

GERMANY 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Germany is a constitutional democracy. Citizens choose their representatives periodically in free and fair multiparty elections. The lower chamber of the federal parliament (Bundestag) elects the chancellor as head of the federal government. The second legislative chamber, the Federal Council (Bundesrat), represents the 16 states at the federal level and is composed of members of the state governments. The country's 16 states exercise considerable autonomy, including over law enforcement and education. Observers considered the national elections for the Bundestag in 2017 to have been free and fair, as were state elections in 2018, 2019, and 2020.

Responsibility for internal and border security is shared by the police forces of the 16 states, the Federal Criminal Police Office, and the federal police. The states' police forces report to their respective interior ministries; the federal police forces report to the Federal Ministry of the Interior. The Federal Office for the Protection of the Constitution and the state offices for the protection of the constitution are responsible for gathering intelligence on threats to domestic order and other security functions. The Federal Office for the Protection of the Constitution reports to the Federal Ministry of the Interior, and the state offices for the same function report to their respective ministries of the interior. Civilian authorities maintained effective control over security forces. Members of the security forces committed few abuses.

Significant human rights issues included: crimes involving violence motivated by anti-Semitism and crimes involving violence targeting members of ethnic or religious minority groups motivated by Islamophobia or other forms of right-wing extremism.

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

GERMANY

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

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

There were no reports that the government or its agents committed arbitrary or unlawful killings. In the event of a killing by security forces, police begin an internal investigation under the leadership of the state prosecutor.

The trial against two right-wing extremist suspects for the June 2019 killing of local Hesse politician Walter Luebcke began June 16. The crime was widely viewed as a politically motivated killing of a known prorefugee state official. The main defendant, Stephan Ernst, was also accused of the 2016 homicide of an Iraqi asylum seeker, and prosecutors believed he committed both acts out of ethnonationalist and racist motivations. On August 5, Ernst confessed in court to having shot Luebcke but blamed codefendant Markus Hartmann for incitement. The Hesse state parliament launched a committee to investigate the failure of Hesse's domestic security service to identify Stephan Ernst as a danger to society. Frankfurt prosecutors are investigating 72 persons for having threatened Luebcke on the internet following his 2015 prorefugee remarks. Trials against three of these defendants--for defamation and endorsement of murder, public incitement of criminal acts, and incitement of bodily harm--ended with small fines in August.

b. Disappearance

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

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

The constitution and the law prohibit such practices, but there were a few reports that government officials employed them. According to some human rights groups, authorities did not effectively investigate allegations of mistreatment by police and failed to establish an independent mechanism to investigate such

GERMANY

allegations. The 2019 interim report of a continuing study by researchers at the University of Bochum estimated police used excessive force in 12,000 cases annually, of which authorities investigated approximately 2,000. Investigations were discontinued in 90 percent of the cases, and officers were formally charged in approximately 2 percent of the cases. Less than 1 percent of the cases resulted in conviction of the accused officer.

In July, two police officers in Thuringia were sentenced to two years and three months' incarceration for the sexual abuse of a woman while the officers were on duty in September 2019. After checking a Polish couple's identity papers and determining they were fake, the officers drove the woman to her apartment, where they sexually abused her. Due to a lack of evidence, the court reduced the charge from rape to sexual abuse while exploiting an official position, because the woman could not be located to testify at trial. Both the prosecution and defense appealed the sentence, with the prosecution hoping the woman could be found so that rape charges could be reintroduced and the defense arguing that without new evidence, no additional charges should be brought. The appeals process was still in progress as of July.

In July 2019 Cologne police shot an unarmed man, 19-year-old Alexander Dellis, when he fled arrest. Dellis filed a complaint against police regarding the proportionality of the response, and the public prosecutor was investigating.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

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

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

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

Independent Monitoring: The government permitted monitoring by independent

GERMANY

nongovernmental observers.

d. Arbitrary Arrest or Detention

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

Between 2017 and 2019, several state parliaments expanded police powers. The new state laws enable police to take preventive action against an “impending danger.” Critics argued that this provision expands police’s surveillance power, which had been reserved for the country’s intelligence services. As of September cases against new laws in Bavaria and Baden-Wuerttemberg were pending at the Federal Constitutional Court, as was a separate case at the Saxony Constitutional Court regarding that state’s law.

While several states required police to wear identity badges, the nongovernmental organization (NGO) Amnesty International Germany criticized the lack of a nationwide requirement to do so.

In February a 29-year-old man was acquitted a third time of charges of resisting police officers, causing bodily harm, and insulting an officer in Cologne. The Cologne District Court judge in the man’s April 2019 second trial dismissed the charges as unfounded and apologized to the defendant. Nonetheless, the public prosecutor filed a second appeal. The officers were themselves placed under investigation in 2019, and those investigations continued in November.

Arrest Procedures and Treatment of Detainees

Authorities must have a warrant issued by a judicial authority to arrest an individual. Police may also arrest individuals they apprehend in the act of committing a crime, or if they have strong reason to suspect the individual intends to commit a crime. The constitution requires authorities to bring a suspect before a judicial officer before the end of the day following the arrest. The judge must inform the suspect of the reasons for his or her detention and provide the suspect with an opportunity to object. The court must then either issue an arrest warrant stating the grounds for continued detention or order the individual’s release.

GERMANY

Authorities generally respected these rights.

Although bail exists, judges usually released individuals awaiting trial without requiring bail. Bail is only required in cases where a court determines the suspect poses a flight risk. In such cases authorities may deny bail and hold detainees for the duration of the investigation and subsequent trial, subject to judicial review.

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

Pretrial Detention: In June the NGO World Prison Brief reported 20.6 percent of prisoners were in pretrial detention. In 2019 the Ministry of Justice reported that the median stay in pretrial detention was between four and six months. The courts credit time spent in pretrial custody toward any eventual sentence. If a court acquits an incarcerated defendant, the government must compensate the defendant for financial losses as well as for “moral prejudice” due to his or her incarceration.

e. Denial of Fair Public Trial

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

Trial Procedures

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

Defendants enjoy a presumption of innocence and have the right to be informed promptly and in detail of the charges against them. The trial shall be fair, public, and held without undue delay. The law requires defendants be present at their trials. Defendants have the right to consult with an attorney of their choice, and the government provides an attorney at public expense if defendants demonstrate financial need, as stated above. Defendants and their attorneys have the right to adequate time and facilities to prepare a defense. The government provides an

GERMANY

interpreter to any defendant who cannot understand or speak German and does so free of charge if the defendant demonstrates financial need or is acquitted.

Defendants have access to all court-held evidence relevant to their cases.

Defendants may question the prosecution's witnesses and may introduce their own witnesses and evidence in support of their case. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal.

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

Because the law does not regard such detention as punishment, authorities are legally required to keep those in preventive detention in separate buildings or in special prison sections with better conditions than those of the general prisons. Authorities must also provide detainees with a range of social and psychological therapy programs. According to the Federal Statistics Office, 551 offenders were held under preventive detention at the end of March 2019.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

GERMANY

Property Restitution

The government has laws and mechanisms in place, and NGOs and advocacy groups reported it made significant progress on resolution of Holocaust-era claims, including for foreign citizens. Since the end of World War II through 2019, according to the Federal Ministry of Finance, the government paid approximately 77.8 billion euros (\$93.4 billion) in Holocaust restitution and compensation. The country has also supported numerous public and private international reparation and social welfare initiatives to benefit Holocaust survivors and their families.

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

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

Regular negotiations between the JCC and the country's federal government have expanded existing programs and introduced additional ones. In the September negotiations, the government agreed to increase the total funding level for 2021 by 30.5 million euro (\$36.6 million) for home-care services for frail and aging Holocaust survivors. This brought the total global allocation to 554.5 million euro

GERMANY

(\$665.4 million). In addition, survivors who received previous one-time payments under a hardship fund are scheduled to receive additional payments of \$1,400 in 2020 and 2021.

In 2015 the federal government established the German Lost Art Foundation (DZK) to promote provenance research. The DZK maintains an online “Lost Art” database. The database documents objects suspected or proven to be confiscated by the Nazis. In January the DZK launched an additional research database, presenting the results of research projects funded by the foundation and linked with other databases to support provenance research by documenting historical information. The DZK also created a help desk as a contact and information point for victims and their heirs to assist in conducting research by finding the right institutions and contacts.

In January, Minister of State for Culture Monika Gruetters presented three pieces of Nazi-looted art to the rightful heirs from France. Two of the paintings were from the Gurlitt Collection of approximately 1,500 pieces of looted art.

The Department of State’s Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released on July 29, can be found on the Department’s website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The constitution prohibits such actions, but there were assertions the government failed in some cases to respect these prohibitions.

The federal and state offices for the protection of the constitution (OPCs) continued to monitor political groups deemed to be potentially undermining the constitution, including left-wing extremist groups inside the Left party and right-wing extremist groups inside the Alternative for Germany (AfD), both of which have seats in the Bundestag, as well as the right-wing extremist National Democratic Party. Monitoring requires the approval of state or federal interior ministries and is subject to review by state or federal parliamentary intelligence committees.

GERMANY

On March 12, the Federal Office for the Protection of the Constitution (FOPC) announced it would formally surveil “the Wing,” a loose network consisting of far-right AfD party members. The FOPC took this step because the Wing aimed “at the exclusion, disparagement, and extensive deprivation of rights” of minorities and violated “the guarantee of human dignity as well as the principles of democracy and the rule of law.” At the end of April, in reaction to this announcement, the board members of “the Wing” dissolved their network.

On March 12, the state-level OPC in Thuringia announced it would monitor the AfD in Thuringia due to the party’s “general contempt” of migrants, its attempts to limit religious freedom through its concept of “de-Islamization,” and its maintenance of “personal links to extremist groups.”

On June 15, the Brandenburg OPC followed suit, announcing it would begin monitoring the state chapter of the AfD. State Interior Minister Stuebgen stated the Brandenburg AfD had grown increasingly radical since its founding and was “clearly directed against our free democratic basic order.”

In July the OPC in Saxony announced it would delete all of the information it had collected on members of the AfD who were members of state, federal, and European parliaments, because the constitutional prerequisite for data collection had not been met. The OPC could only collect elected officials’ information where the OPC had evidence the targeted officials were pursuing anticonstitutional goals. The Saxony OPC retracted the announcement a week later, stating that it was verifying whether this legal criterion had, in fact, been met. As of August the verification process was still in progress.

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

In 2018 approximately 30 politicians, journalists, and media figures (mostly women or minorities) reported having received threatening letters, often signed “NSU 2.0.” In at least two cases, the letters contained nonpublic information accessed from computers at Hesse police stations. One of the recipients was a lawyer who had defended victims’ families in the 2013-18 trials related to the

GERMANY

right-wing terrorist organization National Socialist Underground. Investigators found that a police officer in Frankfurt had conducted an unauthorized search for her address; the officer also took part in a group chat with four other Frankfurt officers in which they shared right-wing extremist images and messages. The Hesse State Office for Criminal Investigation eventually identified 70 suspects within Hesse's police force, of whom six were dismissed from office, while others have since been exonerated. Thirty individual investigations continued as of September, but the investigation has been unsuccessful in finding those responsible for sending the letters.

In 2018 Hamburg Data Protection Officer Johannes Caspar ordered Hamburg police to cease collecting facial recognition templates from cameras in public areas. Caspar stated the police database containing these templates was illegal because it continually collected images of innocent citizens. In May, Caspar confirmed that police had deleted the database. During the year Caspar also began legal action against Clearview, a New York-based firm, after a Hamburg man complained the company had violated his privacy when it obtained his image through data crawling.

In May the Gelsenkirchen administrative court ruled the Dortmund police may not use video cameras to monitor a street inhabited by suspected neo-Nazis. Four residents who are members of the Dortmund neo-Nazi scene sued to stop the recording.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press. While the government generally respected these rights, it imposed limits on groups it deemed extremist. The government arrested, tried, convicted, and imprisoned a number of individuals for speech that incited racial hatred, endorsed Nazism, or denied the Holocaust (see also section 6, Anti-Semitism). An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression.

GERMANY

Freedom of Speech: In July the city of Wiesbaden outlawed the wearing of symbols resembling the Jewish yellow badge with the inscription “unvaccinated.” Some protesters and antivaccination activists had been wearing such symbols during demonstrations against coronavirus regulations. Wiesbaden mayor Oliver Franz called the symbols an “unacceptable comparison” that would trivialize the Holocaust.

In February state governments in Baden-Wuerttemberg, Hamburg, Rhineland-Palatinate, Saarland, and Schleswig-Holstein announced they would ban school students from wearing full-face veils. Baden-Wuerttemberg implemented the ban in July.

In August the Federal Labor Court rejected an appeal by Berlin against a regional labor court’s 2018 judgment that a general ban on teachers wearing religious symbols in schools was discriminatory. The federal court found the Berlin ban violated teachers’ freedom of religion.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction. The law bans Nazi propaganda, Holocaust denial, and fomenting racial hatred.

Violence and Harassment: On May 1, an estimated 20 to 25 men attacked a seven-member camera team in Berlin filming a demonstration against the COVID restrictions, hospitalizing six of the camera team. Berlin’s police chief Barbara Slowik announced the state security service was investigating the matter, but on May 2, six suspects were released from custody, and no arrest warrants were issued.

In August the German Union of Journalists and the German Federation of Journalists criticized Berlin police for failing to protect journalists covering COVID protests. The two unions reported police failed to intervene when protesters repeatedly insulted, threatened, and attacked photographers and film crews, forcing some of the journalists to stop covering the August 1 protests.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online

GERMANY

content, with one exception, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The exception is that the law permits the government to take down websites that belong to banned organizations or include speech that incites racial hatred, endorses Nazism, or denies the Holocaust. Authorities worked directly with internet service providers and online media companies to monitor and remove such content. Authorities monitored websites, social media accounts, messenger services, and streaming platforms associated with right-wing extremists. The state-level project *Prosecution Rather Than Deletion* in North Rhine-Westphalia (NRW) received 771 offense reports, primarily for incitement.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

Groups seeking to hold open-air public rallies and marches must obtain permits, and state and local officials may deny permits when public safety concerns arise or when the applicant is from a prohibited organization, mainly right-wing extremist groups. Authorities allowed nonprohibited right-wing extremist or neo-Nazi groups to hold public rallies or marches when they did so in accordance with the law.

In an attempt to limit the COVID-19 outbreak in March, state governments temporarily banned political demonstrations. Some protests took place nonetheless, including protests against the COVID-related restrictions. Beginning in late April, restrictions on demonstrations were gradually relaxed as long as protesters observed social distancing rules to limit the spread of COVID-19. Police broke up demonstrations where they deemed protesters violated these rules.

GERMANY

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

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

Freedom of Association

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

The federal and state OPCs monitored several hundred organizations. Monitoring consisted of collecting information from public sources, written materials, and firsthand accounts, but it also included intrusive methods, such as the use of undercover agents who were subject to legal oversight. The federal and state OPCs published lists of monitored organizations, including left- and right-wing political parties. Although the law stipulates surveillance must not interfere with an organization's legitimate activities, representatives of some monitored groups, such as Scientologists, complained that the publication of the organizations' names contributed to prejudice against them.

The FOPC monitored approximately 19,000 so-called *Reichsbuerger* (citizens of the empire) and *Selbstverwalter* (self-administrators). These individuals denied the existence of the Federal Republic of Germany and rejected government authority. The FOPC considered the groups to represent a potential threat due to their affinity for weapons and their contempt for national authorities. From 2016 through the end of 2019, 790 members of these groups had their firearms licenses revoked,

GERMANY

while 530 members were still known holders of firearms licenses. In 2019 members of Reichsbuerger and Selbstverwalter groups committed 589 extremist politically motivated crimes; authorities categorized 121 of them as violent.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; the government generally respected these rights.

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

A 2016 federal government law requires refugees with recognized asylum status who received social benefits to live within the state that handled their asylum request for a period of three years, and several states implemented the residence rule. States themselves can add other residence restrictions, such as assigning a refugee to a specific city. Local authorities who supported the rule stated that it facilitated integration and enabled authorities to plan for increased infrastructure needs, such as schools.

In response to the COVID-19 pandemic, numerous municipalities and state governments imposed a variety of strict temporary restrictions on freedom of movement to prevent the spread of the virus, including stay-at-home requirements throughout the country and Mecklenburg-Western Pomerania's entry ban on visitors from out of state. Citizens challenged many of these restrictions in court, with varying results. For example, while Saarland's state Constitutional Court

GERMANY

suspended on April 28 the state ban on leaving one's home without a "good reason," The Bavarian Administrative Court ruled on April 28 that the state's similar restriction was valid on the basis that there were in fact many good reasons to leave one's home. While most restrictions were lifted in the summer, as of November the government had instituted a nationwide ban on overnight accommodations in an attempt to restrict in-country travel.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Assaults on refugees, asylum seekers, and migrants continued, as did attacks on government-provided asylum homes. On August 1, prosecutors charged three private security guards at a government-run reception center for asylum seekers in Halberstadt, Saxony-Anhalt with causing bodily harm after a video appeared online in April 2019 showing guards beating an asylum seeker. The trial continued as of November.

On May 16, a group of 15-20 youths attacked four asylum seekers in Guben, Brandenburg. Two were able to flee, but the other two were beaten, kicked, and racially insulted. A 16-year-old Guinean and a 19-year-old Moroccan were injured and had to be treated in the hospital. Investigations continued as of September.

On April 22, the Administrative Court of Leipzig ruled an asylum seeker could leave the holding center where he was staying because it was too crowded to respect COVID-19 distancing rules. The man had to share a room of 43 square feet with another person and had to share toilets, showers, and a kitchen with 49 other residents. The state of Saxony declared it would appeal the decision, and the case continued as of September.

GERMANY

In May, Bundestag members Filiz Polat and Luise Amtsberg (both Green Party) accused the federal government of a systemic failure in its dealing with refugees amidst the COVID-19 pandemic. They criticized that refugees were confined together in cramped living conditions where the coronavirus could easily spread. They also faulted the federal government for ending many legal forms of immigration in light of COVID-19 while still enabling thousands of seasonal workers to enter the country in disregard of infection protection measures.

Refoulement: In 2018 the government lifted its deportation ban for Afghanistan, with 107 refugees deported to that country during the first three months of the year. Previous federal policy permitted deportations only of convicted criminals and those deemed a security risk. NGOs including Amnesty International criticized the policy as a breach of the principle of refoulement. On March 30, the Ministry of the Interior announced a temporary ban on deportations to Afghanistan due to the COVID-19 pandemic.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country faced the task of integrating approximately 1.3 million asylum seekers, refugees, and migrants who arrived between 2015 and 2017. The Federal Office for Migration and Refugees (BAMF) reported 165,938 asylum requests in 2019 and 74,429 requests in the first eight months of the year (see also section 6, Displaced Children).

BAMF reported 962 persons from China requested asylum in the country in 2019, more than doubling the previous year's figures. Of the total of 962, 193 applicants were Uyghurs, nearly triple the figure from 2018; 96 percent of Uyghur asylum requests were granted.

The NGO Pro Asyl criticized the "airport procedure" for asylum seekers who arrive at the country's airports. Authorities stated the airport procedure was used only in less complex cases and that more complex asylum cases were referred for processing through regular BAMF channels. Authorities maintained that only persons coming from countries the government identified as "safe" (see below) and those without valid identification documents could be considered via the "fast track procedure." The "fast track procedure" enabled BAMF to decide on asylum

GERMANY

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

In 2018 BAMF suspended the head of its Bremen branch, Ulrike Bremermann, amid allegations she improperly approved up to 1,200 asylum applications. In April 2019, however, a BAMF review concluded that just 145 of 18,000 positively approved Bremen asylum decisions since 2006 that were reviewed by a special commission (0.81 percent) should be subject to legal review--a proportion below the national average of 1.2 percent. In September 2019 a Bremen prosecutor brought charges against Bremermann and two private lawyers. They are accused of 121 criminal offenses--mainly asylum law violations, but also falsifying documents and violating official secrets. In November the Bremen Regional Court rejected 100 of the charges, including all of the charges related to violations of the asylum and residence laws, asserting there was “no criminal offense committed.” As of November the trial for the remaining 21 minor charges had not begun.

Safe Country of Origin/Transit: The country adheres to the EU’s Dublin III regulation that permits authorities to turn back or deport individuals who entered the country through “safe countries of transit,” which include the EU member states, and Switzerland, Norway, Iceland, and Liechtenstein. “Safe countries of origin” also include Albania, Bosnia and Herzegovina, Ghana, Kosovo, North Macedonia, Montenegro, Senegal, and Serbia. The government did not return asylum seekers to Syria. Pro Asyl pointed out that asylum seekers who under the Dublin III regulation fell into another EU state’s responsibility but could not be returned to that country often remained in a legal gray zone. They were not allowed to work or participate in integration measures, including German-language classes.

Freedom of Movement: Under a 2019 law addressing deportation, all asylum

GERMANY

seekers must remain in initial reception facilities until the end of their asylum procedure, up to 18 months. Rejected asylum seekers who do not cooperate sufficiently in obtaining travel documents can be obliged to stay in the institutions for longer than 18 months. Authorities can arrest without a court order persons who are obliged to leave the country. Persons obliged to leave the country who do not attend an embassy appointment to establish their identity can be placed in detention for 14 days. The law indicates that persons detained under “deportation detention”--including families and children--would be held in regular prisons. Refugees deemed to be flight risks can be taken into preventive detention. Officials who pass on information regarding a planned deportation are liable to prosecution. Legal scholars stress the regulations are legally problematic because both the German constitution and the EU Return Directive pose high hurdles for deportation detention. The law also provides for the withdrawal after two weeks of all social benefits from those recognized as asylum seekers in other EU states. As of January no federal state had made use of the law.

Authorities issued 11,081 expulsion orders in 2019, considerably more than the 7,408 expelled in 2018. Persons originating from Ukraine (1,252 cases), Albania (1,220), and Serbia (828) were subject to the highest number of expulsions, which are orders to leave the country, often due to criminal activity. Bundestag member Ulla Jelpke (Left Party) called for an abolition of the practice, arguing that some of the expellees had been living in the country for decades.

Employment: Persons with recognized asylum status were able to access the labor market without restriction; asylum seekers whose applications were pending were generally not allowed to work during their first three months after applying for asylum. According to the Federal Employment Agency, approximately 270,000 refugees were unemployed as of August. Migration experts estimated 40-45 percent of refugees who arrived in 2015 were employed at the end of 2019. Refugees and asylum seekers faced several hurdles in obtaining employment, including lengthy review times for previous qualifications, lack of official certificates and degrees, and limited German language skills.

The law excludes some asylum seekers from access to certain refugee integration measures, such as language courses and employment opportunities. This applies to

GERMANY

asylum seekers from countries considered “safe countries of origin” and unsuccessful asylum seekers who cannot be returned to the country through which they first entered the area covered by the Dublin III regulation. The government did not permit rejected asylum seekers or persons with temporary protected status who are themselves responsible for obstacles to deportation to work, nor asylum seekers from safe countries of origin if they applied for asylum after 2015.

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

Several states provided medical insurance cards for asylum seekers. The insurance cards allow asylum seekers to visit any doctor of their choice without prior approval by authorities. In other states, asylum seekers received a card only after 15 months, and community authorities had to grant permits to asylum seekers before they could consult a doctor. The welfare organization Diakonie criticized the medical insurance card system, which only enabled asylum seekers to obtain emergency treatment. Local communities and private groups sometimes provided supplemental health care.

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

The government assisted asylum seekers, refugees, and migrants with the safe and voluntary return to their countries. In the first half of the year, authorities provided financial assistance of 300 to 500 euros (\$360 to \$600) to approximately 1,691 individuals to facilitate voluntary returns to their country of origin. Beneficiaries were either rejected asylum seekers or foreigners without valid identification. The largest group of program applicants came from Iraq.

Temporary Protection: The government provides two forms of temporary protection--subsidiary and humanitarian--for individuals who do not qualify as refugees. In the first eight months of the year, the government extended subsidiary protection to 12,267 persons. This status is usually granted if a person does not

GERMANY

qualify for refugee or asylum status but might face severe danger in his or her country of origin due to war or conflict. During the same period, 3,816 individuals were granted humanitarian protection. Humanitarian protection is granted if a person does not qualify for any form of protected status, but there are other humanitarian reasons the person cannot return to his or her country of origin (for example, unavailability of medical treatment in their country of origin for an existing health condition). Both forms of temporary protection are granted for one year and may be extended. After five years, a person under subsidiary or humanitarian protection can apply for an unlimited residency status if he or she earns enough money to be independent of public assistance and has a good command of German.

g. Stateless Persons

UNHCR reported 14,947 stateless persons in the country at the end of 2019. Some of these persons lost their previous citizenship when the Soviet Union collapsed or Yugoslavia disintegrated. Others were Palestinians from Lebanon and Syria.

Laws and policies provide stateless persons the opportunity to gain citizenship on a nondiscriminatory basis. Stateless persons may apply for citizenship after six years of residence. Producing sufficient evidence to establish statelessness could often be difficult, however, because the burden of proof is on the applicant. Authorities generally protected stateless persons from deportation to their country of origin or usual residence if they faced a threat of political persecution there.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

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

Political Parties and Political Participation: Political parties generally operated

GERMANY

without restriction or outside interference unless authorities deemed them a threat to the federal constitution. When federal authorities perceive such a threat, they may petition the Federal Constitutional Court to ban the party.

Under the law each political party receives federal public funding commensurate with the party's election results in state, national, and European elections. Under the constitution, however, extremist parties who seek to undermine the constitution are not eligible for public funding. In July 2019 the Bundesrat, Bundestag, and federal government filed a joint claim with the Federal Constitutional Court to exclude the right-wing extremist National Democratic Party (NPD) from receiving state party financing, arguing that the NPD seeks to undermine the democratic order in the country. The case was pending as of September.

In December 2019 the NRW State Constitutional Court declared the abolition of the run-off election rule in local elections unconstitutional. A run-off vote is generally held two weeks after the election if no candidate for the office of lord mayor, mayor, or district administrator achieves an absolute majority of votes. The opposition in the state parliament had filed suit against the abolition, arguing it would result in the election of local officials who had received as little as 25 percent of the vote.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate. The head of the government, Federal Chancellor Angela Merkel, is a woman; within the Federal Cabinet, six of 16 ministers are women, including the ministers of defense and justice. In the parliament approximately 30 percent of the members are women.

Section 4. Corruption and Lack of Transparency in Government

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

Financial Disclosure: Members of state and federal parliaments are subject to financial disclosure laws that require them to publish their earnings from outside

GERMANY

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

In September 2018, Bundestag member Philipp Amthor of the Christian Democratic Union (CDU) lobbied on behalf of a U.S. firm, securing meetings between company representatives and Federal Minister of Economics Peter Altmaier (CDU), without disclosing he had received stock options and a seat on the company's board of directors. Following the June disclosure of his actions, Amthor ended his cooperation with the company and returned the stock options. The Berlin public prosecutor's office announced in July it would not initiate an official investigation for bribery. Free Democratic Party, Green Party, and Left Party Bundestag members accused the governing CDU/Social Democratic Party of Germany (SPD) coalition of delaying the introduction of a lobbying register, which they stated would prevent such potential conflicts of interest by increasing transparency in politics.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Government Human Rights Bodies: A number of government bodies worked independently and effectively to protect human rights. The Bundestag has a Committee for Human Rights and Humanitarian Aid and one for Petitions. The Petitions Committee fields complaints from the public, including human rights concerns. The German Institute for Human Rights has responsibility for

GERMANY

monitoring the country's implementation of its international human rights commitments, including treaties and conventions. The Federal Anti-Discrimination Agency (FADA) is a semi-independent body that studies discrimination and assists victims of discrimination. The Office of the Federal Commissioner for Persons with Disabilities has specific responsibility for protecting the rights of persons with disabilities. The Justice Ministry's commissioner for human rights oversees implementation of court rulings related to human rights protections.

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

Women

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

In 2018 an off-duty police officer in Berlin raped a 24-year-old woman. The Berlin public prosecutor's office emphasized that the officer was off-duty and his status had no bearing on the alleged crime. In February the officer was sentenced to six and a half years in prison.

In February a Cologne judge dismissed sexual assault proceedings against a defendant who allegedly grabbed a woman under her skirt in November 2019. The judge argued the alleged assault was minor and took place at the start of the carnival season. A local advocacy group against sexual violence criticized the decision in a public letter and protested in front of the court.

In June Rhineland-Palatinate became the first state to open a contact point for victims of sex-based discrimination and sexual harassment within the state government administration. The contact point is operated by the NGO Pro

GERMANY

Familia.

The federal government, the states, and NGOs supported numerous projects to prevent and respond to cases of gender-based violence, including providing victims with greater access to medical care and legal assistance. Approximately 340 women's shelters offering a total of 6,700 beds operated throughout the country. The NGO Central Information Agency of Autonomous Women's Homes (ZIF) reported accessibility problems, especially in bigger cities, because women who found refuge in a shelter tended to stay there longer due to a lack of available and affordable housing. ZIF also stated refugee women are particularly vulnerable, since they are required to maintain residence in a single district for three years and many live in districts in which there are no women's shelters. Multiple NGOs expressed concern the COVID-19 lockdown constrained opportunities for women to escape violent domestic situations. ZIF called for additional government funding to place women and children in hotels if quarantine rendered its shelters inaccessible.

Female Genital Mutilation/Cutting (FGM/C): FGM/C of women and girls is a criminal offense punishable by one to 15 years in prison, even if performed abroad. Authorities can revoke the passports of individuals who they suspect are traveling abroad to subject a girl or woman to FGM/C; however, authorities have not taken this step since the law took effect in 2017. FGM/C affected segments of the immigrant population, in particular those from Eritrea, Iraq, Somalia, Indonesia, Nigeria, and Egypt, and their children born in the country. A working group under the leadership of the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth worked with other federal government bodies and all 16 states to combat FGM/C. According to a June study by the Federal Ministry for Women and Families, the number of mutilated women and girls has risen from approximately 50,000 in 2017 to approximately 68,000. The ministry estimated approximately 2,800 to 14,900 girls in the country are also at risk of FGM/C. The ministry noted the growing number of cases is likely attributable to increased immigration from countries where FGM is practiced.

Other Harmful Traditional Practices: The law criminalizes "honor killings" as murder and provides penalties that include life in prison. The government

GERMANY

enforced the law effectively and financed programs aimed at ending “honor killings.”

In April a trial in Essen against 13 members of an extended Syrian family who attempted an “honor killing” ended with prison terms for eight defendants of up to eight and a half years and three suspended sentences. The defendants beat and stabbed a man in 2018 for having an affair with a married family member.

Sexual Harassment: Sexual harassment of women was a recognized problem and prohibited by law. Penalties include fines and prison sentences of as many as five years. Various disciplinary measures against harassment in the workplace are available, including dismissal of the perpetrator. The law requires employers to protect employees from sexual harassment. The law considers an employer’s failure to take measures to protect employees from sexual harassment to be a breach of contract, and an affected employee has the right to paid leave until the employer rectifies the problem. Unions, churches, government agencies, and NGOs operated a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

Reproductive Rights: Couples and individuals had the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. There are no legal, social, or cultural barriers, nor government policies that adversely affect access to contraception nor to attendance of skilled health personnel during pregnancy and childbirth. The government provided access to sexual and reproductive health services for sexual violence survivors.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

GERMANY

Children

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

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

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

Legislation passed in 2017 nullifies existing marriages conducted in other countries in which at least one spouse was younger than age 16 at the time of the wedding, even if they were of legal age in the country where the marriage was performed. Individuals ages 16 or 17 can petition a judge on a case-by-case basis to recognize their foreign marriage if they face a specific hardship from not having their marriage legally recognized. Complete central statistics are unavailable on such cases. Child and forced marriage primarily affected girls of foreign nationality.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, offering, or procuring children for prostitution and practices related to child pornography, and authorities enforced the law. The minimum age for consensual sex is 14 years unless the older partner is older than 18 and is "exploiting a coercive situation" or offering compensation, and the younger partner

GERMANY

is younger than 16. It is also illegal for a person who is 21 or older to have sex with a child younger than 16 if the older person “exploits the victim’s lack of capacity for sexual self-determination.”

Crime statistics indicate approximately 43 children became victims of sexual violence daily in 2019. The number of child pornography cases processed by police rose by 65 percent in 2019, to approximately 12,260.

In June police uncovered a child abuse ring in Muenster, NRW. The main suspect was a 27-year-old man suspected of sexually abusing the 10-year-old son of his partner; he also produced pornography of the abuse and sold it online, and offered his foster son to others. As of September there were 11 suspects in custody.

In October 2019 a 43-year-old man was arrested in Bergisch-Gladbach, NRW, for severe child abuse. The case evolved into a large-scale investigation involving 400 police detectives and a network of at least 30,000 suspects. As of August authorities had identified 87 suspects. In the first case to go to trial, a 27-year-old man was sentenced to 10 years in prison for his role in the network. On September 11, the regional court sentenced a man from Krefeld for 13.5 years’ and a man from Viersen to 14.5 years’ imprisonment. The two 39-year-old men were convicted of serious child sexual abuse and of possession and distribution of child pornographic material. Investigations continued.

In January the Bundestag passed a law enabling undercover investigators to use artificially created videos of child sexual abuse to gain entry to internet forums. The government’s Independent Commissioner for Child Sex Abuse Issues offered a sexual abuse help online portal and an anonymous telephone helpline free of charge.

In April, NRW police established a unit in the Ministry of Interior specializing in child sexual abuse investigations. Statewide, police staff in this area quadrupled to approximately 400 police officers.

In July 2019 a parliamentary committee opened an investigation into possible failures and misconduct of the NRW state government in a case of multiple sexual abuse of children at a campground in Luegde. As of November the investigation

GERMANY

continued, with sessions scheduled until December 18.

Displaced Children: According to the NGO Federal Association for Unaccompanied Minor Refugees (BumF), 2,689 unaccompanied minors applied for asylum in the country in 2019, approximately half of whom came from three countries: Afghanistan, Guinea, and Syria. BAMF granted some form of asylum to unaccompanied minors in just 56.2 percent of cases, a sharp drop from 94.5 percent in 2016. BumF observed that some unaccompanied minors might have become victims of human trafficking. For more information see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

According to estimates by the NGO Off Road Kids, as many as 2,500 children between the ages of 12 and 18 become at least temporarily homeless every year. Off Road Kids reported most runaways stayed with friends and were not living on the streets. These minors were generally school dropouts who did not receive assistance from the youth welfare office or their parents, and instead used digital networks to find temporary housing with friends and online acquaintances.

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

Anti-Semitism

Observers estimated the country's Jewish population to be almost 200,000, of whom an estimated 90 percent were from the former Soviet Union. There were approximately 107,000 registered Jewish community members.

Manifestations of anti-Semitism, including physical and verbal attacks, occurred at public demonstrations, sporting and social events, in schools, in the street, in certain media outlets, and online. Apart from anti-Semitic speech, desecration of cemeteries and Holocaust monuments represented the most widespread anti-Semitic acts. The federal government attributed most anti-Semitic acts to neo-Nazi

GERMANY

or other right-wing extremist groups or persons, and such acts increased during the year. Jewish organizations also noted anti-Semitic attitudes and behavior among some Muslim youth and left-wing extremists. NGOs agreed that right-wing extremists were responsible for the majority of anti-Semitic acts but cautioned that federal statistics misattributed many acts committed by Muslims as right-wing.

In 2019 the Federal Ministry of Interior reported 2,032 anti-Semitic crimes, a 13 percent increase from the 1,799 anti-Semitic crimes in 2018. In presenting the data, Federal Interior Minister Horst Seehofer (Christian Socialist Union) postulated that right-wing extremists posed the greatest threat to the country's democracy. NGOs working to combat anti-Semitism cautioned the number of anti-Semitic attacks officially noted was likely misleading, because a significant number of cases may have been unreported.

The FOPC's annual report stated the number of violent right-wing anti-Semitic incidents rose from 48 in 2017 to 56 in 2019. The FOPC also identified three anti-Semitic incidents with a religious ideological motivation and five with a foreign ideological motivation. Federal prosecutors brought charges against suspects and maintained permanent security measures around many synagogues.

On July 21, the trial of the gunman who killed two German nationals in Halle and attacked the synagogue outside of which they stood on Yom Kippur in 2019 commenced in Magdeburg, Saxony-Anhalt. Defendant Stephan Baillet testified to being motivated by xenophobia and anti-Semitism in court, repeating anti-Semitic conspiracy theories and calling Muslim refugees in the country "conquerors." While he reportedly acted alone, far-right online fora played a role in his radicalization. Baillet also released a manifesto online detailing his objective and live-streamed the attack on streaming platform Twitch. As of November the trial of Stephan Baillet was still proceeding.

In December 2019 a Mecklenburg-Western Pomerania court sentenced former special weapons and tactics team (SEK) officer Marko G. to 21 months' probation for possession of weapons and violations of the War Weapons Control Act. During an April 2019 raid, police found 55,000 rounds of ammunition at G.'s residence, most of which belonged to seven separate German state police forces, the federal police, and the German Armed Forces. G. was the leader of the group

GERMANY

Nordkreuz (Northern Cross), which spread anti-Semitic conspiracies and had drawn up plans to take advantage of what they saw as the country's impending economic collapse to kill prorefugee and other left-wing politicians.

On January 19, a boy found a homemade explosive device near the access area of the Mittelbau-Dora concentration camp memorial site. Due to the proximity to the memorial, the Thuringia State Security service was also involved in the investigation, which continued as of September.

In November 2019 a 19-year-old Jewish man was attacked by a 23-year-old man in a Freiburg gym for wearing a kippah. The attacker insulted him as a "dirty Jew," spat into his kippah, and threw it in the trash. Only one of several bystanders tried to help. The attacker then left the gym without being stopped by employees. Police identified the attacker a few weeks after the incident. In May a Freiburg district court sentenced the attacker for incitement and defamation to a suspended prison sentence of six months and a monetary fine.

In December 2019 unknown perpetrators knocked down 40 gravestones at the Jewish cemetery in Geilenkirchen, NRW, spraying some with paint. In January more than 1,300 persons demonstrated against the cemetery's desecration. In July the chief rabbi of Munich, Rabbi Brodman, was attacked by four Muslims who shouted derogatory remarks at him. Police launched a manhunt but did not locate the perpetrators.

From mid-March to mid-June, the Department for Research and Information on Antisemitism registered anti-Semitic incidents at 123 separate demonstrations against restrictions to prevent the spread of COVID-19. Incidents included positive references to Nazis, including comments by protest organizer Attila Hildmann that Adolf Hitler was "a blessing" in comparison to Angela Merkel, and the use of anti-Semitic conspiracy myths, including the assertion that Jews were responsible for unleashing the corona virus.

On June 18, the Bundestag passed the Act on Combating Right-Wing Extremism and Hate Crimes, requiring social networks not only to assess and potentially restrict illegal content, but also to report online hate crimes, including anti-Semitic hate speech, to the Federal Criminal Police. Federal President Steinmeier

GERMANY

announced in October he would not sign the bill into law until the government made specific revisions to make it constitutional.

Many prominent government officials repeatedly condemned anti-Semitism throughout the year, including Federal Chancellor Merkel, Federal President Steinmeier, and Foreign Minister Maas. In 2018 the federal government created the position Federal Commissioner for Jewish Life in Germany and the Fight against Anti-Semitism. Since then, 15 of 16 states have also established state-level commissioners to combat anti-Semitism. The positions' responsibilities vary by state but involve meeting with the Jewish community, collecting statistics on anti-Semitic acts, and designing education and prevention programs. A federal and state-level Commission to Combat Anti-Semitism and Protect Jewish Life including all commissioners was founded in summer 2019 and meets twice a year to coordinate strategies.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

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

Persons with disabilities faced particular difficulties in finding housing.

State officials decide whether children with disabilities may attend mainstream or segregated schools. The law obliges all children to attend school, so those with disabilities do so at the same rate as children without disabilities. In some instances parents or teachers in mainstream schools protested against the inclusion of students with disabilities, primarily because they perceived the schools had insufficient resources and capabilities to address their needs.

In June disability rights NGOs criticized governmental discrimination during the

GERMANY

COVID-19 pandemic. The government classified persons with disabilities as a “risk group,” for which stricter protective regulations applied. This included, for example, a prohibition on group travel by persons with disabilities and a requirement for assisted living residents to quarantine for two weeks if they left their facility. NGOs criticized the government’s giving higher priority to more restrictive rules for persons with disabilities over their rights to freedom and self-determination.

Members of National/Racial/Ethnic Minority Groups

The annual FOPC report for 2019 recorded 21,290 politically motivated crimes committed by individuals with right-wing extremist backgrounds, 925 of which were violent--a 15-percent decline from the previous year. Of these, 695 were categorized as xenophobic. The 2019 FADA report detailed a 10 percent annual increase in complaints of racism. In June, Berlin enacted a law making it easier for victims of discrimination to claim damages and compensation. If discrimination is considered “predominantly likely,” authorities must prove there was no discrimination.

In March a Nigerian immigrant appeared at a police station in Essen to report the theft of her purse. She asserted the officers refused to take her charge seriously, insulted her with racial epithets, and ultimately became violent. Several family members of the woman fought with police and were hospitalized for their injuries. Bochum police were investigating the Essen incident, and the investigation continued as of November.

Following the February arrest of a Hamm police officer on suspicion of involvement in a right-wing terror cell, NRW interior minister Reul announced in March all police authorities in NRW would appoint extremism commissioners to collect information on extremist attitudes among police officers.

In February the Villingen-Schwenningen police academy in Baden-Wuerttemberg suspended seven police cadets for having shared racist, anti-Semitic, and misogynistic content through a private WhatsApp chat group. Offenburg prosecutors closed their investigation in March and found the group did not commit a punishable offense, but the police academy and the Baden-Wuerttemberg

GERMANY

Interior Ministry stated disciplinary action would proceed and that the cadets would ultimately be dismissed.

In September the NRW Interior Ministry suspended 29 police officers for participating in a right-wing chat group in which they shared extremist propaganda, including photographs of Adolf Hitler and swastikas. The NRW Interior Ministry announced it was conducting criminal investigations and would create a new position specifically to monitor right-wing extremism across the NRW police force.

A spokesperson for the Federal Ministry of the Interior announced June 11 the federal government would investigate possible racist tendencies in its police forces, and the federal Ministries of the Interior and Justice would develop a study on racial profiling. Many persons reported they were targeted by police because of their skin color, and the European Commission against Racism and Intolerance has long reported racial profiling is widespread among German police forces. On July 6, however, a spokesperson for the ministry stated Minister Horst Seehofer saw no need for such a study and it would be canceled. In July and August, 75,000 citizens signed a petition requesting the Bundestag to go forward with the study, which assured the Petitions Committee of the Bundestag would publicly discuss the topic. In October the Ministry of Interior announced it would begin a study on racism in society and an additional study on difficulties and frustration in the everyday life of security officers, including the violence and hatred they sometimes confront. A study by University of Bochum criminologists concluded in November ethnic minorities faced structural discrimination from police.

On February 19, right-wing extremist Tobias Rathjen fired shots at two separate shisha bars in Hanau, Hesse, killing nine persons and injuring several others. The bars were frequented by migrant communities, and most of the victims had migrant backgrounds. Police later found the bodies of the deceased suspect and his mother in his Hanau apartment as well as a pamphlet outlining the suspect's ideology that included racist language and conspiracy theories. Following the attack, politicians and civil society mourned the victims at events across the country; Federal President Frank-Walter Steinmeier (SPD), Hesse minister president Volker Bouffier (CDU), and Hanau lord mayor Claus Kaminsky (SPD) spoke at an

GERMANY

evening vigil in Hanau attended by approximately 5,000 persons. The investigation of the case continued. In response to the attack, Federal Chancellor Merkel announced March 2 the creation of a cabinet committee to fight against right-wing extremism and racism.

In August 2019 a 51-year-old man shot a Nigerian-born German man twice at a community center in Ulm, Baden-Wuerttemberg, injuring the victim's shoulder. In May an Ulm district court sentenced the attacker to a suspended 15-month prison term, saying he had acted out of racist motivation. According to the victim, the attacker had shouted "El Paso, Texas" (in reference to the mass shooting that had occurred there the same day).

On August 1, 12 right-wing extremists, first verbally and then physically attacked three Guineans in Erfurt, Thuringia. Two men were injured, one of them seriously. Police arrested 12 suspects but released them the next day, arguing they did not present flight risks. Thuringia's minister of the interior Maier criticized this as a catastrophe for the victims and residents alike. As of September the Thuringian State Criminal Police Office and the Erfurt Public Prosecutor's Office were still investigating.

The Association of Counseling Centers for Right-wing, Racist, and Anti-Semitic Violence (VBRG) announced in early May it had documented more than 130 cases of racist attacks on persons with Asian backgrounds in relation to the COVID-19 pandemic. According to the VBRG, the actual number of attacks--which included verbal abuse, spitting, and spraying with disinfectant--was likely much higher.

Persons of foreign origin sometimes faced difficulties with finding housing. FADA reported cases of landlords denying rental apartments to persons not of ethnic-German origin, particularly of Turkish and African origin.

Harassment of members of racial minorities, such as Roma and Sinti, remained a problem throughout the country. In May 2019 a burning torch was thrown at a vehicle in which a Romani family slept with their nine-month-old baby in Erbach, Baden-Wuerttemberg. In July 2019 police arrested five Germans ages 17 to 20 in connection with the crime, and in September they were facing trial. One of them admitted to throwing a torch but denied intending to kill the persons inside the

GERMANY

trailer. The defendants were released from custody in May when attempted murder charges were dropped. The court was still investigating whether the attack was motivated by racism or anti-Romani sentiments.

In May a 25-year-old German with Turkish roots was arrested for four attacks on Turkish shops in Waldkraiburg, Bavaria in April and May, which injured several persons. He said he was motivated by “hatred of Turks” and claimed to be an admirer of the Islamic State. The defendant claimed to have planned attacks on mosques and the Turkish Consulate in Munich.

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

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

In October police arrested a 20-year-old Syrian refugee and known Islamist for attacking a homosexual couple in Dresden with a knife, fatally injuring one of them. The state Ministry of the Interior and Federal Prosecutor’s Office in Saxony rejected a homophobic motive, focusing instead on the crime’s radical Islamist background. LGBTI advocacy groups decried this as “unacceptable” and “disturbing.”

In November multiple individuals attacked a 20-year-old LGBTI individual in Frankfurt a week after he spoke in a YouTube video about queer topics and hostility toward the LGBTI community. Police made several arrests, but the initial police report did not mention a homophobic motive. Police confirmed several days later they would investigate whether the individual’s sexual orientation played a role in the attack.

On May 7, the Bundestag passed a bill making it an offense punishable by up to a year in prison to offer, advertise, or arrange treatments to convert homosexual or transgender minors by means of “conversion therapy.” Penalties are also possible if persons of legal age have been coerced to undergo such “therapy.”

GERMANY

In August a Kassel district court found Kassel University biology professor Ulrich Kutschera guilty of defamation and fined him. In a 2017 interview, Kutschera had alleged that sexual abuse of children was likelier to occur among same-sex parents and called same-sex couples “asexual erotic duos without reproduction potential.” Following the interview, 17 individuals filed charges against Kutschera. The prosecution had also pressed charges for incitement, but the judge acquitted the defendant on that count.

In July a Mecklenburg-Western Pomerania court sentenced a 32-year-old right-wing extremist to a five-month probation for hurling a bottle at the chair of the Neubrandenburg LGBTI group “queerNB” in December 2019.

In September a study by the German Institute for Economic Research and the University of Bielefeld found 30 percent of homosexuals and 40 percent of transgender persons faced discrimination in the workplace. Sexual harassment and workplace bullying were also commonplace, which led one-third of homosexuals to hide their sexuality from their colleagues.

HIV and AIDS Social Stigma

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

Other Societal Violence or Discrimination

The Federal Ministry of the Interior announced September 1 it had appointed a panel of 12 experts to develop strategies to identify, combat, and prevent hostility towards Muslims. The panel included experts from academia and civil society and was tasked with presenting a final report in two years.

In March the Fatih Mosque in Bremen received an envelope containing a powder-like substance alongside a letter with right-wing extremist content. The powder turned out to be harmless. As of September, Bremen police had not identified any

GERMANY

suspects, nor had they made any progress on solving separate attacks on the mosque in 2017 and 2018.

On two separate occasions in July, unknown suspects left severed pig heads in front of the Islamic Cultural Center in Greifswald, Mecklenburg-Western Pomerania. Police were investigating as of September.

A 34-year-old Iraqi of Yezidi origin confessed in September 2019 to desecrating 50 copies of the Quran by throwing them into toilets, as well as to a similar incident in Schleswig-Holstein where he resides.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution, federal legislation, and government regulations provide for the right of employees to form and join independent unions, bargain collectively, and conduct legal strikes. Wildcat strikes are not allowed. The law prohibits antiunion discrimination and offers legal remedies to claim damages, including the reinstatement of unlawfully dismissed workers.

Some laws and regulations limit these labor rights. While civil servants are free to form or join unions, their wages and working conditions are determined by legislation, not by collective bargaining. All civil servants (including some teachers, postal workers, railroad employees, and police) and members of the armed forces are prohibited from striking.

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

GERMANY

The government enforced applicable laws effectively. Actions and measures by employers to limit or violate freedom of association and the right to collective bargaining are considered unlawful and lead to fines. Penalties and remediation efforts were commensurate with those of equivalent laws denying civil rights.

Laws regulate cooperation between management and work councils (companies' elected employee representation), including the right of the workers to be involved in management decisions that could affect them. Work councils are independent from labor unions but often have close ties to the sector's labor movement. The penalty for employers who interfere in work councils' elections and operations is up to one year in prison or a fine. Findings from 2019 showed that a significant number of employers interfered with the election of work council members or tried to deter employees from organizing new work councils. This practice has been criticized by labor unions for a long time; they call for stronger legislation that shields employees seeking to exercise their rights under the law.

b. Prohibition of Forced or Compulsory Labor

The constitution and federal law prohibit all forms of forced or compulsory labor. Penalties for forced labor range from six months to 10 years in prison and were generally commensurate with those of other serious crimes.

The government effectively enforced the law when they found violations, but NGOs questioned the adequacy of resources to investigate and prosecute the crime. Some traffickers received light or suspended sentences that weakened deterrence and undercut efforts to hold traffickers accountable, but the language was generally consistent with the country's sentencing practices. In March media outlets released findings from a detailed investigation regarding migrant workers in the country who were lured under false pretenses and forced to work in squalid conditions with barely any pay. One media outlet reported that workers "described a sophisticated operation which kept tight control over their livelihoods. The men picked them up when they arrived, ran their accommodations, set rules for their workdays, and ... decided when and how they would be paid." Further, the workers "described deductions for everything from up-front 'bureaucratic costs' to monthly rent to gasoline for the car they were driven to work in, even the special safety boots they had to wear."

GERMANY

There were reports of forced labor involving adults, mainly in the construction and food service industries. There were also reported cases in domestic households and industrial plants. In 2019 police completed 14 labor-trafficking investigations that identified 43 victims, nearly a third (13) of whom were from Ukraine.

In August 2019, 800 federal police officers conducted raids in the states of Thuringia and Saxony-Anhalt on the suspicion of human trafficking and labor exploitation of workers from Eastern Europe. As of September the general prosecutor in Erfurt was still investigating two Ukrainian nationals, one German recruiter, and one employee of a local authority.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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

The government effectively enforced the applicable laws, and penalties were commensurate with those of other serious crimes. Isolated cases of child labor occurred in small, family-owned businesses, such as cafes, restaurants, family

GERMANY

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

d. Discrimination with Respect to Employment and Occupation

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

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

FADA highlighted that applicants of foreign descent and with foreign names faced discrimination even when they had similar or better qualifications than others. Workers filed 1,176 complaints with FADA alleging workplace discrimination because of their ethnic background; the majority of complaints concerned the private sector, where barriers for persons with disabilities also persisted.

The law provides for equal pay for equal work. In March the Federal Statistical Office found the gross hourly wages of women in 2019 were on average 20 percent lower than those of men. It blamed pay differences in the sectors and occupations in which women and men were employed, as well as unequal requirements for leadership experience and other qualifications as the principal reasons for the pay gap. Women were underrepresented in highly paid managerial positions and overrepresented in some lower-wage occupations. FADA reported women were also at a disadvantage regarding promotions, often due to career interruptions for child rearing.

The law imposes a gender quota of 30 percent for supervisory boards of certain publicly traded corporations. It also requires approximately 3,500 companies to set and publish self-determined targets for increasing the share of women in leading positions (executive boards and management) and to report on their performance. Consequently, the share of women on the supervisory boards of those companies

GERMANY

bound by the law increased from approximately 20 percent in 2015 to nearly 35 percent in 2019. The representation of women on management boards in the top 200 companies stood at 14 percent.

There were reports of employment discrimination against persons with disabilities. The unemployment rate among persons with disabilities decreased to 11.2 percent in 2018, remaining considerably higher than that of the general population (on average 5.2 percent for 2018). Employers with 20 or more employees must hire persons with significant disabilities to fill at least 5 percent of all positions; companies with 20 to 40 employees must fill one position with a person with disabilities, and companies with 40 to 60 employees must fill two positions. Each year companies file a mandatory form with the employment office verifying whether they meet the quota for employing persons with disabilities. Companies that fail to meet these quotas pay a monthly fine for each required position not filled by a person with disabilities. In 2018 nearly 100,000 employers did not employ enough persons with disabilities and paid fines.

The law provides for equal treatment of foreign workers, although foreign workers faced some wage discrimination. For example, employers, particularly in the construction sector, sometimes paid lower wages to seasonal workers from Eastern Europe.

e. Acceptable Conditions of Work

The nationwide statutory minimum wage is below the internationally defined “at-risk-of poverty threshold” of two-thirds of the national median wage. The minimum wage does not apply to persons younger than 18, long-term unemployed persons during their first six months in a new job, or apprentices undergoing vocational training, regardless of age. A number of sectors set their own higher minimum wages through collective bargaining.

The government effectively enforced the laws and monitored compliance with the statutory and sector-wide minimum wages and hours of work through the Customs Office’s Financial Control Illicit Work Unit, which conducted checks on nearly 55,000 companies in 2019. Employees may sue companies if employers fail to comply with the Minimum Wage Act, and courts may sentence employers who violate the provisions to pay a substantial fine. Penalties for wage and hour violations were commensurate with those of similar crimes.

GERMANY

Federal regulations set the standard workday at eight hours, with a maximum of 10 hours, and limit the average workweek to 48 hours. For the 54 percent of employees who are directly covered by collective bargaining agreements, the average agreed working week under existing agreements is 37.7 hours. The law requires a break after no more than six hours of work, stipulates regular breaks totaling at least 30 minutes, and sets a minimum of 24 days of paid annual leave in addition to official holidays. Provisions for overtime, holiday, and weekend pay varied, depending upon the applicable collective bargaining agreement. Such agreements or individual contracts prohibited excessive compulsory overtime and protected workers against arbitrary employer requests.

Extensive laws and regulations govern occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace. Penalties for occupational safety and health violations were commensurate to those for other similar crimes.

The Federal Ministry of Labor and Social Affairs and its state-level counterparts monitored and enforced occupational safety and health standards through a network of government bodies, including the Federal Agency for Occupational Safety and Health. At the local level, professional and trade associations self-governing public corporations with delegates representing both employers and unions as well as works councils oversaw worker safety. The number of inspectors was sufficient to ensure compliance. Inspectors had the authority to make unannounced inspections and initiate sanctions.

The number of work accidents continued to decline among full-time employees, but workplace fatalities increased to 497 in 2019, up from 420 in 2018. Most accidents occurred in the construction, transportation, postal logistics, wood, and metalworking industries.