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1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the first chamber of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states enjoy significant autonomy, especially as concerns law enforcement and the courts, education, the environment, and social assistance. The judiciary is independent.

Law enforcement is primarily a responsibility of state governments, and the police are organized at the state level. The jurisdiction of the Federal Criminal Office is limited to counterterrorism, international organized crime, especially narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general are well trained, disciplined, and mindful of citizens' rights, although there were instances of police abuse.

A well-developed industrial economy provides citizens with a high standard of living.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. However, instances of police abuse continued, especially involving foreigners. Societal violence and harassment directed at foreign residents continued. However, crimes against foreign residents continued to decline, decreasing by 25 percent in the first 10 months of the year, compared with the same period of 1998. Anti-Semitic incidents also continued to decline, by 27 percent during the first 9 months of the year, compared to the same period in 1998. The Government is taking serious steps to address the problem of violence against women and children. Women continue to face some wage discrimination in the private sector, as do members of minorities and foreigners. Trafficking in women and girls is a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government officials.

An investigation is ongoing in the case of Aamir Ageeb, a Sudanese asylum seeker, who died on May 28 during a deportation flight while in the custody of Federal Border Police. The Border Police apparently handcuffed the man, put a helmet on his head, and forced his head downward during takeoff because he was resisting deportation violently. After Ageeb stopped struggling, officers pulled him upright, removed the helmet, and noticed that he was not breathing; doctors on board were unable to revive him.

In September authorities in Austria located two members of the Red Army Faction, Horst Ludwig Meyer and Andrea Klump, who were wanted for the 1986 murder of Siemens manager Karl Heinz Beckurts, the 1989 attack on Deutsche Bank President Alfred Herrhausen, and other terrorist acts. On September 15, Austrian authorities detained Klump and shot and killed Meyer during the arrest attempt. Klump is likely to be extradited to Germany.

On September 1, Michael Steinau and Bernhard Falk, members of a leftwing terrorist organization, the Anti-Imperialist Cell (AIZ), were convicted on four charges of attempted murder and sentenced in connection with a series of 1995 bombing attacks against the homes of German politicians and the Peruvian Honorary Consulate in Duesseldorf. Falk was sentenced to 13 years and Steinau to 9 years. The two men also are suspected in the 1994 attacks against the Christian Democratic Union and Free Democratic Party offices.

The trial of Yasser Mohammed Shraydi, Ali Chanaa (alias Alba), his former wife, Verena Helga Chanaa (a German national), and his wife's sister, Andrea Haeusler (also a German), in the case of the April 1986 bombing of the Berlin discotheque La Belle, which began in 1997, is not expected to reach a verdict for at least 2 years. The attack killed 1 Turkish citizen and 2 U.S. citizens and injured 230 persons. The trial continued at year's end.

German courts continued to try individuals involved in the shooting deaths of East Germans who attempted to flee to West Germany before the fall of the Berlin Wall. In December the Federal Court of Justice rejected former East German Politburo member Egon Krenz's appeal; he was sentenced to 6 1/2 years in prison for his role in East Germany's shoot-to-kill policy at the East-West German border. Krenz appealed to the Federal Constitutional Court, where the case remained at year's end. His appeal before the European Court for Human Rights also is still pending. Also convicted with Krenz and sentenced to three years in prison were Gunter Schabowski and Gunter Kleiber. Schabowski is serving his sentence while Kleiber was granted a suspension of his incarceration due to ill health.

Alfons Gotzfried, an ethnic German who immigrated to Germany from Kazakhstan in 1991, was accused of being an accessory in the murder of 70,000 persons, mostly Jews, at the Majdanek Concentration Camp during World War II. Gotzfried admitted after the war that he took part in the mass shooting of 500 Jews at the camp. Although he was convicted for National Socialist crimes and was sentenced to 25 years of hard labor in the

Soviet Union, he faced trial and possible reimprisonment in Germany since he was not convicted in a German court and since there was no treaty between the Federal Republic of Germany and the former Soviet Union covering such crimes. In May Gotzfried was tried, convicted, and sentenced to 10 years' imprisonment by a court in Stuttgart. However, he was not required to serve his prison sentence because of his advanced age (he is in his late 80's) and because he served time in a Soviet gulag for the same crime.

German courts have tried several alleged war criminals to ease the caseload of the International Criminal Tribunal for the Former Yugoslavia in The Hague, including a Duesseldorf court's sentencing of Maksim Sokolovic in November, and a Bavarian state court's sentencing of Djurdadj Kusljic in December for crimes committed in Bosnia in 1992 (see Section 4).

In February an Algerian asylum seeker died after he reportedly was attacked and chased by skinheads in Guben (see Section 5).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and the authorities generally respect these prohibitions; however, there continue to be instances of excessive use of force by the police, especially against foreigners. Amnesty International published a report in July that found that police treatment of foreigners in custody showed "a clear pattern of abuse." The Council of Europe issued a report in May on mistreatment of foreigners at the Frankfurt am Main airport, following allegations of authorities' excessive use of force during enforcement of removal orders. Based on medical reports, the report confirmed that in February 1998 an Iranian suffered injury during removal, although the Government could not verify that the injury was a result of his treatment by border police. The alien reported that border police officers punched and kicked him and squeezed his genitals while he was handcuffed. He reported that after he was placed on an airplane and attempted to escape, border guards beat him again. A complaint was filed against the officers involved, and in September the case was dropped since the charges could not be substantiated. The Iranian was deported in December 1998 after an appeal was upheld. The report cites two other cases of alleged abuse at the airport. In July 1997 border guards allegedly beat a Turkish citizen while handcuffed, and in June 1997 border guards allegedly beat a Turkish citizen while in handcuffs and shackles prior to his deportation. During 1997 and the first half of 1998 eight investigations were launched against border guards at the airport for alleged physical abuse of foreigners while performing their official duties.

The Government prosecutes police who mistreat persons in custody. For example, in May 1998, a Frankfurt (Oder) Brandenburg court sentenced 3 police officers from Bernau for physically mistreating Vietnamese detainees in 11 cases between the summer of 1993 and the summer of 1994. In addition, the three police officers were suspended from duty in 1994 after initial charges were filed and subsequently were banned from any future work as police officers. A fourth officer had to pay a fine of \$3,330 (DM 5,400) for failing to stop the mistreatment of the detainees. The Attorney General's office appealed the sentence for being insufficient. The case was pending at year's end.

A bomb exploded on March 9 at the Saarbruecken Community College where there was a controversial exhibit documenting military atrocities during World War II; it caused no injuries but damage was estimated at over \$1 million (DM 1.89 million) (see Section 5).

Some protests by Kurds in February after the detention of Abdullah Ocalan turned violent, resulting in police injuries (see Section 2.b.).

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Basic Law prohibits arbitrary arrest and detention, and the Government observes this prohibition. A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime, or the police have strong reason to believe that the person intends to commit a crime. Any person detained by police must be brought before a judge and charged by the day after the arrest. The court then must issue an arrest warrant stating the grounds for detention or order the person's release. Police often detain known or suspected right and leftwing radicals for brief periods when the police believe such individuals intend to participate in illegal or unauthorized demonstrations. For example, in August police detained about 25 persons suspected of heading for illegal rallies to mark the 11th anniversary of the death of Rudolf Hess (see Section 5). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension.

If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. The right of free access to legal counsel has been restricted only in the cases of terrorists suspected of having used contacts with lawyers to continue terrorist activity while in prison. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country.

The Basic Law prohibits exile, and the Government does not use forced exile.

e. Denial of Fair Public Trial

The Basic Law provides for an independent judiciary, and the Government respects this provision in practice.

The court system is highly developed and provides full legal protection and numerous possibilities for judicial review. Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition, there are four types of specialized courts: Administrative, labor, social, and fiscal. These courts also exist on different levels, with the possibility for appeal to the next higher level.

Separate from these five branches of jurisdiction is the Federal Constitutional Court, which is not only the country's supreme court but an organ of the Constitution with

special functions defined in the Basic Law. Among other things, it reviews laws to ensure their compatibility with the Constitution and adjudicates disputes between constitutional organs on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority.

The judiciary provides citizens with a fair and efficient judicial process, although court proceedings are sometimes delayed due to ever increasing caseloads.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, of Correspondence

The Basic Law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

In September a teacher in Lower Saxony was barred from wearing a headscarf in the classroom. In July 1998, the authorities supported the decision of the Stuttgart school district not to hire a Muslim woman for a teaching position in a public school because she wore a traditional headscarf. The case was pending at year's end (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Basic Law provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. Propaganda of Nazi and other proscribed organizations, as well as statements endorsing nazism, are illegal.

The authorities seek to block what they consider dangerous material on the Internet. The Teleservices Law of 1997 bans access to prohibited material (for example, child pornography and Nazi propaganda). The law's implications regarding the possible liability of Internet service are not yet clear. In May 1998, a Munich court sentenced the former head of Compuserve's German operations to 2 years' probation and fined him \$60,000 (DM 100,000) for distributing pornographic materials on the Internet. In November a Munich appeals court overturned the conviction. The court found that the accused was not in a position to shut down incriminated newsgroups permanently and therefore could not be charged with complicity in the distribution of illegal materials. However, the law still holds managers liable if they do not take sufficient action against prohibited Internet content.

In June French politician Jean-Marie Le Pen was found guilty of inciting hatred--a criminal offense--at a public appearance in Munich in 1997 for referring to the gas chambers as a detail in history. Le Pen was fined several thousand marks. He did not appeal. In September a French appeals court confirmed the Munich verdict. In November Frederick Toben, a German-born Australian Holocaust revisionist, was sentenced to 10 months in prison (7 months already served were applied to that sentence) for denying the Holocaust or that Nazis killed millions of Jews. He was released from a Mannheim prison after posting a bond. Toben is the director of the Adelaide Institute, which questions the

reality and scope of the Holocaust.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly, and the Government respects this right in practice. Permits must be obtained for open-air public rallies and marches. Authorities can, and occasionally do, deny such permits due to concern for public safety or to prevent outlawed organizations from holding public assemblies. For example, rallies and marches by neo-Nazis and rightwing radicals commemorating the death of Nazi official Rudolf Hess are banned routinely.

After the detention of Abdullah Ocalan, Kurdish sympathizers staged massive and at times violent protests in at least 10 cities on February 16. Authorities reported clashes with protesters in Duesseldorf, Leipzig, Cologne, Frankfurt, Stuttgart, and Hamburg, resulting in police injuries. Protesters stormed and occupied many diplomatic buildings, and police officers made numerous arrests. Israeli security personnel shot and killed four Kurds who were storming the Israeli Consulate General in Berlin (see Section 5).

The law provides for freedom of association, and the Government respects this right in practice. The Basic Law permits the banning of organizations whose activities are found to be illegal or opposed to the liberal democratic order as established by the Basic Law. A party that has participated in an election can be outlawed only by the Federal Constitutional Court. Other organizations may be banned by the federal or state governments; legal recourse against such decisions is possible. A 1950's ruling by the Federal Constitutional Court outlawed a neo-Nazi and a Communist party. A number of other organizations that authorities generally classify as rightwing or leftwing, foreign extremist, or criminal, are banned. State governments may outlaw only organizations that are active solely within their state, with activities crossing state boundaries coming under federal jurisdiction. Although authorities banned a number of organizations in 1998, no further organizations were banned during the year. In addition, several hundred organizations were under observation by the federal and state Offices for the Protection of the Constitution (OPC). The OPC's are charged with examining possible threats to the democratic system; they have no law enforcement powers, and OPC monitoring by law may not interfere with the organizations' continued activities.

c. Freedom of Religion

The Basic Law (Constitution) provides for religious freedom, and the Government respects this right in practice. Most religious organizations are treated as nonprofit associations and therefore enjoy tax-exempt status. In order to grant this status, state-level authorities must find that the organization operates on a nonprofit basis and contributes socially, spiritually, or materially to society.

Church and state are separate, although historically a special partnership exists between the State and those religious communities that have the status of a "corporation under public law." If they fulfill certain requirements, including an assurance of permanency, minimum size of the organization, and an indispensable loyalty to the State, organizations may request that they be granted "public law corporation" status, which, among other things, entitles them to levy taxes on their members that are collected by the State for the church. All public law corporations do not avail themselves of this privilege. The decision

to grant public law corporation status is made at the state level. The Berlin state government has denied Jehovah's Witnesses public law corporation status. State governments also subsidize various institutions affiliated with such public law corporations, such as church-run schools and hospitals. State subsidies also are provided to some religious organizations for historical and cultural reasons. Many religions and denominations have been granted public law corporation status. Among them are the Lutheran and Catholic Churches and Judaism, as well as the Church of Jesus Christ of Latter-Day Saints, Seventh-Day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army.

Jehovah's Witnesses are appealing to the Constitutional Court an April 1993 decision of the Berlin state government that had denied the church public law corporation status. In 1997 the Federal Administrative Court in Berlin upheld the Berlin state government's decision. The Court concluded that the group did not offer the "indispensable loyalty" towards the democratic state "essential for lasting cooperation" because, for example, it forbade its members from participating in public elections. The group does enjoy the basic tax-exempt status afforded to most religious organizations.

In September the Lower Saxony ministry of education barred a teacher in Lower Saxony from wearing a headscarf in the classroom. She filed suit against the ruling. The case continued at year's end. In July 1998, the Baden-Wuerttemberg minister of education supported the decision of the Stuttgart school district not to hire a Muslim woman for a teaching position in a public school because she wore a traditional headscarf. The minister took the position that the scarf was a political symbol of female submission rather than a religious practice prescribed by Islam. The minister permitted the woman to conduct the practice teaching required for her degree, but argued that allowing a teacher to wear a headscarf on the job would violate the religious and political neutrality legally required of all civil servants, including teachers. She is now a teacher at a Berlin public school for Muslims, where she is allowed to wear a headscarf. The case was pending at year's end (see Section 1.f.).

The Church of Scientology remained under scrutiny by both federal and state officials who contend that it is not a religion but an economic enterprise. According to representatives of the Church of Scientology, while the public debate over the Church's status and operations has diminished somewhat in intensity compared to previous years, instances of governmental bias and discrimination remain. Authorities sometimes sought to deregister Scientology organizations previously registered as nonprofit associations and require them to register as commercial enterprises. In 1997 the Federal Administrative Court in Berlin declared that a registered nonprofit association, religious or otherwise, could engage in entrepreneurial activities as long as these were only supplementary and collateral to its nonprofit goals, and sent an appeal concerning the deregistration of a Scientology organization in the state of Baden-Wuerttemberg back to a lower level for further review. In December the Stuttgart administrative court ruled that Baden-Wuerttemberg could not deregister the Church of Scientology as an ideological nonprofit organization, stating that Scientology's activities could not be classified as commercial if such activities were used to accomplish the organization's ideological purposes. In August the city of Munich revoked the nonprofit status of the local Scientology organization. In June the Munich administrative court rejected an appeal by the Church of Scientology and upheld the November 1995 decision by the city of Munich to deprive the Scientology-affiliated Celebrity Center Munich of its status as a nonprofit organization. The city had

argued that the center allegedly was brainwashing and financially exploiting its members. However, the court ruled that the only relevant point was whether the purpose of the center was to make money. During a March visit to the country by a lawyer for the Church of Scientology, officials in the Foreign Ministry refused to engage in a dialog with the Church and decided not to meet with the attorney. According to officials from the Ministry of Foreign Affairs, the Charge of the German Embassy in a western country met with a Scientology representative in 1996, but no tangible progress resulted from the meeting. Therefore government officials concluded that it was not worthwhile to meet with Scientology representatives again, since they do not believe that the Church has changed those practices that the Government finds unacceptable. Moreover, federal government officials believe that this issue is primarily one for the states to handle.

Some government officials allege that Scientology's goals and methods are antidemocratic and call for further restrictions on Scientology-affiliated organizations and individuals. For example, during a March meeting with a lawyer representing the Church of Scientology and members of the working group on Scientology in the Hamburg interior ministry, Hamburg state officials expressed their belief that the Church is a criminal organization with a totalitarian ideology. In 1997 authorities of the federal and state OPC's placed Scientology under observation for 1 year because of concerns raised by some offices that there were indications that Scientology may pose a threat to democracy. Under the observation decision, OPC officials seek to collect information, mostly from written materials and firsthand accounts, to assess whether a "threat" exists. More intrusive methods would be subject to legal checks and would require evidence of involvement in treasonous or terrorist activity. Federal OPC authorities stated that no requests had been made to employ more intrusive methods, nor were any such requests envisioned. In 1998 federal and state OPC's agreed to continue the observation of Scientology. One state, Schleswig-Holstein, did not agree to implement such observation, since its constitution does not permit such activity. Observation by state OPC's, with the exception of Schleswig-Holstein, continued at year's end. No criminal charges have been brought against Scientology by the Government. Scientology filed a suit in Berlin to enjoin the Berlin Interior Ministry from the alleged practice of bribing members of Scientology to "spy" on other members. The case continued at year's end.

Most major political parties continued to exclude Scientologists from membership, arguing that Scientology is not a religion but a for-profit organization whose goals and principles are antidemocratic and thus incompatible with those of the political parties. However, there has been only one known instance of enforcement of this ban.

In June 1998, the commission established in 1996 to investigate "so-called sects and psycho-groups," including Scientology, presented its final report to Parliament. The report concluded that these groups did not pose a threat to society and state; however, it called upon the Government to introduce legislation for consumer protection in the "psycho-market" and highlighted the need for the Government to inform the public about dangers to health and property posed by psycho-cults and groups. Particular emphasis was placed on Scientology because it allegedly pursued policies of "misinformation and intimidation" of its critics, according to the report. The report did not classify Scientology as a religion, but as a profit-oriented psycho-group with totalitarian internal structures and undemocratic goals. The commission contended that there were concrete indications that Scientology was a political extremist organization, and recommended to Parliament that observation of Scientology continue. The report also recommended that because of its

derogatory connotation the term "sect" should be avoided, and that instead the designation "new religious and ideological communities and psycho-groups" be used.

The interministerial group of mid-level federal and state officials that exchanges information on Scientology-related issues continued its periodic meetings. The group published no report or policy compendium during the year and remains purely consultative in purpose.

Between 1996 and 1998 a number of states published pamphlets warning of alleged dangers posed by so-called sects and ideological groups, including the Church of Scientology. The brochures are provided to the public free of charge. The Bavarian interior ministry provides two brochures, released in 1998, warning against the Church of Scientology. "The Scientology System" and "Scientology: An Anti-Constitutional Movement" warned about alleged hard-sell methods by the Church and asserted that Scientology was striving for world power. The Bavarian interior minister asserted that the Church even was ordering the commission of criminal acts and compared its psychological methods to those of the former East German secret police. The Hamburg OPC published "The Intelligence Service of the Scientology Organization," which outlines its claim that Scientology tried to infiltrate governments, offices, and companies, and that the Church spies on its opponents, defames them, and "destroys" them. The government of Schleswig-Holstein published brochures detailing initiatives directed against such groups, including Scientology, as well as what it sees as the legal basis for public action against these groups. Lower Saxony's Office of Youth Protection booklet on such groups describes Scientology as a multinational combine rather than a religion and claims that Scientology has a rigid hierarchy and that it severely punishes its members if they violate its codes; and Mecklenburg Vorpommern also publishes a booklet describing various groups, among them Scientology.

Scientologists continued to report discrimination, alleging both government-condoned and societal harassment because of their church affiliation. A number of state and local government offices share information on individuals suspected of being Scientologists. "Sect-filters," statements by individuals that they are not affiliated with Scientology and which, in practice, are not applied to members of other groups, are used by some state, local, and federal agencies, businesses (including major international corporations), and other organizations to discriminate against Scientologists in business and social dealings. The Federal Ministry of Economics imposed the use of sect filters on companies bidding for contracts to provide training courses. Some state governments also screen companies bidding contracts relating to training and the handling and processing of personal data. The Federal Property Office has barred the sale of some federal real estate to Scientologists, noting that the Federal Finance Ministry has urged that such sales be avoided, if possible. Scientologists assert that business firms whose owners or executives are Scientologists, as well as artists who are church members, faced boycotts and discrimination, sometimes with state and local government approval. Other church members reported employment difficulties, and, in the state of Bavaria, applicants for state civil service positions must complete questionnaires detailing any relationship they may have to Scientology. The questionnaire specifically states that the failure to complete the form will result in the employment application not being considered. Bavaria identified some state employees as Scientologists and required them to complete the questionnaire. Some of those employees refused and filed complaints with the Labor and Administrative Courts. The cases are pending. However, according to Bavarian and

federal officials, no one in Bavaria lost a job, was denied employment, or suffered any infringement of rights by public officials or entities solely because of association with Scientology. Bavarian officials also contended that a Scientologist was teaching in a Munich public school and that another Scientologist was a member of the Bavarian Ministry of Culture. During the year, Hamburg city officials expressed public concern about Microsoft Windows 2000, because one of its software functions was developed by a company whose chief executive officer is a Scientologist. The Bavarian interior ministry warned against overreacting to such concerns.

In a well-publicized court case, a higher social court in Rheinland-Pfalz ruled in January that a Scientologist was allowed to run her au pair agency, for which the state labor ministry had refused to renew her license in 1994, solely based on her Scientology membership. The judge ruled that the question of a person's reliability hinges on the person herself and not on her membership in the Church of Scientology. The ruling is under appeal by the state labor office. No damages had yet been awarded by year's end.

Scientologists continued to take grievances to the courts. Legal rulings have been mixed. In recent years, some individuals who had been fired because they were Scientologists took their employers to court for "unfair dismissal." Several reached out of court settlements with employers.

Scientology held exhibitions in Munich, Stuttgart, and Hamburg to explain the Church to citizens. Although Scientologists reported that the exhibitions were a success, Scientology encountered serious difficulties in renting space in major hotels and convention centers. In some cases reservations were cancelled because hotels said that they feared a loss of business if they allowed Scientology to rent exhibition space.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to move anywhere within the country, to travel abroad, to emigrate, and to repatriate, without restrictions that violate human rights.

For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. Through 1999 other persons could apply for citizenship (and with it the right of unrestricted residence) if they met certain requirements, including legal residence for at least 10 years (5 if married to a German), renunciation of all other citizenships, and a basic command of the language. Authorities may use discretion in granting naturalization to persons who have resided in the country for 10 years; however, a new provision is to be enacted on January 1, 2000 granting persons who have resided in the country 8 years the right to naturalization upon application. Long-term legal residents often opt not to apply; they receive the same social benefits as do citizens, and after 10 years of legal residency they are entitled to permanent residence.

The Basic Law and subsequent legislation provide for the right of foreign victims of political persecution to attain asylum and resettlement. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

During the year asylum applications dropped to their lowest level since the amendment of the asylum law in 1993, when the criteria for granting asylum were tightened. There were 95,113 applications for asylum (down 3.6 percent from 1998). The acceptance rate was 3 percent, and 4.5 percent were granted a limited suspension of deportation orders.

Persons coming directly from any country that officials designate as a "safe country of origin" cannot normally claim political asylum but may request an administrative review of their applications while in Germany. Persons entering via a "safe third country"--any country in the European Union or adhering to the Refugee Convention--are also ineligible for asylum.

The law limits legal recourse against denials of asylum applications. Critics argue that few countries can assuredly be designated as "safe third countries" and that the law unjustly fails to allow applicants to rebut such designations. While the law permits appeals against designations of "safe countries of origin," critics protest that the 48-hour period allotted for hearings is too brief. However, the Constitutional Court upheld the constitutionality of the amendments in 1996.

During the first half of the year, more foreigners arrived in the country than departed: 319,608 arrivals (up 16 percent over 1998) compared to 235,918 departures (down 19 percent).

State authorities continued to repatriate Bosnian refugees, unless they qualified for an extension of stay on certain humanitarian grounds. Some national officials, the UNHCR, and domestic refugee support organizations have cautioned that the refugees' place of origin and ethnicity should be given careful consideration in the implementation of returns. During the year, certain states (Bavaria) resumed the deportation of refugees from the Republika Srpska region of Bosnia on the grounds that conditions there had improved. The Bavarian interior ministry also gave local offices for foreigners discretion to deny resident permits to refugees "suspected" of abusing repatriation programs to other countries. Munich city officials began requiring refugees claiming to be victims of torture or violence to provide some proof of their claims in order to remain in the country. Since 1992 320,000 Bosnian refugees lived in Germany under "temporary protection" (first asylum), and another 25,000 applied for asylum. During the year, an estimated 21,000 refugees returned to Bosnia voluntarily (compared with 92,000 during the same period in 1998). According to unofficial estimates, approximately 65,000 Bosnian refugees remained in the country at year's end. Among those are an estimated 20,000 who are considered to be unable to return, due primarily to their traumatized state. However, even those refugees who left Germany "voluntarily" were subjected to tremendous pressure. If they did not leave on their own they could have been deported, permanently excluded from reentering the country, and had all their property confiscated, excluding clothing and suitcases. The overwhelming majority of Bosnians legally residing in the country have limited residence permits with no enforceable right to have these permits extended. Once their residence permits expire, foreigners are liable to arrest and incarceration for up to 6 weeks pending a final decision regarding deportation. The Federal Government pays Bosnian refugees who choose to leave the country between \$765 and \$2,550 (DM 1,350 and DM 4,500) to aid in travel and resettlement costs. Many states provide additional resettlement funds.

With the increase in tensions in Kosovo, German states ceased the deportation of Kosovar

Albanians in September 1998 but began deportations again in November 1999. In April the Government stopped processing asylum applications from Kosovar Albanians, effectively granting them a temporary stay in the country. Authorities began processing applications again in October. The Federal Government evacuated from the Former Yugoslav Republic of Macedonia over 14,720 Kosovar Albanian refugees to Germany during the spring. A total of 9,600 of these refugees voluntarily returned to Kosovo. The rest remain in asylum and refugee centers. An additional 15,000 war refugees from Kosovo who came to Germany through their own means were granted temporary protection, and there are a total of 180,000 Kosovar Albanians in the country. In November authorities began deportations of Kosovar Albanians, especially those serving prison sentences for criminal convictions. In November the Annual Conference of Federal and State Interior Ministers agreed to begin the return of "considerable" numbers of Kosovar Albanians in spring 2000.

An investigation is ongoing into the death of a Sudanese asylum seeker who died during a deportation flight while in the custody of Federal Border Police (see Section 1.a.).

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

The Basic Law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections. The government is elected on the basis of universal suffrage and secret balloting. Members of the Parliament's first chamber, the Bundestag, are elected from a mixture of direct-constituency and party-list candidates. The second chamber, the Bundesrat, is composed of delegations from state governments.

The law entitles women to participate fully in political life, and a growing number are prominent in the Government and the parties. Slightly under 31 percent of the members of the Federal Parliament are female. Women occupy 5 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges are women, including the Chief Justice. All of the parties have undertaken to enlist more women. The Greens/Alliance 90 Party requires that women constitute half of the party's elected officials; both party cochairpersons are female, as are 57.5 percent of the party's federal parliamentary caucus members. The Social Democrats have a 40-percent quota for women on all party committees and governing bodies. The Christian Democrats require that 30 percent of the first ballot candidates for party positions be women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

German courts have tried several alleged war criminals to ease the caseload of the International Criminal Tribunal for former Yugoslavia in The Hague. In November a Duesseldorf court sentenced Maksim Sokolovic, a Bosnian Serb and resident of Germany, to 9 years in prison for crimes committed in Bosnia in 1992. In December a Bavarian state court sentenced Djurdadj Kusljic to life in prison after he was convicted for the murder of six Muslims in Bosnia in 1992 (see Section 1.a.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits denial of access to housing, health care, or education on the basis of race, religion, disability, sex, ethnic background, political opinion, or citizenship. The Government enforces the law effectively.

Women

While violence against women occurs and almost certainly is underreported, it is prohibited by laws that are enforced effectively. Societal attitudes toward such violence are strongly negative, and legal and medical recourse is available. Police statistics on rape, including attempted rape, showed a 19 percent increase to 7,914 cases in 1998 from 6,636 cases in 1997. However, in 1998 for the first time statistics on spousal rape, which is illegal, were included in these figures, making comparisons with previous years difficult.

The Government conducted campaigns in the schools and through church groups to bring public attention to the existence of such violence and proposed steps to counter it. The Federal Government has supported numerous pilot projects throughout the country. There are, for example, 387 "women's houses", including 116 in the East, where victims of violence and their children can seek shelter, counseling, and legal and police protection.

Trafficking in women and forced prostitution also are forbidden by law; however, trafficking in women and girls is a serious problem (see Section 6.f.). In recent years, the Federal Ministry for Women and Youth commissioned a number of studies to gain information on violence against women, sexual harassment, and other matters, producing, for example, a special report on violence against women in 1995. More recently, the Ministry's public information poster campaign to combat violence against women and discriminatory behavior has been highly visible in schools, official buildings, and public spaces.

Union contracts typically identify categories of employment in which participants are to be paid less than 100 percent of the wage of a skilled laborer covered by the same contract. Women are disproportionately represented in these lower-wage scale occupations.

In June the Government adopted a national platform of action, "Women and Occupation," which called for regulations to promote the equality of women and men in the workplace, including equal opportunity plans with binding quotas for women in employment and vocational training within the jurisdiction of the federal administration; greater representation of women in political advisory councils, in which women now make up 12.7 percent of representatives; a mandatory government report on the development of earnings and the economic situation of women during every legislative period; measures to promote vocational training of women in information technology and engineering professions; and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women.

Children

The Government demonstrates a strong commitment to children's rights and welfare

through well-funded systems of public education and medical care. Public education is provided and is mandatory through the age of 16.

The Government recognizes that violence against children is a problem requiring its attention. Police figures indicate that there were 16,596 cases of sexual abuse of children in 1998, a 1.7 percent decrease from 16,888 in 1997. Officials believe that the number of unreported cases may be much higher. The Child and Youth Protection Law stresses the need for preventive measures, and the Government has taken account of this in stepping up its counseling and other assistance.

The Criminal Code was amended in 1993 and in December 1997 to further protect children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year's imprisonment; the sentence for distribution is 5 years. The 1993 amendment made the sexual abuse of children by German citizens abroad punishable even if the action is not illegal in the child's own country.

People with Disabilities

There is no discrimination against the disabled in employment, education, or in the provision of other state services. The law mandates several special services for disabled persons, and the Government enforces these provisions in practice. The disabled are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offers vocational training and grants for employers who hire the disabled. The severely disabled may be granted special benefits, such as tax breaks, free public transport, special parking facilities, and exemption from radio and television fees.

The Federal Government set guidelines for the attainment of "barrier-free" public buildings and for modifications of streets and pedestrian traffic walks to accommodate the disabled. All 16 states have incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a "barrier-free environment."

Religious Minorities

Anti-Semitic acts continued to decline, decreasing 28 percent, with 433 incidents reported in the first 9 months of 1999, compared with 552 in the same period in 1998. These incidents included, in part, 314 cases of the distribution of anti-Semitic materials or the display of symbols of banned organizations, 27 cases of desecration of cemeteries, and 12 cases of bodily injury. For example, on October 4, the Berlin Jewish cemetery was desecrated; 103 headstones were overturned and 25 headstones were broken. The attack was the single largest act of desecration since the end of World War II. However, police did not classify the act as an "anti-Semitic act" since no swastikas or anti-Semitic tracts were found in the cemetery. On October 4, swastikas were painted on the Bertolt Brecht memorial in downtown Berlin. On October 5, swastikas were found painted on the Holocaust memorial at the Putlitz Bridge in Moabit. The overwhelming majority of the perpetrators of anti-Semitic acts were frustrated, largely apolitical youths and a small core of rightwing extremists.

In June French politician Jean-Marie Le Pen was found guilty of inciting hatred in 1997

for referring to the gas chambers as a detail in history, and in November Australian Holocaust revisionist Frederick Toben was sentenced to 10 months in prison for slander and for insulting the memory of the deceased (see Section 2.a.).

During the year the International Commission on Holocaust-Era Insurance Claims worked to establish a plan for European insurance companies to pay Holocaust-era life insurance claims. The companies had refused to pay many legitimate claims during and after World War II. In August the Commission announced agreement on payment of claims at the rate of approximately 10 times the face value of policies. A claims process was expected to begin on January 31, 2000. Representatives of claimants appear to be satisfied with the proposed solution to this long outstanding issue, although some details of the program remain undecided.

Scientists continued to report instances of societal discrimination (see Section 2.c.).

There was no progress during the year in the investigation of the 1998 bombing of the grave of Heinz Galinski, chairman of the Jewish Community of Berlin until his death in 1992.

National/Racial/Ethnic Minorities

The number of antforeigner crimes continued to decline, decreasing 25.6 percent in the first 10 months of the year, compared with the same period in 1998. However, skinhead attacks on foreigners increased in the eastern part of the country during the year. Also, in March the Government announced that rightwing extremism was on the rise and reaching more persons through the use of the Internet and skinhead rock groups whose songs have racist lyrics. There were a total of 1,193 xenophobic crimes reported in the first 10 months of the year, compared with 1,498 such crimes during the same period in 1998. Of these, 256 were violent attacks, including 231 cases of attacks on persons and 25 cases of arson. Among the total number of xenophobic crimes reported were 278 cases of the distribution of materials or the display of symbols of banned organizations. The percentage of such crimes was significantly higher in the eastern states. As in previous years, most of these offenses were directed against foreign residents.

Perpetrators of antforeigner violence were predominantly young, male, and low in socioeconomic status; they often committed such acts spontaneously and while inebriated. Some offenders were rightwing extremists, such as neo-Nazis and "skinheads." However, many could best be described as rightwing-oriented, having loose, if any, practical or ideological ties to extremist groups. Other perpetrators were apolitical. The Federal OPC reported that 53,600 persons belonged to far-right organizations in 1998, an increase of 14 percent from 48,400 in 1997, including 8,200 persons described as violent, an increase from 7,600 in 1997.

In February Farid Guendoul, an Algerian asylum seeker, died after he reportedly was attacked and chased by skinheads in the eastern town of Guben. Guendoul was at a disco with friends when a group of neo-Nazi skinheads arrived and an altercation broke out. Guendoul and his friends fled the disco but the neo-Nazis pursued them in cars. Guendoul threw himself through a glass door of an apartment building to escape the skinheads who were yelling, "Foreigners out!" Guendoul bled to death. When police officers arrived on the scene, they arrested Guendoul's African friend and held him for 8 hours before

realizing their mistake. Swastikas were painted next to the door where Guendoul died, 2 days after the incident. Authorities arrested 11 neo-Nazis on charges of manslaughter and breach of the peace. Their trial began in June and continued at year's end. In 1998 there were 93 racist attacks in the state of Brandenburg, where Guben is located, including several attacks that led to severe injury.

Some state governments, particularly in eastern Germany, established special commissions to deal with incidents of antiforeigner violence.

The federal and state governments were committed firmly to combating and preventing rightwing violence and continued to search for more effective law enforcement measures, as well as measures aimed at the societal roots of extremist crimes. Police in the eastern states continued to move toward reaching standards of effectiveness characteristic of police in the rest of Germany and demonstrated greater coordination in preventing illegal rightwing and neo-Nazi activities.

On March 9, a bomb exploded at the Saarbruecken Community College, where a controversial exhibit documenting German military atrocities during World War II was being displayed. There were no injuries reported, but damages were estimated at \$1 million (DM 1.89 million). The exhibit had been the focus of criticism by veterans' groups and rightwing extremists who believe that it portrays all servicemen as coconspirators in Nazi war crimes. Rightwing protests, often violent, frequently have surrounded the traveling exhibit since its opening several years ago. However, the exhibit was withdrawn after a number of photographs were proven not to depict German soldiers (see Section 1.c.).

On January 31, police arrested 10 extreme rightists in Berlin after authorities broke up a party commemorating the 66th anniversary of Adolf Hitler's accession to power. According to the authorities, those who were arrested had illegal neo-Nazi paraphernalia. During the raid on what police described as a "conspiratorial music event" that was attended by approximately 300 extreme rightists, three police officers were injured.

In November 1998, the Magdeburg memorial to Roma and Sinti murdered during the Nazi era was desecrated, only 2 days after it was unveiled.

Isolated attacks targeting Turkish establishments and individuals occurred. Although some attacks were linked to rightwing perpetrators, most were attributed to intra-Turkish political or private disputes, but none were directly attributable to the Kurdistan Workers' Party (PKK). Several trials of PKK members were nevertheless under way.

Following the arrest in March of Turkish PKK leader Abdullah Ocalan, a group of Kurdish protesters tried to storm the Israeli Consulate General in Berlin. Israeli guards shot and killed three Kurds, and a fourth died later of his injuries (see Section 2.b.). Jewish and Kurdish leaders in Germany worked together with Berlin police to investigate the incident.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affects foreigners disproportionately, though this in part is due to the sometimes inadequate language skills or nontransferable professional qualifications of the job seekers. The Federal Government

and all states have established permanent commissions to assist foreigners in their dealings with government and society.

In January border guards refused entry to two groups of Czech and Slovak Roma because they did not have the required amount of money per day, \$29 (DM 50), for entry. However the majority of persons crossing the border allegedly were not required to prove that they had the required sum. The Federal Border Police state that, in view of the visa free transits prevailing at this border, persons not in possession of bank or credit cards routinely are required to show they that have the minimum necessary financial means for their intended stay.

In September the rightwing German People's Union (DVU) won 5.3 percent of the vote in the Brandenburg state election. It is now represented in the eastern states of Brandenburg and Saxony-Anhalt, where it won 13 percent in April 1998. These victories triggered a debate about whether eastern Germany was susceptible to extremist views. However, it appeared that support for the party came primarily from protest voters who were frustrated with the mainstream parties' inability to deal with the issues of crime and unemployment. The DVU lost elections in Mecklenburg-Vorpommern and in Thuringen. The overwhelming majority (62 percent) of rightwing extremists now live in eastern Germany although only one-fifth of the overall population resides there. Of the approximately 8,200 rightwing extremists who are classified as "prone to violence" (according to federal statistics), 47 percent live in the East.

In 1997 the Government pledged to protect and foster the languages and cultures of the national and ethnic minorities that have lived traditionally in Germany (e.g., Sorbs, Danes, Roma, Sinti, and Frisians). In July 1998, the Saxony state government passed a law to protect the Sorb minority, and the Hesse government recognized Romani as a minority language.

Although the Government has recognized the Sinti and Roma as an official "national minority" since 1995, the Federal Interior Ministry and individual states have thus far resisted including Romani among the languages to be protected and cultivated under the European Charter on Regional and Minority Languages. During the year, the Hesse government had indicated its willingness to meet the obligations of the Charter to protect Romani, although the other states have not yet followed suit. According to the Chairman of the Central Council of German Sinti and Roma, the Sinti/Romani minority is the only one of the national minorities recognized by the Government that does not have any unique legal protection, political privilege, or reserved representation in certain public institutions. According to the chairman, opinion polls indicated that 60 percent of Germans opposed protected status for Sinti and Roma, and public statements of government officials and the media continued to perpetuate prejudice against Sinti and Roma.

The state of Saxony passed a new law in July to protect the Slavic Sorb minority. The law grants Sorb status to the broadest possible spectrum of residents living near the Polish border. The law, together with the recently negotiated agreement between Saxony and Brandenburg, also ensures the Sorb community a steady flow of state financing for educational and cultural activities through the newly established Foundation for the Sorb Nation. Saxony and Brandenburg contribute \$4.23 million (DM 8 million) each annually to the foundation, and the Federal Government contributes \$8.47 million (DM 16

million). At the time of the agreement it was expected that the federal contribution would be lowered to \$4.23 million (DM 8 million) by 2007.

In May Parliament approved a new citizenship law that allows children born to legal foreign residents to become citizens. Children can retain both their parents' nationality and a German passport until the age of 23, when they must choose one or the other. The law also decreases the period of residence in the country required for foreign residents to earn the right to naturalization from 15 years to 8 years. The law was approved by the Bundesrat and was scheduled to go into effect on January 1, 2000. The law was the subject of considerable public debate.

Section 6 Worker Rights

a. The Right of Association

The right to associate freely, choose representatives, determine programs and policies to represent workers' interests, and publicize views is recognized and freely exercised. Some 32.1 percent of the total eligible labor force belong to unions. The German Trade Union Federation (DGB) represents 81.4 percent of organized workers.

The Basic Law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) has criticized the Government's definition of "essential services" as overly broad. The ILO was responding to complaints about sanctions imposed on teachers who struck in the state of Hesse in 1989 and, earlier, the replacement of striking postal workers by civil servants. In neither case did permanent job loss result. The ILO continued to seek clarifications from the Government on policies and laws governing the labor rights of civil servants.

Compared with previous years, strike activity declined further in 1998. Only 4,000 workers participated in strikes, and only 16,000 work days were lost. There were no notable strikes during the year.

The DGB participates in various international and European trade union organizations.

b. The Right to Organize and Bargain Collectively

The Basic Law provides for the right to organize and bargain collectively, and this right is widely exercised. Due to a well-developed system of autonomous contract negotiations, mediation is uncommon. Basic wages and working conditions are negotiated at the industry level and then are adapted, through local collective bargaining, to particular enterprises.

However, some firms in eastern Germany have refused to join employer associations, or have withdrawn from them and then bargained independently with workers. Likewise, some large firms in western Germany withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system. However, they have not refused to bargain as individual enterprises. The law mandates a system of works councils and worker membership on supervisory boards, and thus workers participate in the management of the

enterprises in which they work. The law thoroughly protects workers against antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Basic Law prohibits forced or compulsory labor, including forced or bonded child labor, and there were no reports that it occurred, apart from trafficking in women and forced prostitution.

A number of lawsuits have been filed by former slave and forced laborers seeking compensation for their suffering during the Nazi era. In February corporations pledged to create a compensation fund for those persons used as forced and slave labor during World War II. On December 17, the Government, representatives of seven interested nations whose nationals had been subjected to slave and forced labor, class action lawyers, and a number of German companies agreed that the Government and the corporations would pay \$5.2 billion (DM 10 billion) to a foundation. Once established, the foundation is to make payments to Nazi-era public and private sector forced and slave laborers as well as to all those who suffered at the hands of German companies during this period. In addition, a portion of this amount is to be used to establish a future fund to support Holocaust remembrance, education, international understanding, and the interests of heirs and survivors of Nazi injustice. Further negotiations are to be conducted in 2000 to determine the allocation of the funds among various classes of claimants. At the earliest, it was expected that payments could be made in late 2000.

d. Status of Child Labor Practices and Minimum Age for Employment

Federal law generally prohibits the employment of children under the age of 15, with a few exceptions: those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforces the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work

There is no legislated or administratively determined minimum wage. Wages and salaries are set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering about 90 percent of all wage- and salary-earners, these agreements set minimum pay rates and are legally enforceable. These minimums provide an adequate standard of living for workers and their families. The number of hours of work per week is regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers is 36 hours in western Germany and about 39 hours in the eastern states.

Federal regulations limit the workweek to a maximum of 48 hours. Provisions for overtime, holiday, and weekend pay vary depending upon collective bargaining agreements.

Foreign workers are protected by law and generally receive treatment equal to that of German workers. However, foreigners who are employed illegally, particularly in the construction industry in Berlin, are especially susceptible to substandard wages. Wage discrimination also affects legal foreign workers to some extent. For example, seasonal workers from Eastern Europe who come to Germany on temporary work contracts often receive wages below normal German standards. Furthermore, workers from other European Union countries sometimes are employed at the same wages that they would receive in their home country, even if the corresponding German worker would receive a higher wage.

An extensive set of laws and regulations on occupational safety and health incorporates a growing body of European Union standards. These provide for the right to refuse to perform dangerous or unhealthy work without jeopardizing employment. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforce occupational safety and health standards through a network of government organs, including the Federal Institute for Work Safety. At the local level, professional and trade associations--self-governing public corporations with delegates both from the employers and from the unions--oversee worker safety.

f. Trafficking in Persons

Trafficking in women and forced prostitution are forbidden by law; however, trafficking in women and girls is a serious problem. The laws against trafficking in women were modified in 1992 and 1998 to deal more effectively with problems stemming from the opening of Germany's eastern borders; trafficking in persons is punishable by up to 10 years in prison. Germany is a destination and transit country for trafficked women. Estimates vary considerably on the number of women and girls trafficked to and through the country, ranging between 2,000 and 20,000 per year. Most trafficking victims are women and girls between the ages of 16 and 25 who are forced to work as prostitutes. According to police statistics, less than one-half of one percent of trafficking victims are men or boys. Of the women trafficked to the country through fake employment offers, arranged marriages, fraud, and coercive measures, 80 percent come from eastern Europe and the countries of the former Soviet Union, primarily from Poland, Ukraine, and the Czech Republic. The other 20 percent of trafficking victims come from Southeast Asia, Africa, and Latin America. The Federal Ministry for Families, the Elderly, Women, and Youth heads an Interagency Working Group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. According to statistics from the Federal Criminal Office, authorities initiated criminal proceedings or charges of trafficking in persons against 751 persons in 1998. The Federal Ministry for Families, the Elderly, Women, and Youth has lobbied states successfully to provide victims of trafficking who have been detained by police 4 weeks to leave the country, rather than face immediate deportation. The 4-week grace period allows the victims time to decide whether to cooperate with police on investigations of those suspected of trafficking. Those who cooperate, although they are very few in number, are granted a temporary stay for at least part of the proceedings and may be eligible for witness protection, although there is no formal nationwide program to protect such witnesses. In three cases during recent years, the children of women in the witness protection program were brought to the country to prevent possible retaliation against them due to the mother's testimony. However, protection ends once the case is concluded. Trafficking victims who cannot

afford to pay for their return tickets home may be eligible for state and federal funds for transportation and some pocket money. The Government funds the publication of a brochure that provides information on residency and work requirements, counseling centers for women, health care, warnings about trafficking, and information for sex-industry workers that is printed in 13 languages and distributed by NGO's and German Consulates abroad. State authorities provide funding for NGO's to counsel and care for victims of trafficking. For example, the city of Berlin provides about \$260,000 (DM 500,000) annually for two NGO's that care for and counsel trafficked women. The city provides an additional \$155,000 (DM 300,000) annually to women's shelters for trafficked women in the city. The Federal Government provided about \$1 million (DM 1.95 million) between 1997 and 2000 to fund six counseling centers for women from Central and Eastern Europe.

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