



## Germany

### Country Reports on Human Rights Practices - [2000](#)

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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 of two chambers of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states represented in Parliament in the Bundesrat 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 have been instances in which police committed human rights abuses.

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

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with cases of individual abuse. There were instances in which police were accused of human rights abuses, mostly against foreign residents and asylum seekers. Instances of societal violence and harassment directed at foreign residents continued as well, some resulting in deaths. After a 13.7 percent decline in rightwing-motivated crime in 1999, preliminary figures for the year suggest a significant increase in the number of such crimes. Moreover, the number of proven or suspected violent rightwing crimes (most of which resulted in bodily harm to the victim) during the year rose by more than 12 percent, from 746 to 840, continuing a trend found in 1999. 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, with Germany being both a destination and a transit country. The Government has taken the lead in coordinating federal and state efforts to combat trafficking and aid its victims.

#### 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 or other extrajudicial killings.

In December 1999, suspected Red Army Faction member Andrea Klump was extradited from Austria to stand trial for her alleged role in various terrorist acts, including two murders, committed in the 1980's. Her trial began in November and continued at year's end. In 1999 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 bombing attacks in 1995. Steinau was sentenced to 9 years' imprisonment. Falk, who was sentenced to 13 years' imprisonment, appealed his sentence in May, and his case continued at year's end.

An investigation continued in the case of Aamir Ageeb, a Sudanese asylum seeker, who died in May 1999

during a deportation flight while in the custody of Federal Border Police. The Border Police apparently physically subdued the man during takeoff because he was resisting deportation violently, and they did not notice until Ageeb stopped struggling that he was not breathing. As a result of this incident, the Federal Interior Ministry has instituted new deportation procedures that prohibit methods that could hinder breathing.

The trial of four individuals accused of the 1986 bombing of the Berlin La Belle discotheque, which began in 1997, continued at year's end. The attack killed one Turkish and two U.S. citizens and injured 230 persons.

In January Johannes Weinrich, a German terrorist, was convicted of one count of murder and five counts of attempted murder in connection with a 1983 bomb attack on the French cultural center in what was then West Berlin. The trial of Hans-Joachim Klein began in October and continued at year's end. Klein was charged with three murders during the 1975 attack by left-wing terrorists on a convention of the Organization of Petroleum Exporting Countries (OPEC) in Vienna, Austria.

Violence by rightwing extremists against marginalized social groups, such as the homeless and foreigners, resulted in a number of deaths during the year. In June a Mozambican immigrant was beaten and kicked to death in Dessau by three rightwing extremists who were caught, tried, and convicted; one was sentenced to life in prison and the two others were sentenced to 9 years' imprisonment each (see Section 5). Groups of rightwing extremists beat and kicked to death at least five homeless men during the year. In each case, police arrested the alleged perpetrators and they were charged with the crimes; several have been convicted and sentenced to prison terms.

On January 25, two rightwing extremists were sentenced in Lower-Saxony to 5 years' imprisonment in a youth detention center for their attack in August 1999 on a German man, who died the following day from his injuries. The 44-year-old victim had spoken critically about xenophobia to one of the perpetrators. The youths, who were drunk at the time, broke into the victim's apartment and kicked him and stabbed him with a broken glass.

The trial of 11 rightwing defendants accused of causing the 1999 death of an Algerian asylum seeker in Brandenburg ended in November with 8 defendants being convicted of negligent homicide and all 11 being found guilty of lesser crimes (see Section 5). Three of the convicted youths were sentenced to 2 to 3 years' detention in a youth facility, and the others received suspended sentences or warnings. The family of the victim filed an appeal demanding stiffer sentences, and 10 of the 11 youths appealed their convictions. The case continued at year's end.

As of October, seven cases remained before the courts concerning individuals involved in the shooting deaths of East Germans who attempted to flee to West Germany before the fall of the Berlin Wall. In July former East German defense minister Heinz Kessler was sentenced to 7 1/2 years' imprisonment, while three other former Socialist Unity Party (SED) leaders were acquitted. In January the Federal Constitutional Court upheld the conviction of former East German Politburo member Egon Krenz, who had been sentenced to 6 1/2 years' imprisonment for his role in East Germany's shoot-to-kill policy at the East-West border. Krenz began serving his sentence on January 13. His appeal to the European Court for Human Rights was heard in November, and a decision is expected in the spring of 2001. On September 6, Berlin's governing mayor pardoned Krenz's two codefendants, Guenter Schabowski and Guenther Kleiber, who each had received 3-year sentences; the men were released on October 2 in a gesture of reconciliation on the 10th anniversary of German reunification the following day.

The Government continued to cooperate in bringing war criminals from the former Yugoslavia to justice. In October, for example, the Government signed an agreement with the International War Crimes Tribunal for Yugoslavia to have a convicted Bosnian war criminal serve his 20-year sentence in a German prison.

#### 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, Amnesty International published a report in July 1999 that found that police treatment of foreigners in custody showed "a clear pattern of abuse." In September an Iranian family facing deportation claimed that police held the father's arms behind his back, pushed his head down and then held him on the ground in a manner that hindered his breathing. Two older children who tried to help were allegedly slapped. Border Police claim that the father and an older child were violently resisting deportation. Human rights and asylum-assistance organizations have called for an investigation.

The Government investigates abuses and prosecutes police who mistreat persons in custody. For example in July, authorities in Dessau initiated an investigation against three officers accused of mistreating a man from Burkina Faso who had been arrested for drug dealing. The accusations were found to be without merit. In July the Federal Court of Justice upheld the convictions of three police officers from Bernau, Brandenburg, for physically mistreating Vietnamese detainees in 11 cases in 1993 and 1994. Moreover, the Court ordered a lower court to consider stiffer penalties for the two officers originally sentenced to probation.

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 within 24 hours of 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 rightwing and leftwing radicals for brief periods when they believe such individuals intend to participate in illegal or unauthorized demonstrations. For example, in August police in Thuringia took into temporary custody 53 persons who were suspected of heading for illegal rallies to mark the 13th 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. In these cases, a person may be detained for the course of the investigation and subsequent trial. Such decisions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the Government must compensate the individual.

The Government does not use forced exile, which is prohibited by the Basic Law.

#### 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 to the ordinary courts, there are four types of specialized courts: administrative, labor, social, and fiscal. These courts also have different levels, and appeals may be made to the next higher level.

Separate from these five types of courts is the Federal Constitutional Court, which is Germany's supreme court. Among other things, it reviews laws to ensure their compatibility with the Constitution and adjudicates disputes between different branches of government 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. For simple or less serious cases, the Government adopted a procedure allowing for an accelerated hearing and summary punishment at the local court level. The maximum sentence for such cases is limited to

1 year, and if a sentence of 6 months or more is expected, a defense counsel must be present.

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 October a Lower Saxony court ruled that a school district could not refuse to hire an Islamic teacher because she wished to wear a traditional headscarf in the classroom. The school district said it would appeal the decision. In 1998 a Muslim teacher sued the Stuttgart school district over its decision not to hire her because she wore a headscarf. Although a local administrative court dismissed her suit, she appealed the ruling and the case continued 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--with some limits--and of the press, including academic freedom. Freedom of speech does not extend to the possession or distribution of the propaganda of proscribed organizations or to statements endorsing Nazism or denying the Holocaust, all of which are illegal.

The authorities seek to block what they consider dangerous material on the Internet. The 1997 Teleservices Law bans access to prohibited material (for example, child pornography and Nazi propaganda), and the Government has explored ways to expand cooperation in countering Internet crime. In June the Justice Ministry cosponsored a major symposium on combating the spread of hate materials on the Internet, and it proposed voluntary measures for Internet service providers and companies doing online business, as well as improved international law enforcement cooperation. The Federal Criminal Office in February hosted a similar event, bringing service providers and domestic law enforcement officials together to discuss ways to enhance cooperation. German officials estimate that there are approximately 800 Internet sites with what they consider objectionable or dangerous rightwing extremist content.

In December the Federal Court of Justice ruled that German laws against Nazi incitement could apply to individuals who post Nazi material on Internet sites available to users in Germany, even if the site resides on a foreign server. The Court overturned a lower court decision that such material was not subject to criminal prosecution in the case of German-born Australian Holocaust revisionist Frederick Toben, who had, among other things, posted material denying the Holocaust on his Internet site. Previously in November 1999, Toben, had been sentenced to 10 months in prison (7 months already served were applied to that sentence) for denying the Holocaust and that Nazis killed millions of Jews. At that time, the lower court had ruled that Toben could not be prosecuted for Holocaust denial material he had posted on a website in Australia. 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. State and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies. For example, rallies and marches by neo-Nazis and rightwing radicals commemorating the death of Nazi official Rudolf Hess are banned routinely.

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. The Federal Constitutional Court is the only body that can outlaw political parties; under this provision, the Court in the 1950's banned a neo-Nazi and a Communist party. Federal or state governments may ban other organizations, and legal recourse against such decisions is available. Such banned organizations include a number of groups that authorities generally classify as rightwing or leftwing, foreign extremist, or criminal in nature. 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. In observing an organization, OPC officials seek to collect information, mostly from written materials and first-hand accounts, to assess whether a threat exists. More intrusive methods would be subject to legal checks and require evidence of involvement in treason or terrorist activities.

In August the Government established a commission of experts to examine whether evidence against the rightwing extremist National Democratic Party (NPD) would meet the threshold to support a legal ban, which was widely demanded after a surge of rightwing extremist activity in the summer months. Based on the commission's recommendations, in November the Government agreed to petition the Federal Constitutional Court to ban the NPD. Although the Bundestag and Bundesrat formally supported this decision, the Government had not yet submitted the petition to the Court at year's end. On September 14, the Federal Interior Minister banned the rightwing extremist skinhead organization "Blood and Honor" and its youth organization, "White Youth," citing the groups' rejection of the constitutional order as a justification. While the ban (the first issued by the Federal Government since 1995) allows the Government to seize the groups' assets, members are free to reconstitute themselves under a new name.

### c. Freedom of Religion

The Basic Law provides for religious freedom, and the Government generally respects this right in practice. Most religious organizations enjoy tax-exempt status, a designation that requires them to operate on a nonprofit basis and contribute socially, spiritually, or materially to society.

Church and state are separate, although historically a special relationship exists between the State and those religious communities that have the status of a "corporation under public law." Religions enjoying this status may request that the Government collect church membership taxes on their behalf. However, not all religious groups take advantage of this privilege, since the Government charges an administrative fee for doing so. State governments subsidize various institutions affiliated with 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, Judaism, the Church of Jesus Christ of Latter-Day Saints, Seventh-Day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army. Applications from several Islamic groups are pending in various states.

In December the Federal Constitutional Court overturned a lower court's ruling that denied Jehovah's Witnesses public law corporation status and remanded the case back to the lower court. The case stemmed from an April 1993 decision of the Berlin state government that denied the church public law corporation status, a decision upheld in 1997 by the Federal Administrative Court. The Administrative 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 voting in public elections. In overturning this decision, the Constitutional Court ruled that forbidding church members to vote or to perform military service were not sufficient justifications for withholding from the church public law corporation status. The Court added that the judiciary should not evaluate the compatibility of church doctrine with the democratic order, but only judge such cases on the actual behavior of the church and its members. Although the Court found that Jehovah's Witnesses in Germany follow the rule of law and demonstrate no intent to overthrow the government or political system, it did not grant them public law corporation status. It instead returned the case to the lower court with instructions to examine whether the Jehovah's Witnesses use coercive methods to oppose their members leaving the congregation and whether their child-rearing practices conform to German human rights standards. The case continued at year's end.

With an estimated 3 million adherents, Islam is the third most commonly practiced religion in Germany (after Catholicism and Lutheranism). All branches of Islam are represented in the country, with the vast majority of Muslims in Germany coming from a large number of other countries. This has, at times, led to societal discord, such as local resistance to the construction of mosques or disagreements over whether Muslims can use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remain areas where German law conflicts with Islamic practices or raises religious freedom issues. In November the Government published a comprehensive, 93-page report on "Islam in Germany" which examined these issues in response to an inquiry from the Bundestag.

In October the Lueneburg administrative court ruled that the state education ministry must employ a teacher who was barred in 1999 from wearing a headscarf in the classroom. The Lower Saxony education ministry had refused to employ the Muslim woman after she completed her training because state officials took the position 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. (Members of Christian religious orders are similarly not allowed to wear their habits while teaching at public schools, although habits are permitted in denominational schools.) The state has vowed to appeal the ruling and has said it will not hire the woman until it has exhausted its legal options. In March the Stuttgart administrative court dismissed a similar suit filed by a Muslim woman who was denied a teaching position in Baden-Wuerttemberg. The state minister of education supported the school district's decision not to hire the woman because the Ministry argued the headscarf was a political symbol of female submission rather than a religious practice prescribed by Islam. The woman appealed the ruling, and the case was pending at year's end. In the meantime she accepted a teaching

position at a public school for Muslims in Berlin, where she is allowed to wear a headscarf. Muslim students generally are free to wear headscarves to school (see Section 1.f.).

The right of Muslims to ritually slaughter animals was the subject of two court cases during the year. In November the Federal Administrative Court ruled that the Islamic Community of Hesse was not a religious community as provided for in Germany's animal protection laws and could not, therefore, receive a waiver to laws requiring an animal to be stunned before slaughter. The Court did not rule on whether Islam prescribes the exclusive consumption of ritually-slaughtered meat, noting that such decisions were beyond the scope of the courts. A similar case was heard by the Federal Constitutional Court and a decision was pending at year's end.

Most public schools offer religious instruction in cooperation with the Protestant and Catholic churches and will offer instruction in Judaism if enough students express interest. A nonreligious ethics course or study hall generally is available for students not wishing to participate in religious instruction. The issue of Islamic education in public schools is becoming increasingly topical in several states. In February the Federal Administrative Court upheld previous court rulings that the Islamic Federation qualified as a religious community and thus must be given the opportunity to provide religious instruction in Berlin schools. The decision drew criticism from the many Islamic organizations not represented by the Islamic Federation. The Berlin state government has expressed its concerns about the Islamic Federation's alleged links to Milli Gorus, a Turkish group classified as extremist by the Federal OPC. In November Bavaria announced that it would offer German-language Islamic education in its public schools starting in 2003.

Several states have published pamphlets, which are provided to the public free of charge, detailing the beliefs and practices of non-mainstream religions. Many of the pamphlets are factual, but the inclusion of some religious groups in publications covering known dangerous cults or movements may harm their reputations. For example publications from the Hamburg state government and state-run youth welfare offices in Lower Saxony, Thuringia, and Schleswig-Holstein, describe theologically conservative or minority Christian groups and imply that they can be harmful to their adherents. Scientology is the focus of many such pamphlets, some of which warn of alleged dangers posed by Scientology to existing political and economic structures and to the mental and financial well-being of individuals. For example, the Hamburg OPC publishes "The Intelligence Service of the Scientology Organization," which claims that Scientology tries to infiltrate governments, offices, and companies, and that the church spies on its opponents, defames them, and "destroys" them.

The Church of Scientology, which operates 18 churches and missions, remained under scrutiny by both federal and state officials who contend that its ideology is opposed to democracy and that it is not a religion but an economic enterprise. Since 1997 Scientology has been under observation by the Federal and state OPC's, except in Schleswig-Holstein where the state constitution does not permit such observation (see Section 2.b.). Observation is not an investigation into criminal wrongdoing, and the Government has filed no criminal charges against Scientology since observation began. However, in April the Federal OPC concluded in its 250-page annual report for 1999 that the reasons for initiating observation of Scientology in 1997 still were valid. The six pages in the report covering Scientology described those aspects of the organization's beliefs that were deemed undemocratic, quoting from the writings of Scientology founder L. Ron Hubbard and Scientology-published pamphlets and books. In 1998 the Church of Scientology filed a suit in a Berlin state court to enjoin the Berlin interior ministry, under whose authority the OPC falls, from further observation of the organization and its members. The case was pending at year's end.

Scientologists continued to report discrimination because of their beliefs. A number of state and local offices share information on individuals known to be Scientologists. The Federal Government uses its "Defense Clause" (commonly referred to as a "sect filter") for procurement involving some training and consulting contracts, specifically those that may provide opportunities for mental manipulation or behavior modification. The sect filter requires a bidder to declare that the firm rejects and will not employ the "technology of L. Ron Hubbard" within the framework of the contract, and that the firm does not require or permit employees to attend courses and seminars conducted via this "technology" as part of its business function. Some state and local agencies, businesses (including several major international corporations), and other organizations require job applicants and bidders on contracts to sign similar "sect filters." The Federal Property Office has in several cases barred the sale of real estate to Scientologists, noting that the Finance Ministry has urged that such sales be avoided, if possible.

At the state and local level, some governments also screen companies bidding on contracts for training and the handling and processing of personal data, and in April the Hamburg administrative court dismissed the suit of two Scientology members against the city-state for its use of "sect filters." In the state of Bavaria, applicants for state civil service positions must complete questionnaires detailing any relationship that they may have with Scientology; the form specifically states that employment will not be considered if the form is not completed. Moreover Bavaria has identified some state employees as Scientologists, sometimes years after they were first employed, and has required them to complete the questionnaire. Some of these employees have refused and

two of them have filed suit in Bavarian courts. In October the Munich labor court ruled that the state cannot require employees to complete the questionnaire in the absence of evidence that the employee is involved in anticonstitutional behavior. The court further stated that even if the Scientology Church were to be found to be anticonstitutional, an individual's mere membership in the organization could not justify the Government delving into that person's private life in the absence of illegal behavior on his or her part.

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

In December the Federal Social Court in Kassel upheld a lower court's ruling that membership in the Church of Scientology was not, in and of itself, reason to deny a person a professional license. In 1999 the State Social Court of Appeals in Rhineland-Palatinate ruled that the Federal Labor Office had in 1994 incorrectly refused to renew a Scientologist's license to run her au pair agency based solely on her Scientology membership. The case was remanded to the state court to clarify whether the specific individual's membership in the Church of Scientology has any bearing on her reliability as an au pair agent. The case continued at year's end.

Some private sector entities have followed the governments' example in using "sect filters," often using them for a much broader range of contracts. On at least one occasion a foreign firm wishing to do business in the country was asked to declare any affiliation that it or its employees might have with Scientology. Private firms that screen for Scientology affiliations frequently cite OPC observation of Scientology as a justification for discrimination and have on occasion quoted advice they say they have received from state or local government officials as to the legality of the "sect filter."

Late in 1999, allegations that Microsoft's Windows 2000 contained a "Trojan Horse" or "back door" that would permit the Church of Scientology to obtain information from an unsuspecting user's system surfaced in the technology trade press. These allegations arose after Hamburg's sect commissioner expressed public concern about the software because a firm whose chief executive officer is a Scientologist developed a disk defragmenting component for Windows 2000. Critics claimed--with no proof--that the defragmenter would secretly send personal data from individual computers to Scientology offices. Microsoft yielded to German pressure and allowed the German Federal Office for Security in Information Technology (BSI) to investigate the software. BSI conducted various tests but failed to find any evidence of or anything that in any way validated the concerns regarding the existence of a "Trojan Horse" or "back door." Nevertheless in December Microsoft published instructions on how to remove the disk defragmenter from Windows 2000 as an alternative to further testing by BSI.

In February the German branch of Amway Limited dismissed 10 distributors because of their admitted association with Scientology, which the company claimed could damage the company's image. Parent company representatives claimed that the distributors refused to comply with the firm's prohibition against proselytizing in connection with their Amway activities, a policy that applies to all religious beliefs, and that other known Scientologists continue to work for the company. In at least one case, a major bank unilaterally closed the accounts of a law firm that had represented the Scientology Church.

Scientologists have taken their grievances to the courts, with mixed results. Some individuals who had been fired because they were Scientologists sued their employers for "unfair dismissal." Several have reached out-of-court settlements with employers. For example in March, a woman who had been summarily dismissed from her position in the bond department of a bank because of her association with Scientology received \$27,300 (DM 60,000) under a settlement with her former employer.

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 enforcement of this ban. A Bonn court upheld the practice in 1997, ruling that a political party had the right to exclude from its organization those persons who do not identify themselves with the party's basic goals.

Public exhibitions by Scientologists in a number of cities to explain themselves to citizens encountered difficulties. In April the Visitor's Bureau of the Federal Press and Information Office intervened with a Berlin hotel, forcing the hotel to cancel Scientology's reservations for rooms for an exhibit titled "What is Scientology?" The hotel claimed that the Visitors' Bureau threatened to cancel several hundred thousand dollars worth of reservations if Scientology were allowed to exhibit in the hotel. Scientology was able to rent space elsewhere but incurred substantial extra expenses related to the last minute move of the exhibit. In Frankfurt a late February Scientology exhibit in the cafe of a well-known, city-owned museum sparked significant criticism, with city officials speaking out openly against Scientology and the exhibit. However, Scientology's recently established information office in Frankfurt has generated little or no public controversy. A

Scientology exhibit at the Leipzig book fair in March provoked complaints about what some visitors considered aggressive marketing tactics, and fair authorities were reviewing whether to allow the exhibitors to return next year. In April Scientology was able to rent the public congress center in Hanover for a 2-day exhibition, after a hotel cancelled its reservation when it learned that Scientology had made the booking.

There were no new attempts to deregister Scientology organizations previously registered as non-profit organizations, but the judgments in two such earlier cases were appealed during the year. The government of Baden-Wuerttemberg appealed a decision by the Stuttgart Administrative Court, which ruled that a Scientology organization could not be deregistered as a nonprofit organization because its activities were used to accomplish its ideological purposes. The case was pending at year's end. The Celebrity Center Munich, a Scientology-affiliated organization that was stripped of its status as a nonprofit organization in 1995, has appealed a 1999 upper court ruling upholding that decision. The case was pending at year's end.

The Government continued its policy of not engaging in dialogue with the Church of Scientology this year.

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

The Basic Law and subsequent legislation provide for the right of foreign victims of persecution to attain asylum and resettlement in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Both the Federal Government and state governments cooperate with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, although immigration matters are primarily a state-level responsibility.

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. On January 1, a new law came into effect that grants citizenship to children born to legal foreign residents. Individuals can retain both German citizenship and that of their parents until the age of 23, when they must choose one or the other. The law also decreased the period of residence in the country required for legal foreign residents to earn the right to naturalization from 15 to 8 years.

The Basic Law and subsequent legislation provide for the right of foreign victims of persecution to attain asylum and resettlement. Criteria for granting asylum were tightened by several provisions enacted in 1993. Individuals attempting to enter via a "safe third country" (any country in the European Union or adhering to the Geneva Convention on Refugees) are ineligible for asylum and can be turned back at the border or returned to that "safe third country" if they manage to enter Germany. Persons coming directly from any country which officials designate as a "safe country of origin" normally cannot claim asylum in Germany, and individuals whose applications are rejected on these grounds have up to 2 weeks to appeal the decision, a time period critics consider too brief. Individuals who arrive at an international airport and who are deemed to have come from a "safe country of origin" can be detained at an airport holding facility. In these cases, the Federal Office for the Recognition of Foreign Refugees must make a decision on an asylum application within 48 hours or allow the person to enter the country. The person may appeal a negative decision to an administrative court within 3 days, and the court must rule within 14 days or allow the individual to enter the country. Although stays in the airport facility thus are supposed to be limited to a maximum of 19 days, applicants whose claims were rejected, but who could not be immediately deported have been held at the airport for months, a practice criticized by refugee assistance groups and human rights advocates (see Section 1.c.). However, the Constitutional Court upheld the constitutionality of the amendments in 1996.

Applicants who enter Germany and are denied asylum at their original administrative hearing may challenge the decision in court, and 80 percent of applicants denied asylum do so. Approximately 3 to 4 percent of such rejections are overturned. The rejected applicant is allowed to remain in country during the course of the appeal, which usually takes at least a year and sometimes significantly longer. In October the Government announced changes to the regulations governing asylum seekers and employment. Starting January 1, 2001, applicants for asylum and civil war refugees will be allowed to work after a 1-year waiting period. The Government estimates that approximately 75,000 foreigners will be entitled to work under the new rules. Some foreigners whose asylum applications were rejected, but who would be endangered if they were sent back to their home country, such as those fleeing civil wars, receive temporary residence permits--the so-called small asylum. However, they are expected to leave when conditions in their home country allow for their safe return. The vast majority of the approximately 345,000 Bosnians and the approximately 200,000 Kosovars whom Germany admitted during the conflict in the former Yugoslavia fall into this category. Once their residence permits expire, these people can be deported. Individuals who fail to cooperate during the deportation process or who are deemed liable to flee to avoid deportation can be held in predeportation detention, with the average detention period lasting 5 to 6 weeks.

Refugee assistance organizations have expressed concern about how certain provisions related to the right of

asylum have been interpreted by the courts, notably the practice of excluding "quasi-governmental" persecution as a basis for granting asylum. In August the Federal Constitutional Court ruled that lower courts had erred in denying asylum to three Afghan applicants because their persecutors were not a state government but members of a Mujahidin group (defined as a "quasi-governmental entity"). The case was remanded back to the lower court with instructions to reconsider the issue of quasi-governmental persecution, and a decision was pending at year's end. In response to the Constitutional Court ruling, the federal Office for the Recognition of Foreign Refugees has postponed making decisions in all current asylum cases involving quasi-governmental persecution until the lower court reissues its ruling.

During the year, 78,564 persons applied for asylum, an almost 17.4 percent decrease over the same period in 1999 and the lowest level since the amendment of the asylum law in 1993, when the criteria for granting asylum were tightened. The approval rate for first-time applicants was around 3 percent, and an additional 7.9 percent of rejected applicants received temporary protection from deportation.

State authorities, working in close cooperation with the International Organization for Migration (IOM), the UNHCR, and other domestic nongovernmental organizations (NGO's), continued to repatriate Bosnian refugees, unless they qualified for an extension of stay on certain humanitarian grounds. According to unofficial estimates, approximately 25,000 Bosnian refugees remained in country at year's end. Among those were up to 15,000 who were considered traumatized or were with family members who were deemed too traumatized to return to Bosnia. In November the Federal and state interior ministers decided at their annual meeting to grant severely traumatized Bosnians and their family members, including unmarried adult children, temporary residence permits for the duration of their medical treatment. In addition some older Bosnian refugees, as well as some categories of Kosovars (such as orphaned children, ethnically mixed couples from areas with no minority protection, and war crimes tribunal witnesses) will be allowed to stay in the country.

The Government continued to support voluntary return programs for refugees from the former Yugoslavia, providing financial incentives of between \$765 and \$2,250 (DM 1,350 to DM 4,500) to help cover travel and resettlement costs; many states provided additional resettlement funds. The Government repatriated approximately 48,000 Kosovars under such voluntary programs through December. However, failure to accept voluntary repatriation subjects these refugees to the threat of deportation, and forces them to leave their personal property behind and excludes them from reentering the country for a 5-year period.

The right of most Kosovar refugees to stay in the country expired in the spring, and most states began regular deportations in March. By the end of the year, 6,800 Kosovar refugees had been deported, among them approximately 1,300 ex-offenders. 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 Kosovar returns.

An investigation is ongoing into the 1999 death of a Sudanese asylum seeker who died during a deportation flight while in the custody of the Federal Border Police (see Section 1.a).

In June the Federal Government appointed a commission of experts to examine every aspect of immigration and to propose administrative or legislative changes if deemed necessary. The commission held its first meeting in September and is expected to present its recommendations in mid-2001.

### 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. Members of Parliament's first chamber, the Bundestag, are elected from a mixture of direct-constituency and party-list candidates on the basis of universal suffrage and secret balloting. The second chamber, the Bundesrat, is composed of delegations from state governments.

Women are somewhat underrepresented in government and politics, although the law entitles them 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 Bundestag are female. Women occupy 6 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges are women, including the Chief Justice. Three of the parties represented in the Bundestag are headed by women: the Christian Democratic Union, the Greens/Alliance 90 (co-chaired by a woman and a man), and the Party of Democratic Socialism. 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; and 57.5 percent of the Party's federal parliamentary caucus members are women. The Social Democrats had a 40-percent quota for women on all party committees and governing bodies and met that goal. The Christian Democrats required that 30 percent of the first ballot candidates for party positions be women, a goal which it met.

#### 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.

In December the Bundestag voted to create the National Institute for Human Rights, an autonomous foundation whose function will be to monitor human rights both domestically and abroad and to promote education and scientific research in the field.

#### 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 is a problem and almost certainly is underreported, it is prohibited by laws that are enforced effectively. The Government has implemented a vast array of legal and social structures to combat it. Societal attitudes toward such violence are strongly negative, and legal and medical recourse is available. Police statistics on rape, including attempted rape and spousal rape, showed a 4.4 percent decrease from 7,914 cases in 1998 to 7,565 cases in 1999.

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. For example there are 435 "women's houses", including 115 in the eastern states (excluding Berlin), where victims of violence and their children can seek shelter, counseling, and legal and police protection.

Trafficking in women and forced prostitution also are illegal; however, trafficking in women and girls is a serious problem (see Section 6.f.). In recent years, the Federal Ministry for Women and Youth has commissioned a number of studies to gain information on violence against women, sexual harassment, and other matters.

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 represented disproportionately in these lower-wage scale occupations.

In January the European Court of Justice ruled that Germany's prohibition on women in combat roles in the armed forces violated European Union directives against discrimination based on gender. The Government accepted the ruling and in December completed the process of amending the Constitution to open all military jobs to women on a voluntary basis. The first group of 244 women are scheduled to report for duty on January 2, 2001.

The Government continued to implement its multiyear action plan, "Women and Occupation," adopted in 1999. The program promotes the equality of women and men in the workforce, including increased vocational training for women, greater representation of women in political advisory councils, and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women. The Federal Ministry for Families, the Elderly, Women, and Youth also announced a multiyear initiative designed to increase the number of girls who receive training in information technology (IT) and in media careers, with the goal of raising the number of IT-training slots to 60,000 by 2003 and the share of female IT-trainees to 40 percent by 2005.

##### Children

The Government demonstrates its strong commitment to children's rights and welfare through its 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 recorded 15,279 cases of sexual abuse of children in 1999, a 7.9 percent decrease from 16,596 in 1998. Officials believe that the number of unreported cases may be much higher. The 1990 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 1997 to further provide for the protection of 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 makes the sexual abuse of children by German citizens abroad punishable even if the action is not illegal in the child's own country.

Trafficking in girls is a serious problem (See Section 6.f.).

#### 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 relief, 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

The number of crimes classified by the authorities as anti-Semitic fell in 1999 to 871, a 17.5 percent decrease from 991 in 1998. In the first 6 months of the year, anti-Semitic crimes rose 3.3 percent over the same period in 1999, from 287 to 297. These incidents included 7 cases of bodily injury, one case of arson, 14 cases of desecration of graves, and 254 "other" crimes that include the distribution of anti-Semitic materials or the display of symbols of banned organizations. For example, in March the police arrested eight youths for allegedly painting anti-Semitic slogans, swastikas, and other symbols on tombstones in a Jewish cemetery in Guben, Brandenburg. The overwhelming majority of the perpetrators of anti-Semitic acts were frustrated, largely apolitical youths and a small core of rightwing extremists.

On April 20, a firebomb was thrown at a synagogue in Erfurt, Thuringia. Neighbors discovered and extinguished the fire before the building was damaged seriously. Two teenagers were arrested and convicted. The first was sentenced to 3 years' imprisonment and the second to 2 years and 2 months. On October 2, a Dusseldorf synagogue sustained minor damage after being firebombed. In December police arrested two men of Arab origin in connection with the crime.

In June four rightwing youths threw a brick through the window of an Islamic prayer house in Gera, Thuringia. No one was injured during the attack, and the youths were arrested and charged shortly thereafter.

In the July U.S.-German Agreement on the establishment of the German foundation, "Remembrance, Responsibility and Future," Germany agreed to ensure that all Holocaust era insurance claims made against German insurance companies that come within the scope of the International Commission on Holocaust Era Insurance Claims (ICHEIC) handling procedures are processed by the companies and the German Insurance Association on the basis of these procedures.

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 Central Council of Jews in Germany until his death in 1992.

#### National/Racial/Ethnic Minorities

Preliminary Federal Criminal Office statistics for the year show a 39 percent increase in the overall number of proven or suspected rightwing crimes compared with 1999, from 10,037 to approximately 14,000, reversing the past several years' downward trend. Moreover the number of violent rightwing crimes (including murder, attempted murder, and attacks that result in bodily injury, arson and bombings) rose more than 12 percent, from 746 in 1999 to 840 during the year, including the beating deaths of at least five homeless men (See

Section 1.a.). In 1999 the number of violent rightwing crimes rose 5.4 percent.

The Federal Office for the Protection of the Constitution (OPC) reported that 51,400 persons were active in rightwing circles in 1999, a decrease of 4 percent from 53,600 in 1998. They included 37,000 members of rightwing political parties, 2,200 neo-Nazis, 4,200 members of other rightwing groups, and some 9,000 violence-prone individuals (an almost 10 percent increase from 8,200 in 1998). Perpetrators of rightwing extremist violence were predominantly young, male, and low in socioeconomic status; they often committed such acts spontaneously and while inebriated. Most of the violent individuals (85 percent of whom are "skinheads") could best be described as rightwing-oriented, having loose, if any, practical or ideological ties to organized extremist groups. As in previous years, the percentage of crimes with proven or suspected rightwing background was disproportionately high in the east; the Federal OPC reported that more than half of rightwing "skinheads" live in the east, an area with only 21 percent of the population. In addition to these rightwing extremists, the Federal OPC estimates that there are some 7,000 violence-prone leftwing extremists, whose primary targets are their rightwing counterparts.

On June 11, Alberto Adriano, a Mozambican immigrant, was beaten to death by three rightwing extremists as he walked home through a park at night in Dessau, Saxony-Anhalt. Three perpetrators were convicted; a 24-year-old defendant was sentenced to life in prison, while two 16-year-old accomplices were sentenced to 9 years in a youth facility. The 24-year-old and one of the juveniles have appealed their sentences, and the case continued at year's end.

On July 16, three Kosovar Albanian children were injured when a firebomb was thrown through the window of the shelter for asylum seekers where they were staying in Ludwigshafen, Rhineland-Palatinate. Police arrested four skinheads 4 days later, and they were charged with the crime.

The Federal Government and state governments remain firmly committed to combating and preventing rightwing violence. The Chancellor and leaders of all political parties publicly denounced rightwing violence after a surge of such activity in the summer months. In August and in November, Federal and state interior ministers agreed on a slate of measures to combat extremist violence, which includes increased physical protection of Jewish and other potential targets, the creation of a national register of violent rightwing extremists, stepped up patrolling or video monitoring by the border police in transit stations, and the prosecution of illegal rightwing content on the Internet. The Federal Border Police established a hotline for concerned citizens to report rightwing crimes. The Government also announced that it would use \$34 million (DM 75,000,000) from the European Union Social Fund for antirightwing initiatives, to be cofinanced by the states or communities wishing to apply for project funds. In addition a number of state and local governments initiated programs to crack down on rightwing extremist activities and to engage young people considered most "at risk" for rightwing behavior.

On August 2, a bomb at a Dusseldorf train station injured 10 recent Russian immigrants, among them 6 Jews. Because the group followed the same route each day, police have not ruled out that they were the specific targets of a xenophobic or anti-Semitic attack. No arrests have been made in the case.

Isolated attacks targeting Turkish establishments and individuals occurred. Although some attacks were linked to rightwing perpetrators, many were attributed to intra-Turkish political or private disputes. None was directly attributable to the Kurdistan Workers' Party (PKK), a banned organization. In August a 43-year-old Kurd was arrested and indicted for his alleged actions as a PKK functionary, including his order for Kurdish demonstrators to occupy foreign embassies and consulates in Germany after the 1999 arrest and return to Turkey of PKK leader Abdullah Ocalan.

The trial of 11 rightwing extremists charged with the February 1999 death of Algerian asylum seeker Farid Guendoul in Brandenburg ended in November with the convictions of 8 defendants on charges of negligent homicide and of all 11 for lesser charges. The suspects were found guilty of having caused Guendoul's death when they failed to assist him after he threw himself through a glass door to escape the skinheads, who were chasing him and yelling, "Foreigners out!" Guendoul bled to death. Of the 11 persons convicted, 10 have appealed their convictions, while Guendoul's family appealed what they consider the too-lenient sentences: 3 youths were sentenced to 2 to 3 years' term in a youth facility while the others received suspended sentences or warnings. Since its dedication, a memorial to Guendoul has been desecrated a number of times by suspected rightwing extremists.

Since 1997 the Government has taken steps to protect and foster the languages and cultures of national and ethnic minorities that traditionally have lived in the country (e.g., Sorbs, Danes, Roma, Sinti, and Frisians). Although the Government has recognized the Sinti and Roma as an official "national minority" since 1995, the Federal and state interior ministries have resisted including Romani among the languages to be protected under relevant European statutes. Critics contend that the Sinti/Romani minority is the only official national

minority that does not have unique legal protection, political privilege, or reserved representation in certain public institutions.

There were no reports of violent anti-Roma or Sinti incidents, similar to the 1998 desecration of a Magdeburg memorial to Roma and Sinti murdered during the Nazi era.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affects foreigners disproportionately, although this is sometimes due in part to 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.

On January 1, a new citizenship law came into effect that allows children born to legal foreign residents to become citizens (see Section 2.d.).

## 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 by the Basic Law and freely exercised. About 29 percent of the total eligible labor force belongs to unions. The German Trade Union Federation (DGB) represents about 82 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 continues 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 1999. According to preliminary data for 1999, only 2,000 workers participated in strikes, and only 13,000 work days were lost. There were no notable strikes during the year.

The German Trade Union Federation (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 used infrequently. Basic wages and working conditions are negotiated at the industry level. However, some firms in the eastern part of the country have refused to join employer associations or have withdrawn from them and then bargained independently with workers. Likewise, some firms in the west 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 (see Section 6.f.).

In July agreement was reached among seven nations, German companies, and victims' representatives on the establishment of a German foundation which will distribute funds for payments to private and public sector

Nazi era forced/slave laborers and others who suffered at the hands of German companies during the Nazi era. Germany and German companies will each contribute \$2.3 billion (DM 5 billion) to the foundation, which is established under German law. The foundation concluded agreements with partner organizations that are to receive foundation funds in order to process and pay claims according to agreed procedures and be subject to audit. Payments are expected to commence in 2001.

#### 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, the collective bargaining agreements set minimum pay rates and are enforceable by law. 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 the western part of the country and about 39 hours in the eastern states.

In September the Federal Constitutional Court refused to review a case filed by a civil servant in east Berlin, who had argued unsuccessfully that the prevailing system of different rates of pay for public service workers in the east and west were unconstitutional. The Court ruled that lower wages in the east were justifiable due to differences in the economic situation in both parts of the country and that the pay gap had narrowed steadily since 1992.

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

Foreign workers are protected by law and generally receive treatment equal to that of citizens. However, foreigners who are employed illegally, particularly in the construction industry in Berlin, are susceptible to substandard wages. Wage discrimination also affects legal foreign workers to some extent. For example, foreign teachers in some schools are paid less than their German counterparts. In addition seasonal workers from Eastern Europe who come to Germany on temporary work permits 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 bodies, 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 the country's eastern borders; trafficking in persons is punishable by up to 10 years' imprisonment.

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 from 2,000 to 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 1/2 of 1 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. The Ministry has lobbied states successfully to provide victims of trafficking who have been detained by police 4 weeks to leave the country, rather than have them 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 at the state level. In three cases during recent years, the children of women in such witness protection programs were brought to the country to prevent possible retaliation against them due to their 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 Federal Government has embarked on a multiyear "Action Plan to Combat Violence Against Women," introduced in December 1999. This effort includes the creation of a number of combined federal and state working groups, with the participation of relevant NGO's, to address in as comprehensive a manner possible legislative changes, public educational campaigns, and opportunities for greater institutional cooperation. Under this program, the Government plans to spend approximately \$373,000 (DM 822,000) over 3 years to establish a "National Coordination Group Against Trafficking in Women and Violence Against Women in the Migratory Process." The Federal Government continued its funding of six counseling centers for women from Central and Eastern Europe, and most states and many communities cofinanced institutions that help counsel and care for victims of trafficking. The Government publishes 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.

[End.]