

GERMANY 2021 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 for law enforcement and education. The elections for the Bundestag on September 26 were considered free and fair, as were federal elections in 2017.

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. There were credible reports that members of the security forces committed few abuses.

Significant human rights issues included credible reports of: crimes involving violence motivated by anti-Semitism and crimes involving violence targeting members of ethnic or religious minority groups motivated by anti-Muslim hatred, xenophobia, 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 or were accused of corruption.

Section 1. Respect for the Integrity of the Person

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.

On January 28, the Frankfurt Higher Regional Court sentenced neo-Nazi Stephan Ernst to life in prison for the 2019 murder of local Hesse politician Walter Luebcke but acquitted codefendant Markus Hartmann on an accessory to murder charge. The crime was widely viewed as a politically motivated killing of a known prorefugee state official, and prosecutors believed Ernst committed the crime out of ethnonationalist and racist motivations. Frankfurt prosecutors continued to investigate multiple persons for having threatened Luebcke on the internet after his 2015 prorefugee remarks. They passed several of the remaining investigations to prosecutors across the country, depending on the residence of the accused. A Hesse state parliament investigation into why Hesse's domestic security service failed to identify Stephan Ernst as a danger to society was ongoing as of September.

b. Disappearance

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

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

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

In June a court sentenced a Muelheim police officer to nine months' probation for inflicting bodily injury while on duty. In 2019, when responding to a domestic

violence call, the officer handcuffed a naturalized citizen with Kosovar roots and beat him in the face. The officer's partner helped cover up the assault and was sentenced to seven months' probation.

On September 17, a Cologne court found a police officer guilty of using excessive force against a fleeing suspect and sentenced him to eight months' probation. The officer in 2019 shot an unarmed man aged 19, Alexander Dellis, when he fled arrest; Dellis later filed a complaint for excessive use of force. The court ruled that the officer had not adequately warned the suspect.

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.

In December 2020 a prison inmate, age 67, starved to death in a facility in Aachen. A court had previously determined the inmate had a depressive disorder, but the prison staff did not force feed him, maintaining he had made the decision not to eat while fully capable of understanding the consequences. In August the North Rhine-Westphalia (NRW) Justice Ministry stated that, in the future, prisoners would have to declare in writing their refusal of artificial feeding.

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

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

d. Arbitrary Arrest or Detention

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

Laws at the state level give police the power to take preventive action against an “impending danger.” Critics argued that this provision expands police surveillance power, which had been reserved for the country’s intelligence services. As of September a case challenging the law in Bavaria was 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, noting that six states had no such requirement.

In February a man was acquitted for a third time of charges of resisting police officers and causing bodily harm during a public demonstration in Cologne. The court upheld a charge of insulting a police officer but imposed no penalty, finding fault instead with the officers themselves. The judge in the man’s second trial in 2019 had dismissed the charges as unfounded and apologized to the defendant. Two police officers were placed under investigation in 2019, and in February the case against them was dropped in exchange for fines. The man thereafter sued the state of North-Rhine Westphalia for 15,000 euros (\$17,300) in compensation, which the state agreed to pay in July.

Arrest Procedures and Treatment of Detainees

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

Although bail exists, judges usually released individuals awaiting trial without requiring bail. Bail is only required in cases where a court determines 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: The Federal Statistical Office and the NGO World Prison Brief reported that, as of December 2020, persons held in pretrial detention accounted for 20.8 percent of all prison inmates in the country. 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 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, 589 offenders were held under preventive detention at the end of March 2020, the most recent date for which figures were available.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may file complaints regarding 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.

Property Seizure and Restitution

The government has laws and mechanisms in place for, 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 2020, according to the Federal Ministry of Finance, the government paid approximately 79 billion euros (\$90.8 billion) in Holocaust restitution and compensation, which included an additional 1.04 billion euros (\$1.19 billion) in hardship payments made to poorer Holocaust survivors severely affected by the COVID-19 pandemic in 2020. 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 Claims Conference) 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 Claims Conference 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 Claims Conference filed additional claims under a 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 remaining to be processed at the Federal Office for Central Services and Unsettled Property Issues, including land, real estate, and company shares.

Regular negotiations between the Claims Conference and the country's federal government expanded existing programs and introduced additional ones. In the September 2020 negotiations, the government agreed to increase the total funding level during the year by 30.5 million euros (\$35.1 million) for home-care services for frail and aging Holocaust survivors. In October the federal government agreed to provide monthly 375-euro (\$431) pensions to an estimated 6,500 Holocaust

survivors not previously receiving them, as well as symbolic one-time payments of 2,500 euros (\$2,875) to child survivors born in 1928 or later. Additionally, survivors who received previous one-time payments under a hardship fund were scheduled to receive additional payments of 1,200 euros (\$1,400) during the year.

In 2015 the federal government established the German Lost Art Foundation (DZK) to promote provenance research. The DZK maintained an online “Lost Art” database and helped victims and their heirs to find the right institutions and contacts. The database documented objects suspected or proven to be confiscated by the Nazis. In May the DZK announced it would provide \$2.8 million in funding to 31 projects for research on cultural assets confiscated under the Nazis.

On April 29, the Duesseldorf City Council, following the recommendation of the country’s national commission on Nazi looted art, unanimously voted to return the 1913 Franz Marc painting *Foxes* to the heirs of Kurt Grawi. Grawi had used the sale of the painting to finance his escape from Nazi Germany and emigration to Chile in 1939. As of September the painting had not been returned to Grawi’s heirs.

The Bavarian State Painting Collections, owned by the State of Bavaria, has not referred the case of the Pablo Picasso painting *Portrait of Madame Soler* to the country’s national commission on looted art, contrary to usual practice when disputes concerning the provenance of artworks arise. The work had been sold by Paul von Mendelssohn-Bartholdy in 1934 or 1935; his heirs had first asked Bavaria in 2010 to refer the case to the commission, maintaining he sold the work under duress. In June the commission’s chair Hans-Juergen Papier dismissed the state’s view that the claim is irrelevant, saying it is up to the commission to evaluate such cases.

The Department of State’s Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released in July 2020, 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. These include left-wing extremist groups inside the Left party and right-wing extremist groups inside the Alternative for Germany (AfD) party, both of which have seats in the Bundestag, as well as the right-wing extremist National Democratic Party (NPD). Monitoring requires the approval of state or federal interior ministries and is subject to review by state or federal parliamentary intelligence committees.

All OPC activities may be contested in court, including the Federal Constitutional Court. Following a 2014 Constitutional Court ruling, the government stated the Federal Office for the Protection of the Constitution (FOPC) could no longer monitor Bundestag members.

The Bavaria OPC during the year monitored the NPD; Der Fluegel (“The Wing,” a loose network of far-right extremist AfD party members within the AfD); the AfD youth organization Junge Alternative (“Young Alternative”); as well as the Der Dritte Weg (“The Third Way”), an extremist party that was mainly active in opposing public COVID-19 measures.

The Baden-Wuerttemberg OPC monitored Querdenken 711 (“Lateral Thinking 711”), a movement directed against state and federal COVID-19 restrictions, due to its extremist views. The state’s anti-Semitism commissioner repeatedly warned of Querdenken 711’s anti-Semitic rhetoric and views.

On January 26, the Saxony-Anhalt OPC announced it would monitor the Saxony-Anhalt chapter of the AfD due to the party’s attacks on human dignity, its rejection of constitutional principles, and its hostility to democracy. In response the AfD moved for an injunction. On April 24, Saxony-Anhalt’s Interior Ministry determined the state’s OPC would refrain from monitoring the party until a verdict had been reached. As of August proceedings were ongoing.

In early March media reported that the FOPC had decided to surveil the AfD national party organization but not AfD elected officials or candidates. The FOPC reportedly took this step in light of AfD infringements upon human dignity and democratic principles and the influence of “The Wing,” which supposedly was officially dissolved in 2019, but members of the group continued to convene. Anticipating this, the AfD filed suit in January in the Cologne Administrative Court to block FOPC surveillance. Shortly after the March media reports, the court issued an injunction preventing the FOPC from commenting on whether it had decided to surveil the AfD until the court had ruled on the January suit. In August the court indicated it would not issue a ruling until early 2022, to avoid influencing voters’ decisions in the September 26 elections.

On May 12, the Thuringia OPC upgraded its classification of the Thuringian chapter of the AfD from a suspected case to a proven extremist case. According to the OPC, there are clear “efforts against the free democratic basic order” within the Thuringian AfD chapter.

In June 2020 the Brandenburg OPC announced it would monitor the state chapter of the AfD as a suspected case of right-wing extremism. The Brandenburg state chapter of the AfD challenged the decision before the State Constitutional Court, which ruled against the AfD on March 19.

In June the Bavarian government amended its police powers law to give police the power to screen visitors at major events using “reliability tests” conducted with visitors’ personal data obtained from “public and nonpublic entities.” The law entered into force July 31 and was immediately challenged by the opposition Social Democratic Party (SPD), Greens, and Free Democratic Party before the Bavarian Constitutional Court. As of October the case was still pending (for the “NSU 2.0” case, see section 3, Political Parties and Participation).

In August the Hamburg Administrative Court ruled that Hamburg’s OPC may no longer state that two AfD state parliament staffers were identitarians, a right-wing extremist movement. The AfD caucus in the state parliament had sued the OPC for mentioning the staffers’ supposed connection in its 2020 public report. The court stated that, although the staffers had attended two identitarian events, such attendance alone was not proof of their membership in the group. Under the

ruling, the Hamburg OPC must delete the allegation from its public 2020 report and issue a public correction. The OPC pledged to continue monitoring The Wing's activities in Hamburg.

Human Rights Watch reported that on June 10, the parliament had passed amendments to a law that allows OPCs to use spyware and bypass encryption. Human Rights Watch raised strong privacy concerns regarding the change, noting that the law allows interception of communications by "persons against whom no suspicion of a crime has yet been established and therefore no criminal procedure can yet be ordered." The government argued the provisions were needed to keep up with technological changes.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

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 several 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.

Freedom of Expression: On April 1, Federal President Frank-Walter Steinmeier signed into law the Act on Combating Right-Wing Extremism and Hate Crimes. The act requires 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. Online threats will now be treated the same as in-person threats, and threats of violence other than murder, such as of rape or vandalism, both online and in person, will also be treated the same as murder threats under the law.

On July 6, a federal law took effect that enables authorities to restrict the tattoos, clothing, jewelry, hair, or beard styles of civil servants if this is necessary to ensure

the functionality of the public administration or fulfill the obligation for respectful and trustworthy conduct. The law specifies that if these are of a religious nature, they can only be restricted if they are “objectively suited to adversely affect trust in a civil servant’s neutral performance of their official duties.” Religious organizations expressed concern, however, that the law could serve as justification to restrict the wearing of religious head and face coverings or other religious symbols and attire by civil servants.

Some states did not permit full-face coverings in public schools.

In August 2020 the Federal Labor Court rejected an appeal by the federal state of Berlin against a regional labor court’s 2018 judgment that a general ban on teachers wearing religious symbols in schools was discriminatory. Berlin appealed the case to the Federal Constitutional Court in June.

Freedom of Expression for Members of the Press and Other 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: In June, 3,000 persons demonstrated in Duesseldorf against the new law on public assembly proposed by the NRW state government. Police allegedly assaulted a media representative and surrounded and detained 38 minors during the 10-hour event. During his testimony before the state parliament on the incident, NRW interior minister Herbert Reul regretted police action against the journalist and said it had been a mistake. NRW minister president Armin Laschet later met with the journalist and stated freedom of the press would always be guaranteed. Authorities filed 39 charges were against protesters, including nine counts of bodily harm and six of disturbing the peace.

On September 10, Munich police arrested photojournalist Michael Trammer of the newspaper *taz* for criminal trespass while he was covering a demonstration by environmentalists against an auto show. Trammer was arrested when police stormed the building and detained him in the process of arresting demonstrators even though he claimed he clearly identified himself as a member of the press. Police released Trammer later that day but ordered him not to enter the auto

show's facilities and declared he could be detained again if authorities suspected he might violate the law. Trammer's newspaper contacted police, and they dropped the two orders, although Trammer still faced the trespass charge.

On April 3, regional broadcaster SWR was forced to abort a live report from a demonstration by the group Querdenker 711 in Stuttgart when demonstrators threw "hard objects" at the camera team. Police could not identify the perpetrators. The German Union of Journalists criticized police for not protecting the journalists. Journalists were also attacked at a March 23 Querdenker 711 demonstration in Kassel.

On April 26, a camera team in the government district of Berlin was harassed by five persons, disrupting a live broadcast on COVID-19 immunization policies. Police arrested four suspects on charges of attempted coercion. A federal government spokesperson condemned the attack and said journalists must be able to practice their profession without fear or interference.

Nongovernmental Impact: On July 7, four individuals assaulted Turkish journalist Erk Acacer, a columnist for the Turkish daily *BirGun*, outside his residence in Berlin. Acacer told Deutsche Welle television he believed the attack was related to a Turkish businessman, whom Acacer alleged was involved in prostitution, drugs, and corruption. Acacer said he received new threats in late July; police were investigating the incidents.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online 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. According to the state-level project *Prosecute Rather Than Delete* in NRW, 241

cases of inciting hate on the internet were reported to NRW authorities in 2020.

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 notify authorities 48 hours before announcing them publicly. State and local officials may ban or disperse open-air rallies or marches 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.

To limit the COVID-19 outbreak, state governments required demonstrators to observe social distancing rules to reduce the spread of COVID-19. Police in Berlin and other cities broke up several demonstrations throughout the year when they deemed protesters violated these rules.

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, sometimes resulting in clashes between police and anti-Nazi demonstrators. For example, on August 7, police and counterdemonstrators clashed in Weimar during a right-wing demonstration. Police arrested several counterdemonstrators.

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.

Media reports and videos showed what protesters said was excessive use of force

by police at demonstrations August 1 and 29 in Berlin. As of September the Berlin State Office of Criminal Investigation was investigating one police officer for using excessive force against a protester at the August 29 demonstration (see also section 2.a., Violence and Harassment – June 3 demonstration in Duesseldorf).

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. The OPC at the federal as well as the state level also monitored the Islamic Center Hamburg, which the Hamburg OPC stated was a major Iranian regime asset in Europe. 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 20,000 so-called *Reichsbuerger* (citizens of the empire) and *Selbstverwalter* (sovereign citizens). 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 2020, 880 members of these groups had their firearms licenses revoked, while 530 members were still known holders of firearms licenses. In 2020 members of Reichsbuerger and Selbstverwalter groups committed 599 extremist

politically motivated crimes; authorities categorized 125 of them as violent. The Ministry of the Interior banned one Reichsbuerger group in 2020 and conducted raids against others during the year.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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 for movement within the country and inside the European Union: to those with refugee status, to those with asylum status, and to 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 federal 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 that expired in June. Citizens challenged many of these restrictions in court, with varying results. In November 2020 the federal government instituted a nationwide ban on overnight accommodations in areas

with high COVID-19 infection rates (above 100 per 100,000) to restrict in-country travel. The law also required residents of areas with very high infection rates (above 200 per 100,000) to stay within nine miles of the locality in which they live. All movement restrictions expired July 1.

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, or asylum seekers, as well as other persons of concern.

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 continued to face 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 122,170 asylum requests in 2020 and 111,788 requests in the first eight months of the year (see also section 6, Displaced Children).

In an August 23 decision, the Hesse Higher Administrative Court (VGH) ruled conscientious objectors from Syria do not automatically qualify as asylum seekers. A Syrian national, age 26, had appealed the rejection of his application for asylum in 2015. The VGH's verdict was based on the premise that the plaintiff would most likely not face abuse for avoiding the draft in Syria but would simply be conscripted upon his return. The decision reversed previous legal practice in Hesse and followed decisions from courts in the states of Saxony-Anhalt and NRW. Syrians accounted for 33 percent (40,570 in total) of all asylum applicants in the country in 2020.

The NGO Pro Asyl continued to criticize 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 “direct procedure.” The direct procedure enabled BAMF to decide on asylum applications within a two-day period, during which asylum applicants were detained at the airport. If authorities denied the application, the applicant had the right to appeal. Appeals were processed within two weeks, during which the applicant was detained at the airport. If the appeal was denied, authorities deported the applicant. The NGO Fluechtlingsrat Berlin was critical of 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 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 November 2020 the Bremen Regional Court rejected 100 of the 121 charges against Bremermann and two private lawyers, including all charges related to violations of asylum and residence laws. On April 20, the court decided to take no further action on the case in exchange for a payment of a fine by Bremermann, considering the minor nature of the remaining charges.

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 EU member states, and Switzerland, Norway, Iceland, and Liechtenstein. “Safe countries of origin” also include Albania, Bosnia and Herzegovina, Ghana, Kosovo, Montenegro, North Macedonia, Senegal, and Serbia. The government did not return asylum seekers to Syria.

Refoulement: The government reported that 137 refugees were deported to Afghanistan in 2020, the latest year for which official statistics are available; the NGO Pro Asyl estimated that 304 refugees were deported to Afghanistan during

the first seven months of the year. NGOs including Pro Asyl and Amnesty International criticized the policy as a breach of the principle of *refoulement* and complained that grounds and procedures for deportation varied widely between states. On August 11, the Federal Ministry of the Interior announced a temporary ban on deportations to Afghanistan due to the security situation there.

Abuse of Migrants and Refugees: Assaults on refugees, asylum seekers, and migrants continued, as did attacks on government-provided asylum homes. On July 22, four unknown assailants attacked and wounded two asylum seekers from Kenya in Prenzlau, Brandenburg. As of November police continued to investigate.

In November 2020 a paramedic punched in the face a restrained and defenseless Syrian refugee at a Kassel refugee shelter; the incident did not become public until police released video surveillance of it in March. The video showed two police officers at the scene not interfering or trying to stop the assault. The original November police report only mentioned disorderly conduct by the refugee, but not the assault by the paramedic. Authorities filed charges against the paramedic and the police officers. The paramedic's employer also dismissed him from his job.

On February 4, a Saxony-Anhalt court issued a warning and suspended sentence for battery to a private security guard who was captured on video in 2019 beating an asylum seeker at a government reception center for asylum seekers in Halberstadt, Saxony-Anhalt. Two other guards at the center were acquitted of similar charges.

Freedom of Movement: Under a 2019 law addressing deportation, all asylum 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 those 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 stressed the regulations were legally problematic because both the 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.

Authorities issued 10,800 expulsion orders in 2020, only slightly fewer than the 11,081 expelled in 2019. Persons holding citizenship of Albania (1,006), Georgia (995), Serbia (754) and Moldavia (654) were subject to the highest number of expulsions. In September, 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, 234,756 refugees were unemployed as of August. 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 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 provide housing for 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. 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 2020 authorities provided financial assistance of 300 to 500 euros (\$345 to \$575) to 5,706 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 14,565 persons. This status is usually granted if a person does not qualify for refugee or asylum status but might face severe danger in his or her country of origin due to war or conflict. During the same period, 3,393 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 26,675 stateless persons in the country at the end of 2020. 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 September 26 and considered them well run, free, and fair.

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

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 2019 the Bundesrat, Bundestag, and federal government filed a joint claim with the Federal Constitutional Court to exclude the right-wing extremist 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 December.

In NRW threats against local politicians increased dramatically. In 2020, 160 criminal offenses against local politicians were recorded in NRW, compared with 25 in 2019 and 43 and 44 in 2018 and 2017, respectively. According to the NRW Interior Ministry, these incidents were predominantly insults or defamation, but not physical assaults.

On May 3, in the widely reported “NSU 2.0” case, Hesse State Criminal Police arrested the local national Alexander M., age 53, on suspicion of sending dozens of threatening letters to prominent parliamentarians, women, and members of minority groups campaigning against extremism. According to prosecutors, the suspect had a criminal record, including “right-wing motivated offenses.” It remained unclear how Alexander M. obtained confidential personal information from police and government records used in the letters. Investigations by Frankfurt prosecutors continued as of October.

In July 2020 the Bavarian Ministries of Justice and the Interior joined forces to establish a comprehensive plan to protect local communal politicians from hate speech, appointing the country’s first Hate Speech Commissioner and contact persons in all 22 Bavarian prosecutors’ offices. In February the Bavarian Minister of Justice announced that, as a result, 1,648 investigations had been launched in 2020, with 102 convictions. During the year many investigations remained ongoing.

On July 30, the Munich Higher Regional Court convicted and sentenced Susanne G., a right-wing extremist alternative healer, to six years in prison for making threats, planning violent attacks, and other offenses. The extremist had components for a bomb in her possession when she was arrested in September 2020 and had targeted a mayor, a county official, a Turkish-Islamic community association, and a refugee aid organization.

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. Transgender persons complained that the time-consuming and costly nature of the country’s laws on gender changes limited their ability to

participate in the political system (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity). They also pointed out that this requirement limited the ability of transgender persons to be elected to public office, because only legal names may be used in official election records and on ballots. Persons with disabilities also faced some restrictions, although these were being reduced (see section 6, Persons with Disabilities). Within the Federal Cabinet, eight of 15 ministers are women, including the ministers of foreign affairs, defense, and interior. In the parliament approximately 35 percent of the members are women.

On February 16, unknown suspects defaced an election poster of SPD candidate Aisha Fahir with a swastika in Karlsbad, Baden-Wuerttemberg. The police political crime unit took over the investigation, but the case remained unsolved.

In March, Tareq Alaows, the Greens candidate for the Bundestag in Dinslaken, NRW, ended his campaign, blaming online threats and racism. Alaows came to the country from Syria as a refugee.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: In March the magazine *Der Spiegel* revealed that during the 2020 height of the COVID-19 pandemic, several members of the Bundestag and the Bavarian state parliament contacted the Federal Ministry of Health, Federal Ministry of the Interior, and Bavarian state ministries on behalf of suppliers of personal protective equipment (PPE). Some were accused of having received compensation in exchange for recommending certain PPE suppliers to government customers or lobbying ministries to procure from those suppliers. According to media reports, Bundestag members Georg Nuesslein of the Christian Social Union (CSU) and Nikolaus Loebel of the Christian Democratic Union received 660,000 euros (\$759,000) and 250,000 euros (\$288,000), respectively, for such activities, and Alfred Sauter, a CSU member of the Bavarian state parliament, received 1.2

million euros (\$1.38 million). In June the Federal Ministry of Health published a list of 40 members of the Bundestag who had contacted it on behalf of PPE suppliers; many stated they received no compensation and were acting on behalf of constituents. Anticorruption investigations continued as of September.

Section 5. Governmental Posture Towards 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: Several government bodies worked independently and effectively to protect human rights. The Bundestag has a Committee for Human Rights and Humanitarian Aid and a Committee for Petitions. The Petitions Committee fields complaints from the public, including human rights concerns. The German Institute for Human Rights has responsibility for monitoring the country's implementation of its international human rights commitments, including treaties and conventions. The Federal Anti-Discrimination Agency (FADA) is a semi-independent body that studies discrimination and assists victims of discrimination. The Office of the Federal Commissioner for Persons with Disabilities has specific responsibility for protecting the rights of persons with disabilities. The Justice Ministry's commissioner for human rights oversees implementation of court rulings related to human rights protections.

Section 6. Discrimination and Societal Abuses

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.

The federal government, the states, and NGOs supported numerous projects to prevent and respond to cases of gender-based violence, including providing survivors with greater access to medical care and legal assistance. Approximately 350 women's shelters operated throughout the country.

The NGO Central Information Agency of Autonomous Women's Shelters (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 were particularly at risk, since they were required to maintain residence in a single district for three years and many resided in districts in which there were no women's shelters.

The women's shelter association Frauenhauskoordinierung e.V. complained that federal vaccination regulations did not prioritize residents and staff of women's shelters for COVID-19 vaccination, in contrast to homeless shelters, refugee housing, and other group housing settings, threatening the homes' ability to provide shelter in the event of an outbreak. 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 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. During the year there were no reports FGM/C was performed in the country. A working group under the leadership of the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth collaborated with other federal government bodies and all 16 states to combat FGM/C.

In July the Federal Ministry for Women and Families published a “protection letter” for girls at risk of FGM/C, warning of the high criminal penalties for FGM/C in the country. The letter was intended to be carried when travelling abroad and shown to relatives or others who tried to subject girls to FGM/C.

Other Harmful Traditional Practices: The law criminalizes “honor killings” as murder and the government enforced the law effectively. During the year there were some reports of such killings in the country; for example, in December, Berlin prosecutors charged two men of Afghan descent with murdering their sister age 34 in July because she had divorced her abusive husband and begun a new relationship. No trial date had been set at year’s end. Although authorities estimated the number of such killings fluctuated between approximately three and 12 during any year, some observers questioned how many of these were “honor killings,” which media tended to attribute to immigrant communities, and how many were other manifestations of domestic violence.

Sexual Harassment: Sexual harassment of women was a recognized problem and prohibited by law. Penalties include fines and prison sentences of up to 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: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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, including emergency contraception.

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.

Systemic Racial or Ethnic Violence and Discrimination

The country's constitution states that no one shall be "favored or disfavored because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions." Federal laws prohibit discrimination based on race or ethnicity by public authorities as well as private actors such as employers, landlords and businesses, but there were reports of discrimination despite these laws.

Public incitement of hatred against an ethnic, racial, religious or other minority is a crime in the country, and authorities vigorously prosecuted violations of the law. Crimes motivated by such hatred also incur harsher sentences than similar crimes not motivated by such hatred, and judges regularly imposed these sentences.

The federal and state governments employed a wide range of measures to eliminate ethnic and racial bias. For example, the federal government operated FADA, which takes complaints and reports of discrimination and provides advice and support to victims. Some states also had similar offices. Observers noted FADA was underfunded and that both state and federal offices were not sufficiently independent. Members of minority groups were not always aware of these resources.

The federal and state governments also provided grants to civil society organizations working to combat racism and ethnic bias. For example, during the year the federal government program Demokratie Leben (Live Democracy) dispensed 150 million euros (\$172.5 million) in grants to organizations promoting diversity and combating extremism.

Federal and state OPCs also monitored groups with racist or xenophobic ideologies. The annual FOPC report for 2020, released in June, recorded 22,357 politically motivated crimes committed by individuals with right-wing extremist backgrounds, 1,023 of which were violent. Of these, 746 were categorized as

xenophobic. The 2020 FADA report detailed 2,101 complaints of racism, a 79 percent annual increase compared with 2019, and the agency reported 6,383 requests for consultations from possible victims of discrimination, compared with 3,200 in 2019. Persons with Asian features were often affected, according to official sources and multiple media reports (see also section 3, Participation of Women and Members of Minority Groups, attacks on campaigns of minority group politicians).

In a survey by researchers at the University of Bochum on interactions with police published in November 2020, respondents who were members of ethnic minority groups or who had a migrant background reported being subjected to random police checks more often than white respondents without a migrant background. Ethnic minority respondents and those with a migrant background were more often advised against reporting incidents of police violence, and their attempts to do so were more frequently rejected than were those of white, nonmigrant respondents.

In May the NRW state government launched a campaign to attract more employees with immigrant backgrounds to join the civil service.

On August 18, the Erfurt public prosecutor charged nine men and one woman from the right-wing extremist scene with inflicting grave bodily harm for their attack on three Guineans in Erfurt, Thuringia. Two of the victims were injured during the August 2020 attack, one of them seriously. According to the prosecutor's office, proceedings against seven other suspects were dropped due to lack of evidence. As of August a trial date had not been set.

On June 9, Frankfurt prosecutors began investigating 20 members of the Frankfurt police department's elite special forces unit (SEK) for sharing racist, extremist content in a chat group. Hesse interior minister Peter Beuth then dissolved the Frankfurt SEK and announced a statewide reorganization of such units on August 26. Investigations against most of the officers were still ongoing as of October 1, while investigations of two senior officers for obstruction of justice have been closed.

In September 2020 the NRW Interior Ministry suspended 29 police officers for participating in a right-wing chat group in which they shared extremist

propaganda. In July charges were filed in six cases, including five counts of spreading symbols of anticonstitutional organizations and sedition; the charges could lead to fines. Seven cases were closed with no charges filed, and investigations continued in 14 cases. In September the special representative examining right-wing extremist tendencies in the police force presented his report to the NRW state parliament. Although he found many examples of right-wing extremist, racist, sexist, and homophobic statements, he found no evidence of right-wing extremist networks in the police force or that police had been subverted by right-wing extremists. The report included an 18-item list of measures to combat extremism in the police force.

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.

According to local media, internal documents and whistleblower testimonies suggested that Bremen's city-owned housing association Brebau systematically discriminated against persons of color, Sinti and Roma, Bulgarians, and Romanians. Brebau staff were instructed to note applicants' race in the company's internal information technology system, as well as whether they wore a head scarf and if they were "integrated" into Western society. The reports stated this information was temporarily removed if applicants asked to review their application and later re-entered.

Harassment of members of racial minorities, such as Roma and Sinti, remained a problem throughout the country.

In May the Independent Commission on "Anti-Ziganism" presented its final report to the government. The report, commissioned by the government, concluded that anti-Roma racism was an "all-encompassing everyday experience for Sinti and Roma" that posed a "massive societal problem." Harshly criticizing an ongoing "failure of German policy, German legislation and the application thereof," it described discrimination in local government, law enforcement, education, and other areas. The genocide of the Roma and Sinti committed by the Nazis had a "deep and lasting impact," the report said, and had only partly been addressed.

On August 5, a Sinti family was expelled from a campground in Bad Zwesten, Hesse. The head of the family reported that he was told Sinti were not welcome at the campground. Campground operator Camping Club Kassel (CCK) confirmed to local media it had a policy of not admitting minorities. Following public complaints, the CCK eventually apologized to the family and declared it had rescinded the discriminatory policy.

On September 23, four defendants in Erbach, Baden-Wuerttemberg were convicted of coercion in a 2019 attack in which they threw a burning torch at a vehicle in which a Romani family slept with their baby, age nine months. They were given suspended juvenile sentences and were ordered to visit a concentration camp memorial. The court found the defendants were motivated by racism and had hoped to drive the Roma out of Erbach, but the defendants did not intend to harm them. The Central Council of German Sinti and Roma welcomed the verdict.

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 received birth registration applications, they generally processed them expeditiously. Parents who fail to register their child's birth may be subject to a fine. Birth certificates are required to access some public services, such as education or day care.

Child Abuse: There are laws against child abuse. Violence or cruelty towards minors, as well as malicious neglect, are punishable. Incidents of child abuse were reported. The Federal Ministry for Family, Seniors, Women, and Youth sponsored 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.

The law 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 were unavailable on such cases. Child and forced marriage primarily affected girls of foreign nationality.

In June the NRW state government launched an awareness campaign against forced marriage headlined *EXIT.NRW – Protection United – North Rhine-Westphalia against Forced Marriage*.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, offering, or using children for commercial sexual exploitation, including child sex trafficking, as well as practices related to child pornography. Authorities enforced the law. The minimum age for consensual sex is 14 years unless the older partner is older than 18 and is “exploiting a coercive situation” or offering compensation, and the younger partner is 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 for 2020, the latest available, indicated 14,594 cases of child sexual abuse occurred in 2020, an increase of 6.8 percent over 2019. The number of child pornography cases processed by police rose in 2020 to 18,761, a 53 percent increase over 2019.

The law enables 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 provides an online help portal and an anonymous telephone helpline free of charge.

In January police conducted two large nationwide raids involving 1,000 law enforcement officers against persons suspected of possessing or distributing child

pornography, following a similar series of raids in September 2020. The raids were part of investigations that began with the 2019 arrest of a Bergisch-Gladbach man for severe child abuse, including the production of child pornography. That case eventually evolved into a large-scale investigation involving 400 police detectives and a network of at least 30,000 suspects, several of whom were convicted and sentenced in 2020 to multiyear prison sentences, to be followed by preventative detention, for child sexual abuse and possession of child pornography. Investigations and court proceedings were ongoing.

In June 2020 police uncovered a child abuse ring in Muenster, NRW. The main suspect was a man, age 27, suspected of sexually abusing the son, age 10, of his partner; he also produced pornography of the abuse and sold it online and offered his foster son to others. By August more than 40 suspects had been identified, with approximately 30 in pretrial detention or custody; 30 children were believed to have been victims. In July a Muenster court handed down a 14-year sentence for the main suspect and ordered preventive detention after the sentence is complete; in October the main suspect's partner was sentenced to seven years and nine months in prison for aiding and abetting the crime. Three other defendants received prison sentences of between 10 and 12 years, also with preventive detention after serving their sentences. In October the mother of the main suspect, who was tried as an accomplice, was also convicted of aiding and abetting the crime and sentenced to seven years and nine months in prison.

In 2019 an NRW parliamentary committee opened an investigation into possible failures and misconduct by the NRW state government in a case of multiple sexual abuse of children at a campground in Luegde. The investigation continued as of October, with sessions scheduled until December 17.

Displaced Children: According to the Eurostat, the statistical office of the EU, 2,230 unaccompanied minors applied for asylum in the country in 2020, approximately half of whom came from three countries: Afghanistan, Guinea, and Syria. BAMF granted some form of asylum to unaccompanied minors in 58.7 percent of cases in 2020, compared with 94.5 percent in 2016. The NGO Association for Unaccompanied Refugee Minors observed that some unaccompanied minors might have become victims of human trafficking, since youth offices have no legal responsibility to locate them if they disappear from

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

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 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 right-wing extremists were responsible for most anti-Semitic acts but cautioned that federal statistics misattributed many acts committed by Muslims as right-wing acts.

In 2020 the Federal Ministry of Interior reported 2,351 crimes motivated by anti-Semitism, a 15.7 percent increase from the 2,032 anti-Semitic crimes in 2019. In presenting the FOPC's annual report, Federal Interior Minister Horst Seehofer (Christian Social Union) stated right-wing extremists continued to pose 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 dropped from 56 in 2019 to 48 in 2020. The FOPC also identified 31 anti-Semitic incidents with a religious ideological motivation, including one

violent incident and 36 with a foreign ideological motivation. Federal prosecutors brought charges against suspects and maintained permanent security measures around many synagogues.

In the year preceding March 17, the Department for Research and Information on Anti-Semitism registered anti-Semitic incidents at 324 separate demonstrations against restrictions to prevent the spread of COVID-19, none of them violent. Incidents included positive references to Nazis, for example the use of anti-Semitic conspiracy myths, including the assertion that Jews were responsible for unleashing the corona virus.

In May the Research and Information Office on Anti-Semitism Bavaria reported 239 anti-Semitic incidents in 2020, an increase of 55 incidents over 2019. The incidents included one violent attack, 10 threats, 13 incidents of vandalism, 27 anti-Semitic mass mailings, and 188 cases of abusive behavior. Two weeks later, the Bavarian parliament passed a resolution against anti-Semitism. The resolution calls for better surveillance and screening of possible threats as well as physical protection measures for Jewish institutions and synagogues.

In December 2020 a court sentenced Stephen Balliet, the gunman who attacked a Halle synagogue on Yom Kippur in 2019 and killed two persons, to life imprisonment with subsequent preventative detention for murder, attempted murder, and incitement. The Saxony-Anhalt court cited Balliet's lack of remorse and expressed desire to reoffend as reasons for issuing the maximum sentence. The President of the Central Council of Jews in Germany welcomed the verdict for its clear condemnation of anti-Semitism. Balliet had testified to being motivated by xenophobia and anti-Semitism in court, repeating anti-Semitic conspiracy theories and calling Muslim refugees in the country "conquerors."

In May protesters burned Israeli flags in front of synagogues in Muenster and Bonn. The Muenster synagogue was not damaged, and authorities charged 13 men with violating the law of assemblies. In Bonn individuals threw stones at the synagogue's front door, and authorities filed charges against three suspects.

Also in May a police cordon stopped an unregistered anti-Israel demonstration with approximately 180 attendees waving Palestinian, Turkish, and Tunisian flags

at the Gelsenkirchen synagogue. In a video of the demonstration, anti-Semitic chants like “Jews out” could be heard. Police arrested a German-Lebanese man, age 26, and further investigations continued as of December.

On May 15, 3,500 persons participated in an anti-Semitic demonstration in the Neukoelln district of Berlin. Demonstrators chanted anti-Semitic slogans and displayed signs equating Israel with the Nazis. According to media reports, participants included members of Turkish extremist organizations such as the “Grey Wolves,” left-wing extremist groups, as well as families. After police attempted to end the demonstration due to noncompliance with COVID-19 restrictions, some demonstrators turned violent, throwing bottles, stones, and burning objects at police and journalists covering the event. Police were only able to restore order after several hours. In the disturbances 93 police officers were injured, and authorities arrested 59 persons for battery, assaulting police officers, and other charges. As of December police investigations continued. The same day, also in Berlin, unknown persons vandalized the memorial stone marking the site of a destroyed synagogue in the Hohenschoenhausen neighborhood. Berlin mayor Michael Mueller condemned the demonstration as “unacceptable.”

On June 5, a man, age 45, attempted to set fire to an Ulm synagogue, resulting in minor damage to the building. The suspect, a Turkish citizen, fled to Turkey after the attack. According to Baden-Wuerttemberg authorities, the Turkish government refused to extradite him. Following the attack, the Baden-Wuerttemberg state parliament passed a resolution denouncing anti-Semitism.

In August a Jewish resident, age 18, wearing a kippa was insulted and severely beaten by a group of young persons while sitting in a Cologne public park. The victim was hospitalized with broken bones in his face. Police identified two attackers via video cameras and arrested them. Police suspected the attack was motivated by anti-Semitism but as of December investigations were ongoing.

In September a Halle police officer was suspended for repeatedly corresponding with Stephan Balliet, who had attacked the Halle synagogue on Yom Kippur 2019. The officer wrote Balliet at least 10 letters using a pseudonym and false address and was reported to have expressed sympathy for the attacker while minimizing his crimes in conversations with colleagues.

An attack in Hamburg on September 18 left a Jewish man, age 60, hospitalized with potentially lifelong injuries. According to Hamburg anti-Semitism commissioner Stefan Hensel, the perpetrator and his companions shouted, “free Palestine” and “f- Israel” at a pro-Israel vigil in central Hamburg. When the vigil participants asked them to stop, the attacker punched the Jewish man in the face and broke his nose and cheek bone. Hamburg police were searching for the unidentified assailant. Hamburg deputy mayor (equivalent to deputy governor) Katharina Fegebank strongly condemned the attack.

On October 8, a neo-Nazi and Holocaust denier from Oberhausen, NRW, was buried in the former grave of Jewish musicologist Max Liebermann (1852-1934) in the country’s largest Protestant cemetery, located in Stahnsdorf, near Berlin. The burial, during which Liebermann’s headstone was covered by a black cloth quoting the Bible verse “Then you will know the truth, and the truth will set you free,” was attended by prominent neo-Nazis and Citizens of the Empire, according to media reports. The Protestant Church of Germany Berlin-Brandenburg was investigating how the request for the grave was approved, as well as possible consequences. Police were also investigating.

On August 23, Baden-Wuerttemberg interior minister Thomas Strobl officially inaugurated country’s first two police rabbis, Moshe Flomenmann from Loerrach and Shneur Trebnik from Ulm, to serve as counselors and contact persons for prospective and existing police officers as well as community members.

Many prominent government officials repeatedly condemned anti-Semitism throughout the year, including Federal Chancellor Angela Merkel, Federal President Frank-Walter Steinmeier, and Foreign Minister Heiko 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. In the one state not to have instituted a commissioner, the Bremen Jewish community told the state government it was not necessary to introduce such a position, and that they deemed alternative tools to combat anti-Semitism to be more efficient. 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 met twice a year to coordinate strategies.

In April, Hamburg launched a publicly funded independent reporting agency for anti-Semitism and other racist incidents.

In August the NRW state government established a reporting office for anti-Semitic assaults that do not rise to the level of criminal charges. The office was temporarily administered by the North Rhine State Association of Jewish Communities until a new organization could be established.

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

Federal and state laws require public authorities take measures to ensure persons with disabilities have equal access and treatment in education, health, public services, and transportation. These include the elimination of physical barriers in buildings and transportation; communication assistance; the elimination of barriers to applying for and accessing public services; the provision of public information in accessible formats; and ensuring access to the political process. These requirements were not always implemented. For example, most physicians' offices often located in older buildings were not accessible to persons with disabilities, and there were too few health-care facilities able to address the specific health-care needs of persons with disabilities. Government information and communications were not always provided in accessible formats, especially at the local level.

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 also faced hurdles in employment and housing. While

discrimination based on a disability was illegal, the unemployment rate among persons of working age was much higher than in the general population. Not enough suitable employment opportunities were available for persons with disabilities, and despite requirements that private companies employ persons with disabilities, many chose to pay a fine instead of doing so. There was also a shortage of affordable, accessible, and barrier-free housing for persons with disabilities and older, privately owned residential and commercial buildings were often exempt from accessibility regulations.

An estimated 1.3 million adults were living under conservatorships in the country, many of them with a disability, whose rights were restricted to various degrees under conservatorship laws. In 2021, 85,000 persons with disabilities under conservatorship were permitted to vote in the federal elections for the first time, after the federal constitutional court ruled in 2019 that a ban on voting by persons with disabilities under was unconstitutional. In March the government extensively reformed conservatorship laws, effective 2023, to give persons under conservatorship more control over their own lives. NGOs such as the Institute for Human Rights stated that the reforms did not go far enough, for example because they still permitted involuntary medical treatment or sterilization in some cases.

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. Approximately 43 percent of children with disabilities attended schools with their peers in public schools, while the remainder attended segregated schools, although inclusion levels varied significantly between the country's different states. Somewhat more than half of the students with disabilities attending school with their peers successfully completed their secondary education, compared to more than one in four of those attending segregated schools.

According to FADA, many persons with disabilities believed they were disproportionately impacted by COVID-19 measures, especially mask requirements, and were stigmatized as COVID-19 deniers when raising their concerns. The number of complaints to FADA by persons with disabilities tripled to 2,631 cases in 2020, 41 percent of the total, which declared more must be done to meet needs of the persons with disabilities during the COVID-19 pandemic, for

example by expanding outdoor retail or delivery options.

In March a Leipzig court convicted a Red Cross transportation service driver of the rape, sexual abuse, and sexual harassment of several children with disabilities and young adults whom he transported to education and care facilities. The court sentenced him to four years in prison.

Police in Wuerzburg arrested a speech therapist in March and charged him with the sexual abuse of children with disabilities under his treatment; a court convicted him of severe sexual abuse in May, sentencing him to 11 years in prison.

In April police arrested a caregiver at a Potsdam residential facility for persons with disabilities and charged her with killing three residents and wounding a fourth that same month. The trial continued as of November.

HIV and AIDS Social Stigma

The NGO German AIDS Foundation and the NGO German AIDS Service Organization reported that societal discrimination against persons with HIV and AIDS ranged from isolation and negative comments from acquaintances, family, and friends to bullying at work.

In September the NGO German AIDS Service Organization published a survey showing that that 56 percent of HIV-positive persons had experienced discrimination due to the HIV status in the previous year, with 16 percent being refused dental treatment and 8 percent experiencing such discrimination in health care. The impact of this discrimination was greater than that of the infection itself, respondents said.

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

Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) activists and community members complained of violent attacks and a growing atmosphere of hostility towards LGBTQI+ persons across the country, often directed at transgender individuals. Official crime statistics recorded 782 hate crimes against LGBTQI+ persons nationwide, 154 of which were violent and 144 of which

involved battery. Community activists suspected true figures were much higher and counted three anti-LGBTQI+ killings in the country in 2020. The Berlin NGO Maneo identified 510 hostile incidents in Berlin alone in 2020, 119 of which involved battery or attempted battery.

On March 16, Frankfurt prosecutors charged with aggravated battery three individuals aged 16, 17, and 18 who had attacked a LGBTQI+ individual, age 20, in Frankfurt in November 2020 after he had spoken in a YouTube video regarding queer topics and hostility toward the LGBTQI+ community. They were expected to be tried in juvenile court.

On March 20, an unknown man attacked a trans woman in Frankfurt with verbal insults and several punches to her face, resulting in light injuries and hospitalization. Following the attack, trans rights activist Julia Monro praised the communications practices of Frankfurt police, especially for having explicitly named transphobia as the motive for the attack.

On May 21, the Dresden Higher Regional Court sentenced a Syrian refugee, age 20, and known Islamist to life imprisonment followed by a conditional security detention for attacking a gay couple in Dresden with a knife in October 2020, 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. LGBTQI+ advocacy groups decried this as "unacceptable" and "disturbing."

On June 24, the day of Berlin's pride march, a group of unknown persons attacked a march participant from behind before punching him in the face; he required medical treatment for his injuries. Earlier that same evening, a group of persons punched and kicked three other marchers in a Berlin park while shouting anti-LGBTQI+ insults; all three were injured. Police arrested three suspects. The previous afternoon a man aged 18 assaulted a gay couple in the subway and the city's plaque commemorating the gay liberation movement had been vandalized.

The law prohibits discrimination based on sexual orientation and gender identity. Under the law offering, advertising, or arranging treatments to convert homosexual or transgender minors by means of "conversion therapy" is a crime punishable by

up to a year in prison. Penalties are also possible if persons of legal age have been coerced to undergo such “therapy.”

LGBTQI+ activists criticized the law’s requirement that transgender persons obtain two assessments by independent experts to receive legal gender recognition (including a legal name change), as expensive, time consuming, subjective, and intrusive.

In July the Cologne District Court fined a Polish theology professor and priest for inciting hatred by calling homosexuals in the Roman Catholic church a “cancer” and “colony of parasites,” in a January church periodical article. The publication was also fined; both defendants appealed the decision.

A professor previously convicted of defamation of LGBTQI+ persons won his appeal on March 2. In August 2020 a Kassel district court had 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.” Kutschera appealed his conviction to the Kassel State Court, which overturned the lower court’s decision, ruling that his statements were covered by constitutional free speech protections.

Other Societal Violence or Discrimination

Between January and March, unknown suspects committed three attacks against a Frankfurt mosque. Twice the mosque door was defaced with swastikas, and once a perpetrator accessed the mosque and vandalized the location.

In April an unknown man broke the windows of the prayer room of a Hildesheim mosque and entered its courtyard before fleeing. Police arrested and charged a suspect, age 20.

In September unknown persons threw stones through six windows of what police called “a Muslim institution” in Zwickau, shattering them; media reports called the building a mosque, which had been the target of vandalism in the past. Police had not arrested a suspect at year’s end.

Media reported women who wore a hijab faced employment discrimination, and that discrimination was made easier by the customary practice of requiring photos as part of job applications. According to one March report by the ZDF national television network, a job seeker who wore a headscarf said that she had to submit 450 applications before she was offered an interview.

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 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 relied on case law and precedent.

The government enforced applicable laws effectively. Actions and measures by employers to limit or violate freedom of association and the right to collective bargaining are considered unlawful and lead to fines. Penalties 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. Labor organizers complained 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 called for stronger legislation that shields employees seeking to exercise their rights under the law.

Between August 10 and September 9, the train engineers' union GDL called three rail strikes as part of negotiations with the national rail company Deutsche Bahn (DB). DB challenged the third and final strike in a labor court. The Frankfurt Main Labor Court rejected DB's request and upheld GDL's right to strike.

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.

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 2020 police completed 22 labor-trafficking investigations (up 57 percent from 2019) that identified 73 victims, nearly a third (21) of whom were from Romania.

In January the Federal Criminal Police announced it would lead a Europe-wide effort against Vietnamese human-trafficking networks. Since then, federal and state authorities conducted at least six operations, including an international effort

with Slovakian authorities. From May 31 to June 6, the Customs Office's Financial Control Illicit Work Unit, (FKS) conducted a joint investigation with state and federal police forces and Europol in Erfurt. The FKS investigated 125 suspects and 41 companies for smuggling persons and labor exploitation of Vietnamese nationals. At least three workers without legal resident status were identified, one of whom was working without pay. On June 28, more than 100 officers raided a Berlin construction company suspected of labor trafficking and identified 10 Vietnamese nationals working without legal residence status. Police issued "start-up certificates" to at least 13 potential victims, enabling them to establish legal residence, apply for asylum, and receive benefits.

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

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. The Federal Anti-Discrimination Agency (FADA) reported that, of the 6,383 inquiries concerning discrimination or other requests for assistance it received in 2020 (the latest statistics available), at least 23 percent (approximately 1,468) concerned employment or the workplace.

FADA highlighted that applicants of foreign descent and with foreign names faced discrimination even when they had similar or better qualifications than others. In 2020, FADA received 2,101 complaints alleging discrimination in the workplace or when accessing services because of ethnic background. FADA reported racism experienced in connection with the pandemic particularly affected persons perceived as Asian, as well as Sinti and Roma.

The law provides for equal pay for equal work. In March the Federal Statistical Office found the gross hourly wages of women in 2020 were on average 18 percent lower than those of men. It attributed 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. In 2020, 79 workers contacted FADA to report being professionally disadvantaged due to pregnancy. FADA also reported the COVID-19 pandemic particularly increased psychological and health burdens for women, who make up a large percentage of the health and retail sectors where they faced additional workload and greater risk of infection.

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 bound by the law increased from approximately 20 percent in 2015 to 35 percent in 2020.

There were reports of employment discrimination against persons with disabilities. The unemployment rate among persons with disabilities increased to 11.8 percent in 2020, remaining considerably higher than that of the general population (on average 5.9 percent for 2020). 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 2019 nearly 105,000 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

Wage and Hour Laws: 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. Several 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 45,000 companies in 2020. Focus areas included the meat industry and parcel services where alleged wage and hour violations are historically more common due to the practice of employing primarily migrant workers through subcontracting chains. The country partially ended this practice in the meat industry through a law governing the use of works contracts which entered force in January 2021. 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.

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.

Occupational Safety and Health: 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 with 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. This differed from wage and hour inspections which were primarily overseen by the Customs Office's Financial Control Illicit Work Unit. 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, and 2020 saw workplace fatalities fall to 399 from 497 in 2019. Most accidents occurred in the construction, transportation, and postal logistics industries.

Various meat-processing facilities had very high rates of COVID-19 infection at a time when the country witnessed low overall infection rates. Local authorities often blamed these on plant working and housing conditions for the largely Eastern European and sometimes seasonal workforce. In December 2020, in response to such outbreaks, the Bundestag passed legislation limiting the use of independent contractors and subcontractors in the meat processing industry, mandating electronically monitored working hours, and improving worker housing. The legislation took effect January 1.

Informal Sector: The country includes some data on the informal economy in GDP calculations but does not publish separate official statistics. The informal economy accounts for approximately 10 percent of the country's GDP. According to the 2019 Act to Combat Unlawful Employment and Benefit Fraud, part of the FKS' mandate includes monitoring undeclared and illegal work. The FKS has approximately 7,500 personnel assigned to investigate employers and employees not fulfilling certain social security, tax, social benefit, or employment reporting obligations. In 2020 FKS inspections included meat-processing facilities, parcel-delivery services, nail salons, restaurants, and construction sites. An unspecified amount of undeclared work occurred through bogus self-employment. The law

recognizes dependent self-employment and approximately 9.6 percent of the country's working population was self-employed.