published by the BKA, the number of cases involving the distribution of child pornography increased from 2,465 in 2012 to 2,471 in 2013. In 2013 the number of reported cases of ownership and procurement of child pornography increased by 27.9 percent, from 3,239 in 2012 to 4,144 in 2013.

In May police in Saxony-Anhalt arrested 10 men between the ages of 22 and 60 and a 57-year-old woman, who had formed a major network that produced and distributed child pornography nationwide. Some of the perpetrators had abused their own children.

Displaced Children: There were no reliable statistics on the number of street children. Some observers indicated that there were several thousand, but authorities contended that such estimates were inflated and not a true representation of the often temporary status of homeless children. Authorities believed these children were frequently fleeing violent and abusive homes. Street children often turned to prostitution for income.

According to estimates by Off Road Kids, an NGO active in street social work in major cities, there were up to 2,500 runaways in the country. More than 300 of these children were between the ages of 12 and 18 and lived on the street.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country specific information see [travel.state.gov/content/childabduction/english/country/germany.html](http://travel.state.gov/content/childabduction/english/country/germany.html).

## Anti-Semitism

Observers estimated the country's Jewish population to be between 112,000 and 250,000. Deficiencies in Holocaust education continued. Manifestations of anti-Semitism, including physical and verbal attacks, occurred at public demonstrations, sports, social events, and certain media. Apart from anti-Semitic speech, desecration of cemeteries or Holocaust monuments represented the most widespread anti-Semitic acts. Observers attributed most anti-Semitic acts to neo-Nazi or other right-wing extremist groups or persons. Some also noted an increase of anti-Semitic attitudes among some Muslim youth.

According to the latest Federal FOPC report, there were 17,042 right-wing politically motivated criminal offenses reported to authorities in 2013 (down from 17,616 in 2012). The report described 1,202 of these offenses as right-wing-extremist manifestations of anti-Semitism (down from 1,286 in 2012), of which 45 involved violence (up from 36 in 2012). The report noted that membership in skinhead and neo-Nazi groups remained steady at approximately 6,000. Federal authorities generally took action against the perpetrators of anti-Semitic offenses.

Anti-Semitic speech and actions increased. At demonstrations against the conflict in Gaza that took place in several cities in June and July, some protesters shouted anti-Semitic statements and slogans. Police investigated the incidents to determine if they violated bans on anti-Semitic speech and acts. Prosecutors brought charges against suspects and increased their already permanent security measures around many synagogues during the peak of the protests.

On June 12, approximately 2,500 persons, including members of Muslim groups, Islamist extremists, and right-wing extremists, attended an anti-Israel demonstration in Frankfurt. When some of the demonstrators turned aggressive and chanted anti-Semitic slogans, police offered organizers the use of police loudspeakers to calm the crowd. Organizers instead used the loudspeakers to shout additional anti-Semitic statements. Police investigated the incidents under anti-incitement laws but prosecutors made no indictments.

On July 10, approximately 100 persons attended an anti-Israel demonstration in Essen and attempted to burn the old synagogue, now a Jewish cultural center. Police intervened to stop them. In November prosecutors filed six indictments related to the demonstration--for grievous bodily harm, unauthorized public gathering, firearms violations, and incitement. In two cases they filed charges for

attempted grievous bodily harm against police officers. Investigations into additional cases continued. On July 11, at an anti-Israel demonstration of approximately 750 persons in Bochum, protesters shouted, “Israel, child murderer,” and demonstrators in Gelsenkirchen chanted, “ Hamas, Hamas, Jews to the gas.” In the early morning hours of July 29, attackers in Wuppertal threw Molotov cocktails at the main synagogue, but the devices failed to ignite. Police arrested three Palestinian men as suspects and were conducting investigations for aggravated arson.

After the Berlin public prosecutor found that some of the slogans used at protests in Berlin did not meet the legal definition for “incitement of hatred,” administrative authorities banned the use of certain of them under the law on freedom of assembly. In July the Central Council of Jews and local Berlin politicians filed a complaint against a Danish imam who called for the death of Jews during prayers at a Berlin mosque; as of December the public prosecutor continued to investigate.

Leaders from state and federal government (including President Joachim Gauck, Chancellor Angela Merkel, several cabinet ministers, and all major party chiefs) and civil society (celebrities and organizations of Muslims, Protestants, and Catholics) condemned the anti-Semitic incidents during the summer and reiterated the country’s zero tolerance of anti-Semitism.

Events took place across the country to mark the day of remembrance for victims of Nazism. On January 27, the parliament held its annual special session paying tribute to those who died under the Nazi dictatorship.

On September 14, approximately six thousand persons attended a rally against anti-Semitism at the Brandenburg Gate in central Berlin sponsored by the Central Council of Jews in Germany. The demonstrators called for more-resolute action against anti-Semitism. President Gauck, Chancellor Merkel, almost all cabinet ministers, and party caucus chiefs attended, as well as key representatives of the Catholic and Protestant churches and the Central Council of Muslims in Germany. The chancellor condemned all forms of anti-Semitism, stating that an attack on Jews or Jewish institutions was an attack on German society and culture as a whole. On November 12-13, the Minister of Foreign Affairs cohosted an Organization for Security and Cooperation in Europe conference in Berlin on anti-Semitism for European governments and civil society groups.

## **Trafficking in Persons**



See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and the provision of other federal state services, including access to air travel and other transportation. The relevant law makes no specific mention of persons with sensory or intellectual disabilities, but these are considered to be subsumed under the other headings. The extent to which the government effectively enforced these provisions remained debatable among NGOs, and the government expressed interest in learning about ways to enhance enforcement of its antidiscrimination laws. The country's approximately 500,000 children with disabilities attended school. Some persons with disabilities attended special schools, and officials contended that special schools were often better equipped to take care of such students. Some observers asserted that these institutions prevented the full integration of children with disabilities into the professional world and society as a whole (see section 7.d.).

The federal states continued efforts to improve access to public buildings and transportation and to integrate students with disabilities into regular schools, including by upgrading buildings, equipment, and staff. Progress varied from region to region. For example, on August 1, North Rhine-Westphalia began giving students with identified special education needs the choice to enroll in mainstream schools without having to submit a special application as previously required. Schools in North Rhine-Westphalia upgraded facilities, employed specialized teachers, and provided teacher training as required to meet the students' needs.

The government employed a number of measures to promote the employment of persons with disabilities. Employers with 20 or more employees must hire persons with disabilities to fill at least 5 percent of all positions. There are special provisions for companies with 20-40 employees (one position for persons with disabilities) and 40-60 (two positions for persons with disabilities). Companies that fail to meet these quotas face a monthly fine of 100-290 euros (\$125-\$363) for each required position that is not filled by a person with disabilities.

Pursuant to an agreement between the German Railway and the Federal Ministry for Labor and Social Affairs, persons with disabilities who meet certain requirements can ride all regional trains within the country free of charge.

By law the federal government must provide barrier-free access to communications, especially access to of administrative internet sites and official forms and notifications. Authorities continued efforts to improve barrier-free access to public transportation.

The Office of the Federal Commissioner for Matters relating to Persons with Disabilities is the principal government contact in all matters related to persons with disabilities and had specific responsibility for protecting their rights. The Ministry of Labor and Social Affairs; the Ministry of Family, Senior Citizens, Women, and Youth; and the Ministry of Transport, Building, and Urban Affairs also have responsibilities for addressing the needs of persons with disabilities. The German Institute for Human Rights has responsibility for monitoring the country's implementation of the UN Convention on the Rights of Persons with Disabilities.

### **National/Racial/Ethnic Minorities**

Beatings and harassment of foreigners and members of racial minorities remained a problem throughout the country. The annual FOPC report for 2013 recorded 16,557 (17,134 in 2012) right-wing "politically motivated crimes" with "extremist background." (The Federal Criminal Investigation Office defines politically motivated crimes as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, worldview, ancestry, sexual orientation, disability status, parents, or social status.) The report categorized 801 of these crimes as violent, mostly involving bodily injury, and of the violent crimes, it described 473 (59 percent) as xenophobic. The report also counted 4,491 left-wing politically motivated crimes (up from 3,229 for 2012) with extremist background. Foreigners committed 544 of the politically motivated crimes with extremist background.

According to data collected as of September 25 by the NGOs Amadeu Antonio Foundation and Pro Asyl, attacks on asylum seekers and refugees increased, compared with the same period in 2013. There were 46 violent attacks on refugees' homes, including 23 arson attacks, and 22 instances of violent assault against individuals. On June 23, the Marburg Juvenile Court sentenced four 18- and 19-year-olds to two weeks in prison, suspended sentences of two years, and 30 hours of community service for attacking temporary housing for asylum seekers in Wohratal, Hessen. The attackers denied any right-wing motives, although one attacker had material in his possession containing rightwing songs.

In 2012 approximately 12 drunken neo-Nazis in Hoyerswerda, Saxony, threatened and insulted a young couple in front of their apartment building because the couple

had repeatedly removed xenophobic neo-Nazi propaganda from the streets. After police informed the couple that they could not offer protection, security authorities helped them to relocate. On January 26, the local court in Hoyerswerda sentenced five of the perpetrators to suspended sentences (for time already served) of eight to 10 and one-half months' imprisonment. Courts sentenced two other defendants under juvenile statutes to perform community service. One perpetrator already serving time in prison received a sentence of an additional five months' incarceration.

Trials continued of members of the right-wing extremist group National Socialist Underground (NSU) charged with killing a police officer and nine persons of Turkish or Greek origin over a period of 13 years. Prosecutors filed the first charges in 2012. Of the three persons directly charged with the killings, two committed suicide. In November 2013 police charged the third suspect, Beate Zschaepe, with 27 offenses, including murder and arson. Authorities charged four other men with supporting the NSU, including by supplying weapons and false identities. Procedural matters and the suspects' refusal to answer questions continued to delay the trial. On July 17, Zschaepe declared she had lost confidence in her three court-appointed lawyers and asked for their replacement, but the court rejected her request. The trial continued at year's end.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The antidiscrimination law prohibits discrimination based on sexual identity. There were no official statistics on mistreatment of lesbian, gay, bisexual, and transgender (LGBT) persons; the availability of NGO reports on the incidence of such mistreatment varied widely in different parts of the country, although some quantitative data was available for cities with large populations of LGBT persons. In 2013 in Berlin, according to the NGO Maneo, there were 259 assaults, including physical violence motivated by bias against LGBT persons. They included one killing, one attempted homicide, 69 incidents involving physical assault or attempted assault, and 118 cases of theft. An additional 23 assaults were directed against transgender persons.

Under the law same-sex couples registered under the Civil Partnership Act enjoy the same tax advantages as married (heterosexual) couples, such as splitting the difference between spouses' incomes tax purposes. Gays and lesbians may adopt a child previously adopted by their respective registered partner. The law prohibits gay and lesbian couples from adopting children jointly.

In July, in response to a parliamentary inquiry, the federal government stated that enforcement authorities as well as medical licensing agencies and associations would have to respond to any person who offered therapies intended to harm a person, such as attempting to change his or her sexual orientation.

The city of Berlin assigned two public prosecutors specifically to address offenses against LGBT persons and to serve as direct advocates for LGBT victims.

### **HIV and AIDS Social Stigma**

There was societal discrimination against persons with HIV/AIDS. The NGO German AIDS Foundation (Deutsche Aids Stiftung) observed discrimination, ranging from isolation and negative comments from acquaintances, family, and friends, to bullying at work and denial of service at medical facilities (see section 7.d.). In August the NGO German AIDS service organization criticized authorities in Bavaria for their continued practice of mandatory HIV testing for asylum seekers.

The government worked with NGOs, religious groups, and businesses to educate the public about HIV/AIDS and its prevention. NGOs and health officials created and supported numerous awareness programs on World AIDS Day and throughout the year through posters and television advertising, and charity events.

The Ministry of Health cooperated closely with civil society organizations through regular formal and informal contacts. Civil society organizations were closely involved in developing the national HIV and AIDS strategy and played a significant role in implementing the national action plan. The Ministry of Health also regularly provided institutional and project funding (in 2011, five million euros (\$6.25 million)) to the German Association of AIDS Self-Help Groups, an umbrella organization for 120 local and regional self-help groups that were largely autonomous in generating and implementing projects. Regional and local authorities also provided funding to HIV self-help groups.

### **Other Societal Violence or Discrimination**

In September small groups of radical Muslims wearing jackets labeled “Sharia Police” briefly staged patrols in Wuppertal, Aachen, and Bonn to counter alcohol consumption, gambling, smoking, and concerts and to pressure youth to convert to Islam. In response right-wing extremists wearing shirts labeled “City Protection”

staged patrols in Wuppertal. State and federal authorities stated the jackets constituted an infringement of the legal and authorized monopoly of police on the legitimate use of force. They started investigations into all the patrols and the individuals who participated.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution, federal legislation, and government regulations provide for the right of employees to form and join independent unions, bargain collectively, and conduct legal strikes. The government generally respected these rights. The law prohibits antiunion discrimination and offers legal remedies to claim damages.

There are no legal restrictions that limit these labor rights such as requiring unions to join a single federation, excessive or arbitrary union registration or strike requirements, limits on the scope of collective bargaining or prohibition of strikes in nonessential sectors. Case law excludes civil servants (including teachers and police) and members of the armed forces, from striking. Employers can contest a strike's proportionality and a trade union's right to take strike actions in court. Legislation fails to establish clear criteria, but case law provides specific measures on strike matters.

The government enforced the applicable laws with adequate resources. Remediation efforts were also sufficient. Administrative and judicial procedures were not subject to lengthy delays or appeals. The government generally respected freedom of association, and worker organizations were independent of government or political party interference. Employers generally respected collective agreements, which are legally binding for all parties to the agreement, including employers. Employers generally are free to decide whether to be a party to a collective bargaining agreement, unless the Ministry of Labor and Social Affairs declares a collective bargaining agreement as generally binding. Employers not legally bound by collective bargaining agreements also often made use of them to determine part or all employment conditions of their employees. All employees, whether trade union members or not, are subject to the provisions of the bargained collective agreement.

There were reports that a few employers, particularly owner-managed companies, interfered in the works council elections, in which employees vote for their representatives for discussion and cooperation with employers. Work councils are

independent from labor unions, but the formation of a works council is often the first step to create a union representation structure within a company. According to a 2012 opinion survey by the Hans-Boeckler Foundation, 60 percent of the 184 local labor union units who replied believed that employers interfered in works council elections by putting pressure on candidates or using procedural measures to hinder elections. The penalty for employers who interfere in work councils' elections and operations is up to one year in prison or a fine.

### **b. Prohibition of Forced or Compulsory Labor**

The constitution and federal law prohibit all forms of forced or compulsory labor; nevertheless, there were reports of forced labor.

The government effectively enforced the law, but NGOs questioned the adequacy of resources to investigate and prosecute forced labor. Penalties for forced labor range from six months to 10 years in prison. Such sentences were sufficiently stringent; however, some traffickers received suspended sentences, which limited the effectiveness of government enforcement efforts.

In 2013, the latest year for which statistics were available, police completed 53 labor trafficking investigations, which identified 61 victims. One case involved a company in Hessen, where two suspected traffickers forced Afghani and Pakistani nationals to sort brochures. Workers received only one-third of the wages paid for comparable labor, and the traffickers threatened them and forced them to live under inhuman conditions. Prosecutors were completing the investigations at the end of the year. There were also reports of forced labor involving adults, mainly in agriculture, restaurants, hotels, meat processing plants, seasonal industries, and domestic households.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children younger than 15, with a few exceptions: Children who are 13 or 14 years of age may perform farm work for up to three hours per day or deliver newspapers or other services, such as babysitting or dog walking, for up to two hours per day. Children older than 13 are not allowed to work during school hours, before 8 a.m., or after 6 p.m. The type of work must not pose any risk to the security, health, or development of the child and

must not prevent the child from obtaining schooling and training. Children are not allowed to work with hazardous materials, carry or handle weights of more than 10 kilograms (22 pounds), work in a unsuitable posture or be exposed to a danger of accident (especially by machine operation and animal care). Children between three and 14 years of age may take part in cultural performances under strict limits on the kinds of activity, number of hours, and times of the day. The government effectively enforced these laws.

Although the law protects children from exploitation in the workplace, isolated cases of child labor occurred in small, family-owned businesses, such as cafes, restaurants, and grocery stores. The inspections by the regional inspection agencies and the resources and remediation available to them were adequate. Courts may punish violators with fines of up to 15,000 euros (\$18,800) and a prison sentence of up to one year for severe cases that intentionally lead to serious risk to the health and employability of a child.

#### **d. Discrimination with Respect to Employment or Occupation**

Labor laws and associated regulations regarding employment and occupation prohibit discrimination regarding race, ethnic origin, sex, religion or belief, disability, age, sexual orientation, and gender identity. According to the Federal Labor Court, persons with HIV and chronic diseases also fall under the nondiscrimination law. The law protects against discrimination with regard to access to employment, self-employment, and promotions and career advancement. The government effectively enforced these laws and regulations.

According to the Federal Antidiscrimination Agency, the most common grounds of employment-related discrimination occurred with regard to age, gender, disability, ethnic origin, and HIV-positive status. Persons of foreign origin and persons with disabilities faced particular difficulties finding employment.

#### **e. Acceptable Conditions of Work**

There was no countrywide minimum wage. As of September binding minimum wages set by collective bargaining agreements were in place covering 15 sectors, including construction (including electrical trades, painting, scaffolding, and roofers), waste management, large-scale laundries and cleaning management, nursing care, hair-dressing, the meat industry, special mining services, and temporary employment agencies. These minimum wages ranged from 7.75 euros (\$9.69) per hour in the meat industry to 13.95 euros (\$17.40) per hour for skilled

construction work. Minimum wages generally were lower in the eastern than in the western parts of the country.

In July a statutory countrywide minimum wage of 8.50 euros (\$10.60) per hour was enacted, to be effective on January 1, 2015. The new law exempts young persons under 18 and the long-term unemployed within their first six months at a new job. Sectors with existing collective agreements that include minimum wages below 8.50 euros (\$10.60) per hour have until January 2017 to transition.

As of 2013 official social indicators on poverty and social exclusion (“federal indicators”) indicated that persons who had a disposable income of less than 11,749 euros (\$14,700) per year (60 percent of the median income) were at risk of poverty. Approximately 13 million persons (16.1 percent of the population) fell below this threshold, according to the Federal Statistical Office.

Federal regulations set the working time of an employee to eight hours per day and limit the average workweek to a maximum of 48 hours. Collective bargaining agreements, however, may stipulate lower maximums. Since 2009 such agreements have stipulated a maximum of 37.7 hours per week, on average. Collective contracts directly or indirectly affecting 78 percent of the working population regulated the number of hours of work per week. According to the 2013 European Labor Force Survey, the average workweek of full-time employees was 41.7 hours. Rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied, depending upon the applicable collective bargaining agreement. Such agreements or individual contracts prohibited excessive compulsory overtime and protected workers against arbitrary employer requests. An extensive set of laws and regulations governs occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace.

The law provides for equal treatment of foreign workers, although foreign workers faced some wage discrimination. For example, employers, particularly in the construction sector, sometimes paid lower wages to seasonal workers from Eastern Europe who were in the country on temporary work permits. According to a January 2013 study by the Institute of Labor Market Research, the wage gap between foreign workers and other workers narrowed over time; nevertheless, after eight years working in the country, foreign workers earned 28 percent less than the average worker in 2008.



The Federal Ministry of Labor and Social Affairs and its counterparts in the federal states effectively enforced occupational safety and health standards through a network of government bodies, including the Federal Institute for Occupational Safety and Health. At the local level, professional and trade associations--self-governing public corporations with delegates representing both employers and unions--as well as work councils oversaw worker safety.

The number of inspectors and visited companies declined in recent years due to the budget constraints of local inspection authorities. In 2012 approximately 3,000 inspectors visited 110,207 companies to examine working conditions and compliance with occupational safety and health regulations. In 2012 there were in total 459,044 complaints. Employees could sue employers who do not comply with occupational safety and health regulations. In cases in which the employer culpably infringed the duty to have regard for the welfare of the employees, a court can sentence the company to pay compensation to the affected employees and a fine of up to 25,000 euros (\$31,300). In severe cases offenders faced prison sentences of up to one year.

In 2012 the number of reported work accidents fell to 969,860, despite growing employment numbers. There were fewer than 25 accidents in the workplace for every 1,000 full-time workers. Most accidents were in the construction, sanitation, and the transportation and warehousing industries. The number of workplace fatalities slightly increased to 677 (up 13 cases).

Estimates for the shadow economy (i.e., all illegal economic activities, including moonlighting) were approximately 13 percent of total economic output, or 341 billion euros (\$426 billion), in 2013.

Workers can remove themselves from situations that endanger their health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.