

GERMANY 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Germany is a constitutional democracy. Citizens choose their representatives periodically in free and fair multiparty 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. The country's 16 states exercise considerable autonomy, including over law enforcement and education. Observers considered the national elections for the Bundestag in September 2017 to have been free and fair.

Civilian authorities maintained effective control over security forces.

Human rights issues included refoulement of those with pending asylum applications; crimes involving violence motivated by anti-Semitism; and crimes involving violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and members of other minority groups.

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

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and the law prohibit such practices, but there were a few reports that government officials employed them. According to some human rights groups, authorities did not effectively investigate allegations of mistreatment by police and failed to establish an independent mechanism to investigate such allegations. According to a July study by the University of Bochum, in 2016, authorities investigated 2,838 cases for excessive use of force by police officers. Investigations were discontinued in 90 percent of the cases, and officers were formally charged in approximately 2 percent of the cases.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: In September, Ahmed A., a 26 year-old Syrian national, died after suffering burns from a fire in his prison cell. In July when he was arrested in Kleve, North Rhine-Westphalia (NRW), Kleve authorities failed to verify Ahmed A.'s place of birth or fingerprints and mistakenly identified him as a match for several warrants issued for a different individual. Kleve authorities initially characterized the fire as a suicide attempt, and Kleve's public prosecutor opened an investigation into the case. In November, NRW Minister of Justice Peter Biesenbach presented an interim report on the investigation. The report stated the prisoner had a lighter in his cell and likely caused the fire himself. Prison guards ignored a distress signal, however, and only activated the fire alarm four minutes later. The minister of justice proposed measures to prevent similar mistakes in the future, including improving fire safety in cells, better communication between detention rooms and prison staff, measures to detect mental illnesses among inmates, and enhancing identity verification of inmates. In November the state parliament set up a parliamentary investigatory committee into the incident. Herbert Reul, North Rhine-Westphalia's interior minister, publicly admitted procedural mistakes in the case and asked the victim's family for forgiveness.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

On May 15, Bavaria's parliament expanded police powers. The law now enables the police to take preventive actions against an "impending danger." Critics argued this gives Bavarian police the power to intervene even before an offense has taken place and may expand their surveillance power. In May the Social Democratic Party (SPD) sued to block the law in federal and state courts. In September the Greens, the Left, and the Free Democratic Party (FDP) formed an alliance and sued in the Federal Constitutional Court to block the law. The case was continuing at year's end.

Role of the Police and Security Apparatus

Responsibility for internal and border security is shared by the police forces of the 16 states, the Federal Criminal Police Office (BKA), and the federal police. 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 offices for the protection of the constitution (OPCs) are responsible for gathering intelligence on threats to domestic order and certain other security functions. The FOPC reports to the Federal Ministry of the Interior, and the OPCs report to their respective state ministries of the interior. Civilian authorities maintained effective control over the police forces in all 16 states, as well as the BKA, the federal police, and the OPCs. The government has effective mechanisms to investigate and punish abuse, and there was a review of police behavior in Bonn following the 2017 G20 protests in Hamburg. There were no reports of impunity involving security forces during the year. The nongovernmental organization (NGO) Amnesty International Germany noted there is no nationwide requirement for police to wear identity badges. While police are not required to wear identity badges in North Rhine-Westphalia, they are required to wear badges in the states of Berlin, Brandenburg, Hamburg, and Saxony-Anhalt, as are riot police in the states of Rhineland-Palatinate, Hesse, Bremen, Schleswig-Holstein, Mecklenburg-West Pomerania, and Thuringia.

Arrest Procedures and Treatment of Detainees

Authorities must have a warrant issued by a judicial authority to arrest an individual. Police may also arrest individuals they apprehend in the act of committing a crime or if they have strong reason to suspect the individual intends

to commit a crime. The constitution requires authorities to bring a suspect before a judicial officer before the end of the day following the arrest. The judge must inform the suspect of the reasons for his or her detention and provide the suspect with an opportunity to object. The court must then either issue an arrest warrant stating the grounds for continued detention or order the individual's release. Authorities generally respected these rights.

Although bail exists, judges usually released individuals awaiting trial without requiring bail. Bail is only required in cases where a court determines that the suspect poses a flight risk. In such cases authorities may deny bail and hold detainees for the duration of the investigation and subsequent trial, subject to judicial review. The courts credit time spent in pretrial custody toward any eventual sentence. If a court acquits an incarcerated defendant, the government must compensate the defendant for financial losses as well as for "moral prejudice" due to his or her incarceration.

Detainees have the right to consult with an attorney of their choice, and the government provides an attorney at public expense if detainees demonstrate financial need. The law entitles a detainee to request access to a lawyer at any time including prior to any police questioning, and authorities must inform suspects of their right to consult an attorney before questioning begins.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence and have the right to be informed promptly and in detail of the charges against them. The trial shall be fair, public, and held without undue delay. The law requires that defendants be present at their trials. Defendants have the right to consult with an attorney of their choice, and the government provides an attorney at public expense if defendants demonstrate financial need. Defendants and their attorneys have the right to adequate time and facilities to prepare a defense, and the government provides an interpreter to any defendant who cannot understand or speak German and does so free of charge if

the defendant demonstrates financial need or is acquitted. Defendants have access to all court-held evidence relevant to their cases. Defendants may question the prosecution's witnesses, and may introduce their own witnesses and evidence in support of their case. Defendants may not be compelled to testify or confess guilt. Defendants have a right to appeal.

The law does not allow courts to punish a person twice for the same crime. A court may, however, order an offender convicted of rape, homicide, or manslaughter to spend additional time in "subsequent preventive detention" after completing a sentence. The court can only order preventive detention if it determines that the offender suffers from a mental disorder or represents a continuing serious danger to the public. The law permits the imposition of such detention for an indefinite period, subject to periodic reviews.

Because the law does not regard such detention as punishment, authorities are legally required to keep those in preventive detention in separate buildings or in special prison sections with better conditions than those of the general prisons. Authorities must also provide detainees with a range of social and psychological therapy programs. According to the Federal Statistics Office, 553 offenders were held under preventive detention through the end of March.

In February the Dortmund jury court acquitted the main suspect in the retrial of a 32-year-old murder case. In 1986 the court had found the 54-year-old suspect, a person with disabilities, guilty of murdering a seven-year-old boy and sentenced him to a psychiatric institution. Eleven years after the suspect's conviction, another man confessed to the crime. In 2013 the convicted individual's lawyer first learned of the confession and initiated court proceedings. The court acquitted the individual and awarded compensation for his imprisonment.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may file complaints about 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 court access for lawsuits seeking damages for, or cessation of, a human rights violation. Persons who exhaust

domestic legal remedies may appeal cases involving alleged government violations of the European Convention on Human Rights to the European Court of Human Rights.

Property Restitution

The government has laws and mechanisms in place, and NGOs and advocacy groups reported it made significant progress on resolution of Holocaust-era claims, including for foreign citizens. Since the end of World War II through 2017, according to the Federal Ministry of Finance, the government paid approximately 75.5 billion euros (\$86.8 billion) in Holocaust restitution and compensation. The country has also supported numerous public and private international reparation and social welfare initiatives to benefit Holocaust survivors and their families.

After World War II, the government adopted legislation, including the Federal Compensation Law and the Federal Restitution Law, to resolve compensation claims stemming from Nazi atrocities and Holocaust-era property confiscation. In 1952 the government designated the U.S.-based Conference on Jewish Material Claims against Germany (also known as the Jewish Claims Conference or JCC) as its principal partner in handling restitution and compensation claims made by Jewish victims of Nazi persecution.

In December the government and the JCC agreed that Jewish children who were evacuated in 1938 and 1939 to the United Kingdom without their parents (*Kindertransporte*) would receive a one-time 2,500-euro (\$2,875) payment.

Before German reunification in 1990, in accordance with the Federal Restitution Law, West German authorities provided property restitution and compensation payments for properties and businesses that were confiscated or transferred during the Holocaust era. For confiscated Jewish property that was located in what was formerly East Germany, the JCC filed additional claims under the 1990 Property Law, enacted after reunification. Since 1990 authorities have approved and granted restitution in 4,500 cases and provided compensation in approximately 12,000 cases. The JCC assumed ownership of and auctioned off heirless properties, using the proceeds to fund the organization's efforts to support Holocaust survivors and fund Holocaust education. There were approximately 5,000 assets pending processing at the Federal Office for Central Services and Unsettled Property Issues, including land, real estate, and company shares.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

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

The federal and state OPCs continued to monitor political groups deemed to be potentially undermining the constitution, including left-wing extremist groups inside the Left Party, which has seats in the Bundestag, and the right-wing extremist National Democratic Party (NPD). Monitoring requires the approval of state or federal interior ministries and is subject to review by state or federal parliamentary intelligence committees. In August the Bremen and Lower Saxony state OPCs began monitoring the youth organization of the right-wing, nativist Alternative for Germany (AfD) party due to right-wing extremists within the groups. The state OPCs in Bavaria and Brandenburg reported they were monitoring individual AfD members associated with right-wing extremists.

All OPC activities may be contested in court, including the Federal Constitutional Court. Following a 2014 Constitutional Court ruling, the government stated the FOPC would no longer monitor Bundestag members.

On May 24, Reporters without Borders announced an agreement with the Federal Intelligence Service to end the agency's monitoring metadata records of calls.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: While the government generally respected these rights, it imposed limits on 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 and Media Freedom: Independent media were active and expressed a wide variety of views with few restrictions. The limitations on press freedom are similar to those on expression.

Authorities banned 72 CDs, five books, and 26 journal articles for right-wing extremist, anti-Semitic, or racist content in 2017.

In January the *Bild* daily newspaper defied a Frankfurt court order and published an uncensored picture of an alleged looter during the 2017 G20 Summit in Hamburg. The court had ruled in July 2017 that *Bild* had either to stop publishing or to censor pictures of the individual *Bild* photographed stealing items, and the court upheld this ruling in December 2017. *Bild* argued that the “mission of the press” was to depict crimes committed at major events. In May a Frankfurt court ordered *Bild* to pay a 50,000 euro (\$57,500) fine for defying the court order.

Violence and Harassment: In August representatives of the anti-Islam Patriotic Europeans Against the Islamization of the Occident (PEGIDA) movement and the AfD party protested Chancellor Angela Merkel’s visit to Dresden (Saxony). During the demonstration a demonstrator (an off-duty police employee) claimed that privacy laws prohibited a camera team covering the demonstration from filming him, and he filed a complaint with police on the spot. Despite an exception to the privacy law allowing for coverage of public demonstrations, police held the journalists for 45 minutes, reportedly to verify their identities. The journalists stated that police hindered their coverage of the event. The complaint remained under investigation at year’s end. While Saxony’s minister-president denied any wrongdoing by police, Chancellor Merkel issued a statement in support of press freedom and noted that demonstrators should expect that they may be filmed.

Actions to Expand Freedom of Expression, Including for the Media: In August the Entertainment Software Self-Regulation Body introduced new regulations for video games permitting Nazi-related symbols such as swastikas to be displayed if they serve a teaching or artistic purpose, or cover current affairs or history.

On January 1, the repeal of the law protecting heads of state and foreign government institutions from public insults entered into force.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, with one notable exception, and there were no credible reports that the

government monitored private online communications without appropriate legal authority. The law permits the government to take down websites that belong to banned organizations or include speech that incites racial hatred, endorses Nazism, or denies the Holocaust. Authorities worked directly with internet service providers and online media companies to monitor and remove such content. As of July authorities monitored several hundred websites and social media accounts associated with right-wing extremists.

On January 1, legislation to combat hate speech on social networking sites went into effect. Social media companies are responsible for identifying hate speech and deleting content, and the law imposes short deadlines and financial penalties for noncompliance. Journalists and press organizations, as well as digital policy groups, voiced concerns that social media companies seeking to comply with the law may delete more content than necessary or install filters to block problematic content, and asserted this would result in a broad and chilling effect on freedom of speech. On January 23, the Committee to Protect Journalists reported that, to avoid legal entanglement, Twitter suspended the account of the online magazine *Titanic* when it posted a satirical parody of AfD politician Beatrix von Storch's anti-Muslim statement. The German Association of Journalists criticized the suspension, stating it was censorship and limited the freedom of the press. In June the Ministry of Justice stated that it had received 400 complaints about hate speech on social media, far below the 25,000 complaints it anticipated receiving after the law went into effect. Critics argued these statistics were evidence that social media companies were aggressively blocking content. In June, two politicians from the FDP complained in Cologne's administrative court that the law violates their freedom of communication.

In February the higher state court of Baden-Wuerttemberg sentenced a man to two and a half years in prison for operating the neo-Nazi website "Altermedia" under statutes criminalizing hate speech. The website, which the interior ministry removed in 2016, served as a platform for right-wing extremist networks and carried speech promoting Holocaust denial, as well as promoting hatred of foreigners, refugees, and Jews.

According to International Telecommunication Union statistics, 84 percent of the country's population used the internet in 2017.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

While the constitution provides for the freedoms of peaceful assembly and association, the government restricted these freedoms in some instances.

Freedom of Peaceful Assembly

While the constitution provides for the freedom of peaceful assembly, the government restricted this freedom in some instances. 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 when the applicant is from a prohibited organization, mainly right-wing extremist groups. In rare instances during the year, authorities denied such applications to assemble publicly. Authorities allowed several nonprohibited, right-wing extremist, or neo-Nazi groups to hold public rallies or marches when they did so in accordance with the law.

It is illegal to block officially registered demonstrations. 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. In October the immunity of the Green party Bundestag member Canan Bayran was lifted, and the Berlin police opened an investigation to determine whether she had blocked a demonstration. In February she reportedly blocked an antiabortion rally. The investigation continued at year's end.

Police detained known or suspected activists when they believed such individuals intended to participate in illegal or unauthorized demonstrations. The length of detention varied from state to state.

Foreign politicians may not hold rallies in Germany if they are election candidates in their country within three months of the proposed rally. In the months preceding the Turkish presidential election in June, local authorities canceled a number of rallies that featured Turkish cabinet ministers or politicians.

Freedom of Association

While the constitution provides for the freedom of association, the government restricted this freedom in some instances. 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 consisted of collecting information from public sources, 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- and right-wing political parties. Although the law stipulates that surveillance must not interfere with an organization's activities, representatives of some monitored groups, such as Scientologists, complained that the publication of the organizations' names contributed to prejudice against them.

The FOPC monitored approximately 16,500 so called *Reichsbuerger* ("citizens of the empire") and *Selbstverwalter* (self-administrators), a significant increase from the 10,000 monitored in 2016. These individuals denied the existence of the Federal Republic of Germany and rejected its legal system. The FOPC considered the groups to represent a potential threat due to their affinity for weapons and their contempt for national authorities. In 2017 members of *Reichsbuerger* and *Selbstverwalter* groups committed 911 politically motivated crimes; of these, authorities categorized 783 crimes as extremist and 130 as violent.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; 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 internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities in various states continued to detain for up to 18 months some asylum seekers whose applications were rejected pending their deportation. Courts permit authorities also to deport rejected asylum seekers without advance notification. Authorities could only detain asylum seekers, refugees, and migrants awaiting deportation to a country within the EU under the Dublin III regulation if there was evidence they posed a flight risk. In March authorities were holding 82 rejected asylum seekers pending deportation.

The government deported asylum seekers while their applications were pending review. One Uighur had an asylum hearing scheduled for the day he was returned to China, but state-level officials stated they did not receive a notification fax from the Federal Office for Migration and Refugees (BAMF) (see below, Refoulement). On August 13-15, the Council of Europe's Committee to Prevent Torture monitored treatment of unsuccessful asylum seekers during a charter flight returning them to Afghanistan.

Assaults on refugees, asylum seekers, and migrants; and attacks on government-provided asylum homes continued during the first half of the year. In February a man stabbed three refugees in the city of Heilbronn, Baden-Wuerttemberg. The attack severely injured a 25-year-old Iraqi man, and the other two men sustained minor injuries. In June prosecutors charged the suspect with attempted murder.

In-country Movement: Authorities issued three types of travel documents to stateless individuals, those with refugee and asylum status, and foreigners without travel documents. Stateless individuals received a "travel document for the stateless." Those with recognized refugee and asylum status received a "travel document for refugees." Foreigners from non-EU countries received a "travel document for foreigners" if they did not have a passport or identity document and could not obtain a passport from their country of origin.

Several states had an assigned residence rule requiring refugees with recognized asylum status to live within a specific city for a period of three years. As of April the states of Bavaria, Baden-Wuerttemberg, Hesse, North Rhine-Westphalia, Saarland, Saxony, and Saxony-Anhalt implemented the residence rule. Local authorities who supported the rule stated it facilitated integration and enabled authorities to plan for increased infrastructure needs, such as schools. In

September the administrative court in Muenster, North Rhine-Westphalia, ruled that, while North Rhine-Westphalia could require those with recognized refugee status to live within the state, it could not require them to live in a specific city.

Protection of Refugees

Refoulement: In August, Bavarian authorities deported a 22-year-old Uighur man to China (see above Abuse of Refugees, Migrants, and Stateless Persons) prior to his asylum hearing. The asylum seeker's lawyer was unable to establish contact with his client following his deportation and feared that Chinese authorities had detained him. In December the Ministry of Foreign Affairs confirmed the Uighur man had been arrested in China, and that they were working to have him returned to Germany.

In June the government lifted its deportation ban for Afghanistan, and three states began deportations to that country. Previous federal policy only permitted deportations of convicted criminals and those deemed a security risk. In August, 700 demonstrators in Munich protested the policy change. NGOs including Amnesty International criticized the policy as a breach of the principle of refoulement.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country faced the task of integrating approximately 1.3 million asylum seekers, refugees, and migrants who arrived between 2015 and 2017 as well as an additional 110,324 who requested asylum during the first six months of the year. The heavy influx of asylum seekers, refugees, and migrants taxed the country's infrastructure and resources.

The NGO Pro Asyl criticized the "airport procedure" for asylum seekers who arrive at the country's airports. Authorities stated the airport procedure was used only in less complex cases, and that more complex asylum cases were referred for processing through regular BAMF channels. Authorities maintained that only persons coming from countries that the government identified as "safe"--the member states of the European Union, as well as Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal, and Serbia--and those without valid identification documents could be considered via the "fast track procedure." The "fast track procedure" enabled BAMF to decide on asylum applications within a two-day period, during which asylum applicants were detained at the airport. If authorities denied the application, the applicant had the

right to appeal. Appeals were processed within two weeks, during which the applicant was detained at the airport. If the appeal was denied, authorities deported the applicant. The NGO Fluechtlingsrat Berlin criticized a similar “fast track” or “direct” procedure applied to some asylum seekers in Berlin. The organization claimed asylum applicants were not provided with sufficient time and access to legal counsel.

In April, BAMF suspended the head of its Bremen branch amid allegations the official improperly approved up to 2,000 asylum applications. According to media reports, the official colluded with three lawyers and a translator between 2013 and 2017 to divert Yazidi applicants to Bremen. In May the Chief Public Prosecutor in Nuremberg announced an investigation of BAMF President Jutta Cordt for failing to prevent the practices in Bremen. The Federal Court of Auditors is currently auditing BAMF, and the allegations prompted a large-scale internal BAMF review of 2018 asylum cases.

In August the government resumed issuance of family reunification visas for those with subsidiary protection, a measure suspended in late 2016. The government is authorized to approve reunification visas for up to 1,000 family members per month--defined as spouses, minor children, or parents--of individuals who have subsidiary protection.

In February a Yazidi woman with refugee status living in Schwaebisch Gmuend (Baden-Wuerttemberg) reportedly encountered the ISIS member who tortured and raped her in Iraq in 2014. The case raised concerns about the government’s ability to protect refugees and screen migrants for ties to ISIS and other terror groups. The woman reported the case to the police, who opened an investigation. Police stated, however, that they were unable to locate the perpetrator, who was not registered as a refugee or resident in Baden-Wuerttemberg. The woman reported she felt unsafe, and she returned to Iraq. In June the federal attorney general’s office in Karlsruhe opened an investigation in the case, which continued at year’s end. The Baden-Wuerttemberg interior ministry’s spokesperson reported there were seven reports of Yazidi women encountering their attackers in Germany, one of which was found to be unsubstantiated.

Safe Country of Origin/Transit: The country adheres to the EU’s Dublin III regulation, which permits authorities to turn back or deport individuals who entered the country through the “safe countries of transit,” which include the EU member states, Switzerland, Norway, Iceland, and Liechtenstein. The government did not return asylum seekers to Syria. The government defines “safe countries of

origin” to include Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal, Serbia, and EU states. The NGO Pro Asyl pointed out that refugees who under the Dublin III regulation fell into another EU state’s responsibility but could not be returned to that country, often remained in a legal grey zone. They were not allowed to work or participate in integration measures including German language classes.

Employment: Persons with recognized asylum status were able to access the labor market without restriction; asylum seekers whose applications were pending were generally not allowed to work during their first three months after applying for asylum. According to the Federal Employment Agency, approximately 482,000 refugees were unemployed as of July. Refugees and asylum seekers faced several hurdles in obtaining employment, including lengthy review times for previous qualifications, lack of official certificates and degrees, and limited German language skills.

The law excludes asylum seekers from countries considered “safe countries of origin” and unsuccessful asylum seekers who cannot be returned to the country through which they first entered the area covered by the Dublin III regulation from certain refugee integration measures, such as language courses and access to employment opportunities. The government did not permit asylum seekers and persons with a protected status from “safe countries of origin” to work if they applied for asylum after August 2015.

Access to Basic Services: State officials retain decision-making authority on how to house asylum seekers, refugees, and migrants, and whether to provide allowances or other benefits.

Pro Asyl criticized a refugee center in Manching, Bavaria, that was converted into a “transit center” in May. The center housed more than 1,000 refugees and could process asylum applicants in one location from start to finish. Critics claimed the center’s isolated location in an industrial area and a policy that did not allow NGOs to access the center made it difficult for refugees to seek legal counsel and enroll in education and language programs.

Several states, including Berlin, Brandenburg Bremen, Hamburg, Schleswig-Holstein, and Thuringia, provided medical insurance cards for asylum seekers. The insurance cards allow asylum seekers to visit any doctor of their choice without prior approval by authorities. In other states asylum seekers received a card only after 15 months, and community authorities had to grant permits to

asylum seekers before they could consult a doctor. The welfare organization Diakonie, however, criticized the medical insurance card system, which only enabled asylum seekers to access emergency treatment. Local communities and private groups sometimes provided supplemental health care.

Durable Solutions: The government accepted for resettlement and facilitated the local integration (including naturalization) of refugees who had already fled their countries of origin, particularly for refugees belonging to vulnerable groups. Such groups included women with children, refugees with disabilities, victims of trafficking in persons, and victims of torture or rape. Authorities granted residence permits to long-term migrants, asylum seekers, refugees, and migrants who could not return to their countries of origin.

The government assisted with the safe and voluntary return to their homes of asylum seekers, refugees, and migrants. In the first half of the year, authorities provided financial assistance to 1,500 individuals to facilitate voluntary returns to their country of origin. Beneficiaries were either rejected asylum seekers or foreigners without valid identification. The number of voluntary return beneficiaries decreased during the year, which BAMF attributed to the overall decrease in asylum seekers in the country.

The government also offered a return bonus of 800 to 1,200 euros (\$920 to \$1,380) per person to asylum seekers whose applications are pending but who are unlikely to have their applications approved. Among others, refugees from Iraq and Afghanistan extensively used the program.

Temporary Protection: The government provides two forms of temporary protection--subsidiary and humanitarian--for individuals who may not qualify as refugees. In the first six months of the year, the government extended subsidiary protection to 15,542 persons. This status is usually granted if a person does not qualify for refugee or asylum status but might face severe danger in his or her country of origin due to war or conflict. During the same period, 6,639 individuals were granted humanitarian protection. Humanitarian protection is granted if a person does not qualify for any form of protected status, but there are other humanitarian reasons the person cannot return to his or her country of origin (for example, unavailability of medical treatment in their country of origin for a health condition). Both forms of temporary protection are granted for one year and may be extended. After five years a person under subsidiary or humanitarian protection can apply for an unlimited residency status if he or she earns enough money to be independent of public assistance and has a good command of German.

Stateless Persons

UNHCR reported 13,458 stateless persons in the country at the end of 2017. Some of these persons lost their previous citizenship when the Soviet Union collapsed or Yugoslavia disintegrated. Others were Palestinians from Lebanon and Syria whom the government registered as stateless.

Laws and policies provide stateless persons the opportunity to gain citizenship on a nondiscriminatory basis. Stateless persons may apply for citizenship after six years of residence. Producing sufficient evidence to establish statelessness could often be difficult, however, because 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. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The Organization for Security and Cooperation in Europe and 45 parliamentarians from 25 countries observed the country's federal elections in September 2017 and considered them well run, free, and fair.

Political Parties and Political Participation: Political parties generally operated without restriction or outside interference unless authorities deemed them a threat to the federal constitution. When federal authorities perceive such a threat, they may petition the Federal Constitutional Court to ban the party. The court banned two parties in the 1950s.

Under the law each political party receives federal public funding commensurate with the party's election results in state, national, and European elections. Under the constitution, however, extremist parties who seek to undermine the constitution are not eligible for public funding. In April the Bundestag filed a request with the Federal Constitutional Court to determine if the right-wing extremist NPD is considered to be undermining the constitution and whether it is eligible for public funding.

In February the Lower Saxony parliament excluded the AfD party from the board of Lower Saxony's Holocaust Memorial Site Foundation. The law reduced the number of board members to four, leaving the AfD without a member as the fifth largest caucus after the SPD, the Christian Democratic Union (CDU), the Greens, and the FDP. The foundation oversees the concentration camp memorial site Bergen-Belsen. Holocaust survivors wrote an open letter worrying the AfD might trivialize the Nazi crimes. On July 30, the AfD challenged the constitutionality of the new law in Lower Saxony's State Constitutional Court.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: On February 28, Bundestag member Marcus Held (SPD) resigned as mayor of Oppenheim in Rhineland-Palatinate after he was charged with corruption. Mainz prosecutors investigated Held for embezzlement and bribery pertaining to irregular real estate dealings in Oppenheim. The Bundestag lifted Held's immunity in July and November 2017. As of September, Held was still a member of the Bundestag, but he went on medical leave in January, and at year's end his seat was inactive.

Financial Disclosure: Members of state and federal parliaments are subject to financial disclosure laws that require them to publish their earnings from outside employment. Sanctions for noncompliance range from an administrative fine to as much as half of a parliamentarian's annual salary. Appointed officials are subject to the public disclosure rules for civil servants, who must disclose outside activities and earnings. If the remuneration exceeds certain limits, which vary by grade, the employee must transfer the excess to the employing agency. Under the federal disciplinary law, sanctions for noncomplying officials include financial penalties, reprimand, or dismissal.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 were cooperative and responsive to their views.

Government Human Rights Bodies: A number of government bodies worked independently and effectively to protect human rights. The Bundestag has Committees for Human Rights and Humanitarian Aid, as well as Petitions. The Petitions Committee fields a variety of complaints from the public, including human rights concerns. The German Institute for Human Rights has responsibility for monitoring the country's implementation of its international human rights commitments, including treaties and conventions. The Federal Anti-Discrimination Agency (FADA) is a semi-independent body that studies discrimination and assists victims of discrimination. The Office of the Federal Commissioner for Persons with Disabilities has specific responsibility for protecting the rights of persons with disabilities. The justice ministry's commissioner for human rights oversees implementation of court rulings related to human rights protections.

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, of men and women, and provides penalties of up to 15 years in prison. The government enforced the law effectively. Officials may temporarily deny those accused of abuse access to their household without a court order or impose a restraining order. In severe cases of rape and domestic violence, authorities can prosecute individuals for assault or rape and require them to pay damages. Penalties depend on the nature of the case. The government enforced the law.

In 2017 more than 17,000 cases of sexual violence against men and women were reported to police.

On June 6, an Iraqi asylum seeker reportedly raped and killed a 14-year-old who was found dead in Wiesbaden. The suspect was also accused of twice raping an 11-year-old girl in a refugee shelter in March. Although the suspect initially fled to Iraq, he was subsequently returned to Germany and at year's end awaited trial in custody.

The federal government, the states, and NGOs supported numerous projects to prevent and respond to cases of gender-based violence, including providing victims with greater access to medical care and legal assistance. During the year approximately 350 women's shelters operated throughout the country. The NGO Central Information Agency of Autonomous Women's Homes (ZIF) reported accessibility problems, especially in bigger cities, because women who found refuge in a shelter tended to stay there longer due to a lack of available and affordable housing. ZIF stated the number of refugee women seeking protection in shelters rose following the refugee influx in 2015.

Female Genital Mutilation/Cutting (FGM/C): FGM/C of women and girls is a criminal offense punishable by one to 15 years in prison, even if performed abroad. Authorities can revoke the passports of individuals who they suspect are traveling abroad to subject a girl or woman to FGM/C. FGM/C affected segments of the immigrant population and their German-born children. A working group under the leadership of the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth worked with other federal government bodies and all 16 states to combat FGM/C.

Other Harmful Traditional Practices: The law criminalizes "honor killings" as murder and provides penalties that include life in prison. The government enforced the law effectively and financed programs aimed at ending "honor killings."

A court in Wuppertal, North Rhine-Westphalia, ruled that the killing of a 35-year-old Iraqi Yazidi woman, Hanaa S., was an honor killing, and in January sentenced her brother-in-law to life in prison. The court also sentenced the woman's 20-year-old son to nine and a half years in prison, and her husband and another brother-in-law each received sentences of 10 and a half years for accessory to murder.

Sexual Harassment: Sexual harassment of women was a recognized problem and prohibited by law. Penalties include fines and prison sentences of as many as five years. Various disciplinary measures against harassment in the workplace are available, including dismissal of the perpetrator. The law requires employers to protect employees from sexual harassment. 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. 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Men and women enjoy the same legal status and rights under the constitution, including under family, labor, religious, personal status, property, nationality, and inheritance laws. The government generally enforced the law effectively.

Children

Birth Registration: In most cases individuals derive citizenship from their parents. The law allows individuals to obtain citizenship if they were born in the country and if one parent has been a resident for at least eight years or has had a permanent residence permit for at least three years. Parents or guardians are responsible for registering newborn children. Once government officials receive birth registration applications, they generally process them expeditiously. Parents who fail to register their child's birth may be subject to a fine.

Child Abuse: There are laws against child abuse. Violence or cruelty towards minors, as well as malicious neglect, are punishable by five months to 10 years in prison. Incidents of child abuse were reported. The Federal Ministry for Family, Seniors, Women, and Youth sponsored a number of programs throughout the year on the prevention of child abuse. The ministry sought to create networks among parents, youth services, schools, pediatricians, and courts and to support existing programs at the state and local level. Other programs provided therapy and support for adult and youth victims of sexual abuse.

Early and Forced Marriage: The legal minimum age for marriage is 18 years.

The law no longer recognizes marriages conducted in other countries for minors younger than 18 years, even if the individual was of legal age in the country where the marriage was performed. Individuals ages 16 to 18 years can petition a judge on a case-by-case basis to recognize their foreign marriage if they faced a specific hardship from not having their marriage legally recognized.

Child and forced marriage primarily affected girls of foreign nationality. The media reported that at the end of April, immigration authorities registered 299 married minors, a decrease from 1,475 minors in 2016. The majority of married

minor registrants were from Syria; other countries of origin included Bulgaria, Greece, Romania, Iraq, and Afghanistan.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, offering, or procuring children for prostitution and practices related to child pornography, and authorities enforced the law. The minimum age for consensual sex is 14 years unless the older partner is older than 18 and is “exploiting a coercive situation” or offering compensation and the younger partner is under 16. It is also illegal for a person who is 21 or older to have sex with a child younger than 16 if the older person “exploits the victim’s lack of capacity for sexual self-determination.” The government’s Independent Commissioner for Child Sex Abuse Issues offered a sexual abuse help online portal and an anonymous telephone helpline free of charge.

In Staufen, Baden-Wuerttemberg, police charged the mother of a 10-year-old boy and her partner, a convicted child sex abuser, with the rape and sexual abuse of her son, as well as forced prostitution and distribution of child pornography. The couple also advertised the boy for sale online, and between April and August the Freiburg regional court sentenced a Swiss national, a Spanish citizen, and two Germans to prison for sentences ranging from eight to 10 years for raping and physically abusing the boy. In August the boy’s mother and her partner were sentenced to 12 and a half years in prison, followed by preventive detention. The case received extensive national media attention and led to strong criticism of the authorities involved, including child protective services and the court system, for failing to protect a child whom they reportedly knew to be in contact with a convicted child abuser.

Displaced Children: Police reported resolving 5,129 of the 6,186 cases of unaccompanied minor asylum seekers, refugees, and migrants identified in 2017. According to the NGO Federal Association for Unaccompanied Minor Refugees (BumF), many of these minors joined relatives. BumF noted that some unaccompanied minors might have become victims of human trafficking. For more information, please see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

According to estimates by the NGO Off Road Kids, as many as 2,500 children between the ages of 12 and 18 become at least temporarily homeless every year. Off Road Kids reported most runaways stayed with friends and were not living on the streets. These minors were generally school dropouts who did not receive

assistance from the youth welfare office or their parents, and instead used digital networks to find temporary housing.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

Observers estimated the country's Jewish population to be almost 200,000, of whom an estimated 90 percent were from the former Soviet Union. There were approximately 98,000 registered Jewish community members.

Manifestations of anti-Semitism, including physical and verbal attacks, occurred at public demonstrations, sporting and social events, in schools, in the street, in certain media outlets, and online. For example, on October 3 at a Unification Day demonstration in Berlin, media observed several participants performing the Nazi straight-arm salute, which is illegal in the country. Apart from anti-Semitic speech, desecration of cemeteries and Holocaust monuments represented the most widespread anti-Semitic acts. The federal government attributed most anti-Semitic acts to neo-Nazi or other right-wing extremist groups or persons. Jewish organizations also noted an increase of anti-Semitic attitudes and behavior among some Muslim youth.

According to government data, there were 401 anti-Semitic crimes in the country from January through June. The vast majority, 87 percent, came from the extreme right, the government stated. In 2017 the Ministry of Interior reported 1,504 anti-Semitic crimes, an increase from the 1,420 anti-Semitic crimes in 2016. Several prominent and violent incidents started a public debate about the extent and origin of anti-Semitism in the country's society. According to a report released in April 2017 by the Independent Expert Group on Anti-Semitism, modern anti-Semitism, such as conflating individual Jews with actions by Israel, remained prevalent. The report also noted anti-Semitism existed on both the extreme right and extreme left of the political spectrum as well as among Muslims in the country. NGOs working to combat anti-Semitism noted the reported number of anti-Semitic attacks was likely too low, and that a significant number of cases were unreported due to fear.

The FOPC's annual report stated the number of violent right-wing anti-Semitic incidents decreased from 31 in 2016 to 28 in 2017. It noted membership in skinhead and neo-Nazi groups remained steady at approximately 6,000 persons. Federal prosecutors brought charges against suspects and maintained permanent security measures around many synagogues.

In April prosecutors authorized the performance of a satirical play based on Adolf Hitler's book *Mein Kampf* in Constance, Baden-Wuerttemberg. The play's organizers promised free entry to spectators who wore the swastika, and those who paid for a ticket had to wear a Star of David "as a sign of solidarity with the victims of Nazi barbarism." Several legal complaints were filed against the theater. Although the law prohibits the public display of Nazi symbols, local prosecutors allowed the theater to hold the play and allow free entry for those wearing swastikas, citing free speech articles that permit artistic performances. The region's German-Israeli Society called for a boycott of the play.

In July in Bonn, North Rhine-Westphalia, a 20-year-old German with Palestinian roots assaulted a visiting Israeli professor from the Johns Hopkins University. The attacker, upon seeing the professor, shouted "No Jews in Germany!" and then knocked the professor's yarmulke off his head. When police arrived, the attacker fled the scene. The police mistakenly believed the victim was the attacker and used excessive force to detain him. Police later apprehended the perpetrator and charged him with incitement of hate and causing bodily harm. Cologne police opened an internal investigation and assigned the police officers involved in the incident to desk jobs pending the investigation's results.

In April rappers Farid Bang and Kollegah, whose songs include anti-Semitic lyrics, received the country's Echo music award based on high record sales. Following backlash from civil society and artists who had previously won the award, the German Music Industry Federation revoked the prize. In June the Duesseldorf Public Prosecutor's Office declined to prosecute the two rappers for incitement of hatred. The Duesseldorf prosecutor stated that, while their songs contained anti-Semitic and misogynist lyrics, prosecutors found they were characteristic of their genre and were a form of protected artistic freedom. Federal Foreign Minister Heiko Maas said on Twitter that the rappers' lyrics were "repugnant."

On August 27, a group of approximately 12 neo-Nazis reportedly attacked the kosher restaurant Schalom in Chemnitz. They shouted, "Get out of Germany you Jewish pig," threw stones and bottles at the restaurant, damaged the building's

facade, and shattered a window. The restaurant's owner, Uwe Dziuballa, was reportedly injured when a rock hit him on the shoulder.

On September 21, an estimated 100 neo-Nazis rallied in Dortmund, North Rhine-Westphalia, and chanted anti-Semitic slogans such as "He who loves Germany is anti-Semitic."

In December media reported that Frankfurt prosecutors were investigating five police officers who had exchanged right-wing extremist messages, including racist slogans, swastikas, and pictures of Hitler, via text message. Investigators began their work after a lawyer who defended victims' families in the 2013-18 trials related to the right-wing terrorist organization National Socialist Underground (NSU) received in August a threatening letter signed "NSU 2.0" at her private address, which was not publicly known. When she reported the threat, investigators found that an officer in Zeil had conducted an unauthorized search for her address and uncovered the right-wing extremist messages. At year's end the Frankfurt prosecutor's investigation into the five police officers and the Hesse criminal police investigation into potential additional cases continued.

The foreign minister condemned anti-Semitism in schools and several politicians called for action. In response to increased pressure from community groups and the perception that anti-Semitism was increasing, the federal government created the country's first federal anti-Semitism commissioner within the Ministry of Interior. The states of Rhineland-Palatinate, Baden-Wuerttemberg, Hessen, Bavaria, and North Rhine-Westphalia also decided to create state-level anti-Semitism commissioners. The positions' responsibilities varied by state but involved meeting with the Jewish community, collecting statistics on anti-Semitic acts, and designing education and prevention programs.

In 2017 the government adopted the International Holocaust Remembrance Alliance's definition of anti-Semitism: "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities. The law makes no specific mention of the rights of persons with sensory or intellectual disabilities, but their rights are considered included under the other headings. NGOs disagreed whether the government effectively enforced these provisions.

In December the federal government commissioner for matters relating to persons with disabilities, Juergen Dusel, reported that more than 84,000 individuals with disabilities were not allowed to vote in federal elections. The stated reason was that 81,000 of them were the subjects of court orders declaring they were not capable of independently managing their administrative and financial matters.

Persons with disabilities faced particular difficulties in finding housing.

State officials decide whether children with disabilities may attend mainstream or special needs schools. In 2016, 523,813 children with special education needs attended school; of these, 318,002 attended special needs schools. In some instances, teachers in mainstream schools protested against teaching students with special needs. In July a Bremen administrative court ruled a teacher could not refuse to teach five students with disabilities.

In March the German Institute for Human Rights reported that refugees with disabilities were in need of special protection but noted that authorities did not always register their special needs at arrival. The institute called on federal, state, and local authorities to identify refugees with disabilities and provide them with additional support.

In March a Duesseldorf court sentenced a 46-year-old defendant to two years and eight months in prison for blackmailing a 60-year-old mentally disabled and blind colleague. When the victim placed his arm on the shoulder of a female colleague, the defendant told him that this was a severe sexual assault, but that he would not report the case to police if the victim paid him 3,000 euros (\$3,450), an amount he later increased to 8,000 euros (\$9,200).

National/Racial/Ethnic Minorities

The annual FOPC report for 2017 recorded 1,054 violent, politically motivated crimes committed by individuals with right-wing extremist backgrounds. Of these, 744 were categorized as xenophobic.

The fatal stabbing of a German man, reportedly by two immigrants sparked a series of anti-immigrant demonstrations in Chemnitz. On August 26, the AfD and PEGIDA organized a nonviolent gathering for 100 far-right supporters in Chemnitz. Later that same day, approximately 800 persons gathered for a spontaneous protest in downtown Chemnitz, including right-wing extremists. The demonstrators overwhelmed police, reportedly shouted xenophobic slogans, and tried to attack those who appeared to be migrants. Protests continued, and on August 27, approximately 6,000 right-wing demonstrators and 1,500 counterprotestors again took to the streets of Chemnitz. Newscasts showed right-wing extremists giving the Hitler salute, which is illegal, and chanting anti-immigrant slogans. During the demonstrations 18 demonstrators and two police officers were injured.

Harassment of foreigners and members of racial minorities such as Roma remained a problem throughout the country. Hostility focused on the increasing number of asylum seekers, refugees, and migrants from the Middle East and Africa.

The NGO Amoro Foro documented 252 cases of discrimination against Sinti and Roma individuals in 2017 in Berlin. According to the NGO, most of the incidents occurred in contact with public authorities such as job centers, educational institutions, and healthcare centers.

Persons of foreign origin faced particular difficulties finding housing. FADA reported cases of landlords denying rental apartments to persons not of ethnic-German origin, particularly of Turkish and African origin, in order to maintain a majority ethnic-German population in certain neighborhoods.

In the lead-up to the Bavarian state elections in October, the AfD party in Bavaria hung campaign posters calling for “Islam-free schools,” which the party explained as a call to end “Islamic education and headscarves in schools.”

From December 2017 through April, Tafel, an NGO food bank in Essen, suspended issuance of membership cards to foreign nationals. Foreign nationals reportedly comprised 70 percent of the organization’s food aid, and several German clients complained they were treated rudely by young foreign men. In May the food bank announced new membership rules, stating that individuals who

were handicapped, single parents, single and older than 50, and families with children would receive preference.

In June a court in Hagen, North Rhine-Westphalia, sentenced a 56-year-old man to a two-year suspended sentence for grievous bodily harm. In November 2017 the man stabbed Altena mayor Andreas Hollstein in the neck while shouting, “You let me die of thirst, but you bring 200 foreigners to town.” In May 2017 Altena had won the first-ever National Prize for Integration for accepting more refugees beyond the assigned quota.

In August the Higher Administrative Court in Muenster, North Rhine-Westphalia, overruled a lower court’s sentence and decided that the identity check of a citizen of color in 2013 at a train station violated the law’s basic nondiscrimination principle. According to the ruling, police cannot conduct identity checks solely based on skin color.

In March 2017, a 20-year-old Serbian Rom sued the state of North Rhine-Westphalia for damages and compensation. He claimed he was wrongfully diagnosed as having mental disabilities when he entered elementary school in Bavaria. In July, Cologne’s local court ruled the plaintiff was entitled to compensation.

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

The law prohibits discrimination based on sexual orientation and gender identity. LGBTI activists criticized the requirement that transgender persons be diagnosed as “mentally ill” in order to obtain legal gender recognition.

In 2017 the Federal Constitutional Court ruled it was unconstitutional for birth certificates to offer only “male” and “female” sex markers. In December parliament passed a law allowing for a third sex marker on government forms for intersex individuals. The law also allows intersex individuals to update retroactively their first name and sex marker on their birth certificates. Individuals are required to present a medical certificate when electing to use the intersex sex marker. Activists expressed concern that the new sex marker would apply only to those with a medical certificate and to intersex, and not transgender, individuals.

In March the LGBTI magazine *Siegessäule* reported a series of attacks on transgender sex workers in Berlin. Groups of men reportedly drove up to the victims, threw objects at them, and threatened them with knives.

HIV and AIDS Social Stigma

The NGO German AIDS Foundation reported that societal discrimination against persons with HIV/AIDS ranged from isolation and negative comments from acquaintances, family, and friends to bullying at work. A domestic AIDS service NGO continued to criticize authorities in Bavaria for continuing mandatory HIV testing of asylum seekers.

Other Societal Violence or Discrimination

In March unknown perpetrators wrote anti-Muslim graffiti on the Fatih Mosque in Bremen-Groepelingen. The Bremen Police State Protection unit investigated. The chair of the Fatih Mosque, Zekai Gumus, called on the Bremen senate and authorities to solve the crime, noting police had not identified suspects responsible for a 2017 attack on the mosque.

In July in Berlin an unknown person or persons poured a flammable substance over two homeless individuals while they were sleeping and set them on fire. Both men suffered severe burns. Police were investigating at year's end.

Civil society organizations continued to report discriminatory identity checks by police on members of ethnic and religious minorities.

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. Wildcat strikes are not allowed. The law prohibits antiunion discrimination and offers legal remedies to claim damages, including the reinstatement of unlawfully dismissed workers.

Some laws and regulations limit these labor rights. While civil servants are free to form or join unions, their wages and working conditions are determined by legislation, not by collective bargaining. All civil servants (including some

teachers, postal workers, railroad employees, and police) and members of the armed forces are prohibited from striking. In June the Federal Constitutional Court upheld the prohibition on civil servants' right to strike, rejecting a motion from four teachers seeking permission to strike. The court also held that the prohibition is consistent with the European Convention on Human Rights.

Employers are generally free to decide whether to be a party to a collective bargaining agreement. Even if they decide not to be a party, companies must apply the provisions of a collective agreement if the Ministry of Labor and Social Affairs declares a collective bargaining agreement generally binding. Employers not legally bound by collective bargaining agreements often used them to determine part or all of their employees' employment conditions. Employers may contest in court a strike's proportionality and a trade union's right to take strike actions. The law does not establish clear criteria on strikes, and courts often rely on case law and precedent.

The government enforced applicable laws effectively. Actions and measures by employers to limit or violate freedom of association and the right to collective bargaining are considered unlawful and lead to fines. Penalties were adequate and remediation efforts were sufficient.

Laws regulate cooperation between management and work councils, including the right of the workers to information about company operations that could affect them. Work councils are independent from labor unions but often have close ties to the sector's labor movement. The penalty for employers who interfere in work councils' elections and operations is up to one year in prison or a fine. Findings from 2017 showed that a considerable number of employers interfered with the election of work council members or tried to deter employees from organizing new work councils. This led to calls by labor unions to strengthen legislation that shields employees seeking to exercise their rights under the law.

In response to a parliamentary inquiry submitted in February, North Rhine-Westphalia's justice ministry disclosed that in 2017 it responded to 47 complaints on the obstruction of work councils. No wrongdoing was found in 38 cases, eight investigations were pending, and one case resulted in an indictment.

b. Prohibition of Forced or Compulsory Labor

The constitution and federal law prohibit all forms of forced or compulsory labor. Penalties for forced labor range from six months to 10 years in prison and were generally sufficient to deter violations.

The government effectively enforced the law when they found violations, but NGOs questioned the adequacy of resources to investigate and prosecute the crime. Some traffickers received suspended sentences, consistent with the country's sentencing practices for most types of crime.

There were reports of forced labor involving adults, mainly in construction and the food service industry. There were also reported cases in domestic households and industrial plants. In 2017 police completed 11 labor-trafficking investigations that identified 180 victims, mostly from Macedonia (29 percent) Romania (22 percent), and Latvia (22 percent). The nationality of 39 victims (22 percent) was unknown.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and provides for a minimum age of employment, including limitations on working hours and occupational safety and health restrictions for children. The law prohibits the employment of children younger than 15 with a few exceptions: Children who are 13 or 14 may perform work on a family-run farm for up to three hours per day or perform services such as delivering newspapers, babysitting, and dog walking for up to two hours per day, if authorized by their custodial parent. Children between the ages of 13 and 15 may not work during school hours, before 8 a.m. or after 6 p.m.; or on Saturdays, Sundays, or public holidays. 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 items weighing more than 22 pounds, perform work requiring an unsuitable posture, or engage in work that exposes them to the risk of an accident. Children between the ages of three and 14 may take part in cultural performances, but there are strict limits on the kind of activity, number of hours, and time of day.

The government effectively enforced the applicable laws and penalties were generally sufficient to deter violations. Isolated cases of child labor occurred in small, family-owned businesses, such as cafes, restaurants, family farms, and

grocery stores. Inspections by the regional inspection agencies and the resources and remediation available to them were adequate to ensure broad compliance.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in all areas of occupation and employment, from recruitment, self-employment, and promotion to career advancement. Although origin and citizenship are not explicitly listed as grounds of discrimination in the law, victims of such discrimination have other means to assert legal claims. The law obliges employers to protect employees from discrimination at work.

The government effectively enforced these laws and regulations during the year. Employees who believe they are victims of discrimination have a right to file an official complaint and to have the complaint heard. If an employer remains inactive or fails to protect the employee effectively, employees may remove themselves from places and situations of discrimination without losing employment or pay. In cases of violations of the law, victims of discrimination are entitled to injunctions, removal, and material or nonmaterial damages set by court decision. Penalties were sufficient to deter violations.

In 2017 FADA's quadrennial report found serious discrimination risks at the country's employment agencies. For example, staff at government-run local employment agencies discriminated against single parents or persons with disabilities, in some instances, leading to missed opportunities for job seekers. FADA highlighted that applicants of foreign descent and with foreign names faced discrimination even when they had similar or better qualifications than others. FADA stated the majority of complaints concerned the private sector, where barriers for persons with disabilities persisted.

In 2017, three female teachers in Berlin filed separate lawsuits against schools after not being hired, accusing the schools of having rejected them because they wore headscarves. The schools invoked the neutrality act that prohibits teachers from wearing religious symbols at work. In February, one defendant received 8,680 euros (\$9,980) after the Berlin labor court concluded the school violated equal opportunity laws. In May the same court found against the second teacher, ruling that the state administration had the right to transfer its teachers to any other post of the same salary level. In July the Berlin labor court decided in favor of the third complainant, ordering compensation of approximately 7,000 euros (\$8,050).

In November the State Labor Court of Berlin and Brandenburg awarded approximately 5,000 euros (\$5,750) in compensation to a job applicant for discrimination on the grounds of religion. The job applicant, a trained information technology (IT) expert, claimed that her job application to work as a teacher was denied because she wore a headscarf. The trained IT expert had applied for a post as a teacher. In May the local labor court had ruled that because teachers served as a model for young students, the school was justified in limiting her religious freedom and asking her to teach without her headscarf. The state court saw no indication that the teacher wearing a headscarf would have threatened “school peace,” quoting the Federal Constitutional Court’s 2015 decision that this was a necessary condition for prohibiting teacher’s from wearing headscarves.

The law provides for equal pay for equal work. In March the Federal Statistical Office found the gross hourly wages of women in 2017--16.56 euros (\$19.04)--were on average 21 percent lower than those of men, which were 21 euros (\$24). It blamed pay differences in sectors and occupations in which women and men were employed, as well as unequal requirements for leadership experience and other qualifications as the principal reasons for the pay gap. Women were underrepresented in highly paid managerial positions and overrepresented in some lower-wage occupations (see section 7.d.). FADA reported women were at a disadvantage regarding promotions, often due to career interruptions for child rearing.

The law imposes a gender quota of 30 percent for supervisory boards of certain publicly traded corporations. It also requires approximately 3,500 companies to set and publish self-determined targets for increasing the share of women in leading positions (executive boards and management) by 2017 and to report on their performance. Consequently, the share of women on supervisory boards of those companies bound by the law increased from approximately 20 percent in 2015 to 30 percent in 2017. Meanwhile, the representation of women on management boards in the top 200 companies remained at 8 percent.

There were also reports of employment discrimination against persons with disabilities. The unemployment rate among persons with disabilities decreased to 11.4 percent in 2017, remaining considerably higher than that of the general population (on average 5.7 percent for 2017). Employers with 20 or more employees must hire persons with more significant disabilities to fill at least 5 percent of all positions; companies with 20 to 40 employees must fill one position with a person with disabilities, and companies with 40 to 60 employees must fill two positions. Each year companies file a mandatory form with the employment

office verifying whether they meet the quota for employing persons with disabilities. Companies that fail to meet these quotas pay a monthly fine for each required position not filled by a person with disabilities. In 2017 more than 123,000 employers did not employ enough persons with disabilities and paid fines.

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.

e. Acceptable Conditions of Work

The nationwide statutory minimum wage is 8.84 euros (\$10.17) per hour, which represents 47 percent of the median hourly wage for full-time employees in the country, hence below the internationally defined “at-risk-of poverty threshold,” which is two-thirds of the national median wage. The minimum wage does not apply to persons under 18, long-term unemployed persons during their first six months in a new job, or apprentices undergoing vocational training, regardless of age. Sectors setting their own higher minimum wages through collective bargaining, included construction, the electrical trades, painting, scaffolding, roofing, financial services, forestry and gardening, stonemasonry and chimney sweeping, cleaning services, nursing care, meat processing, the vocational training industry, special mining services, and temporary employment agencies.

The government effectively enforced the laws and monitored the compliance with the statutory and sector-wide minimum wages and hours of work through the Customs Office’s Financial Control Illicit Work Unit (FKS). The FKS conducted checks on 52,000 companies in 2017 and initiated 5,442 criminal proceedings. Employees may sue companies if employers fail to comply with the Minimum Wage Act, and courts may sentence employers who violate the provisions to pay a substantial fine.

Federal regulations set the standard workday at eight hours, with a maximum of 10 hours, and limit the average workweek to 48 hours. For the 78 percent of employees who are directly or indirectly affected by collective bargaining agreements, the average agreed working week under current agreements is 37.7 hours. According to the Federal Statistical Office, the actual average workweek of full-time employees was 41.7 hours in 2016. The law requires a break after no more than six hours of work, stipulates regular breaks totaling at least 30 minutes, and sets a minimum of 24 days of paid annual leave in addition to official holidays.

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.

Extensive laws and regulations govern occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace.

The Federal Ministry of Labor and Social Affairs and its state-level counterparts monitored and enforced occupational safety and health standards through a network of government bodies, including the Federal Agency 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 was sufficient to ensure compliance.

While the number of work accidents continued to decline among full-time employees, workplace fatalities increased to 451 in 2017, up from 425 in 2016. Most accidents occurred in the construction, transportation, postal logistics, wood, and metalworking industries.