

# Germany 2023 Human Rights Report

## Executive Summary

There were no significant changes in the human rights situation in Germany during the year.

Significant human rights issues included credible reports of: crimes involving violence targeting members of ethnic or religious minority groups including Muslims; crimes involving violence motivated by antisemitism; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took steps to investigate, prosecute, and punish officials who may have committed human rights abuses.

## 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, including extrajudicial killings, during the year.

On July 19, a Hesse state parliament investigation issued its final report into the failure of the state's domestic security service to prevent the 2019 murder of local politician Walter Luebcke by neo-Nazi Stephan

Ernst. The report found security services had missed indications Ernst was still a threat, and therefore stopped monitoring him in 2019. The committee was unable to say whether security services could have prevented Luebcke's death.

Mannheim prosecutors charged two police officers in December 2022 in the death of a man who collapsed and died after they forcefully subdued him in May 2022; their trials were scheduled for January 2024. The Mannheim police department had immediately suspended the officers after the incident.

In February, prosecutors charged five police officers in connection with the August 2022 shooting death of a Senegalese boy, age 16, Mouhamed Dramé, in Dortmund. After unsuccessfully attempting to communicate with Dramé, who WDR television reported was kneeling while holding a knife at a refugee shelter and threatening to harm himself, the 11 police officers at the scene used tear gas and tasered Dramé, then fatally shot him, according to WDR. Prosecutors charged one officer with manslaughter, three others with causing dangerous bodily injury, and the officers' supervisor for inciting his subordinates. No trial date was set as of November.

## **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, and Other Related Abuses**

The constitution and the law prohibited such practices, and there were no credible reports 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.

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.

**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 prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Police in several states had the legal authority to take preventive action against an “impending danger.” Critics argued this provision gave police excessive surveillance power, otherwise reserved for the country’s intelligence services.

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 of the country’s 16 states had no such requirement.

### **Arrest Procedures and Treatment of Detainees**

Authorities needed a warrant issued by a judicial authority to arrest an individual. Police were also able to arrest individuals apprehended while committing a crime, or if police had strong reason to suspect the individual intended to commit a crime. The constitution required authorities to present a suspect before a judicial officer before the end of the day following the arrest. Judges were required to inform suspects of the reasons for their detention and provide suspects an opportunity to object. The courts were then required to either issue an arrest warrant stating the grounds for continued detention or to order the individual’s release. Authorities generally respected these rights.

Judges usually released individuals awaiting trial without requiring bail. Bail was only required in cases where a court determined the suspect posed a flight risk. In such cases authorities could deny bail and hold detainees for the duration of the investigation and subsequent trial,

subject to judicial review.

Detainees had the right to consult with an attorney of their choice; the government provided an attorney at public expense if detainees demonstrated financial need. The law entitled a detainee to request access to a lawyer at any time, including prior to any police questioning. Authorities then had to inform suspects of their right to consult an attorney before questioning began.

### **e. Denial of Fair Public Trial**

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

### **Trial Procedures**

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

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

The government had laws and mechanisms in place for, and NGOs and

advocacy groups reported it made progress on, resolution of Holocaust-era claims, including for foreign citizens. 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.

According to the Federal Ministry of Finance, from the end of World War II through 2022, the government paid approximately €82 billion (\$89 billion) in Holocaust restitution and compensation. In 2022, after regular negotiations between the Claims Conference and the country's federal government, the country increased payments and expanded existing programs, paying €1.14 billion (\$1.23 billion) to support survivors, including pensions and home care to mostly poorer survivors. In accordance with an agreement reached in 2020, the government also provided Hardship Fund payments of €1,200 (\$1,297) to eligible Jewish victims during the year. In negotiations with the Claims Conference in June, the country's federal government agreed to extend these hardship payments through 2027 and increase them in coming years. It also agreed to extend funding for Holocaust education through 2027 and raise it to €38 million (\$41 million) in 2026 and €41 million (\$44.3 million) in 2027; and to provide an additional \$105.2 million for home care services for survivors in 2024. The country also supported numerous public and

private international reparation and social welfare initiatives to benefit Holocaust survivors and their families.

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 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 such cases.

The federally funded German Lost Art Foundation maintained an online "Lost Art" database to promote provenance research 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. As of September, the foundation was providing funding to 101 provenance research projects across the country.

The Bavarian State Painting Collections, owned by the State of Bavaria, had not referred the case of the Pablo Picasso painting "Portrait of Madame Soler" to the national commission on looted art, contrary to usual practice when disputes concerning the provenance of artworks arose. The work was sold by Paul von Mendelssohn-Bartholdy in 1934 or

1935; his heirs first asked Bavaria in 2010 to refer the case to the commission, maintaining he sold the work under duress. In 2021, commission chair Hans-Juergen Papier dismissed the state's assertion the claim was meritless, stating it was up to the commission to evaluate such cases. In March, Federal State Minister of Culture Claudia Roth called upon Bavaria to resolve the situation by "clearing the way" for the collections to refer the case to the national commission on looted art. In June, the Bavarian legislature's petitions committee rejected a request to refer the case to the commission.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibited 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 included the Alternative for Germany (AfD) party and left-wing extremist groups inside the Left party, both of which had seats in the Bundestag, as well as the right-wing extremist *Die Heimat* (The Homeland), formerly known as the National

Democratic Party. Monitoring required the approval of state or federal interior ministries and was subject to review by state or federal parliamentary intelligence committees.

All OPC activities could be contested in court, including the Federal Constitutional Court. The Federal Office for the Protection of the Constitution (FOPC) did not have the legal authority to monitor Bundestag members.

Throughout the year the state OPCs of Saxony-Anhalt, Saxony and Brandenburg, Baden-Wuerttemberg, and Bavaria monitored state AfD branches as suspected right-wing extremist organizations, while the Thuringian OPC monitored the AfD branch in that state as a “confirmed” right-wing extremist organization.

The Baden-Wuerttemberg OPC continued to monitor *Querdenken* (Lateral Thinking), a movement originally directed against state and federal COVID-19 restrictions, due to its extremist views. The Baden-Wuerttemberg OPC also monitored Die Heimat and *Der Dritte Weg* (The Third Way), an extremist party actively opposed to public COVID-19 measures.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the**

## Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media. An independent media, an effective judiciary, and a functioning democratic political system generally combined to promote freedom of expression; however, in accordance with national law, the government 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.

**Freedom of Expression:** The 2021 Act on Combating Right-Wing Extremism and Hate Crimes required social networks not only to assess and potentially restrict illegal content but also to report online hate crimes, including antisemitic hate speech, to the Federal Criminal Police. By law, authorities treated online threats the same as in-person threats, and threats of rape and vandalism – whether online or in person – the same as threats of murder.

Federal law provided for authorities to restrict civil servants from having adornments on their person such as tattoos, clothing, jewelry, hair, or beard styles if deemed necessary to provide for the functionality of the public administration or fulfill the obligation for respectful and trustworthy conduct. The law specified that religious adornments may only be restricted if they were “objectively suited to adversely affect trust in a civil servant’s neutral performance of their official duties.”

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

Local media reported August 12 the city of Daaden, Rhineland-Palatinate, was prohibiting a Muslim woman from entering the town's open-air swimming pool wearing a full-body swimsuit that complied with her religious beliefs. According to the report, the city argued that only swimwear that did not fully cover the arms and legs was permissible for sanitary reasons, and maintained that its ban, which also applied to wetsuits, was not directed at swimwear choices motivated by religious belief and therefore was not discriminatory.

On January 17, the Federal Constitutional Court decided not to hear an appeal by the state of Berlin of a regional labor court's 2018 judgment that a general ban on teachers wearing religious symbols in schools was discriminatory. On March 28, Berlin began allowing teachers to wear "religious clothing and symbols," including headscarves, but still maintained the right to restrict these items if they posed a specific threat to peace at the school or suggested state preference for a particular religion.

**Violence and Harassment:** NGOs and journalists' organizations, among them the German Journalist Union (DJU), reported several cases of harassment or violence directed against journalists by police during the year, especially when covering demonstrations.

Between May 31 and June 3, according to the Berlin-Brandenburg branch of the DJU, police assaulted six journalists covering left-wing

demonstrations in Hamburg, Cologne, Dresden, and Leipzig. The European Centre for Press and Media Freedom corroborated three of the incidents, which were reported to have taken place in Leipzig and Cologne on May 31.

**Nongovernmental Impact:** The NGO Reporters Without Borders (RSF) and the DJU expressed great concern about the increasing number of attacks on journalists in the country, which according to RSF reached 103 in 2022, a 28 percent increase from the previous year and the highest level ever reported. Most attacks occurred in association with demonstrations and were committed by groups motivated by far-right extremism, antisemitism, or conspiracy theories, according to RSF, although there were also multiple reports of attacks by left-wing groups.

On February 22, a speaker at a far-right extremist rally in Ronneburg, Thuringia, called upon hundreds of attendees to “punish” a newspaper journalist, whom he called a “little pile of a person,” for his reporting, and urged them to prominently display pictures of the journalist at upcoming parades and rallies.

## **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 the government monitored private online communications without appropriate legal authority. The exception was that the law permitted the government to take down websites that belonged to

banned organizations or included speech that incited racial hatred, endorsed Nazism, or denied 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.

## **b. Freedoms of Peaceful Assembly and Association**

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

### **Freedom of Peaceful Assembly**

The country's constitution provided for freedom of assembly, unless participants were armed, but permitted authorities to limit open-air assemblies. The government generally respected this right. Groups seeking to hold open-air public rallies and marches had to notify authorities 48 hours before announcing them publicly. State and local officials could ban or disperse open-air rallies or marches when public safety concerns arose or when the applicant was 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.

It was 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.

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.

Climate activists and media reported several times during the year that police had used what activists said were intentionally painful tactics, some against children, when clearing blockades from streets in Berlin. For example, activists shared a video they said showed a police officer painfully bending the wrist of a woman activist in Berlin's Pankow neighborhood September 18 while attempting to lift her off of the road.

In September, Amnesty International criticized what it called increasing restrictions on freedom of assembly in the country, citing preventive detention, painful police tactics against demonstrators, repressive legislation, and assembly bans. According to media reports, authorities in Berlin, Frankfurt, Hamburg, and other cities banned several planned pro-Palestinian demonstrations in October, which they said would likely be antisemitic.

## **Freedom of Association**

The country's constitution provided for freedom of association, but the government limited it in some instances. The law permitted authorities

to prohibit organizations whose activities the Federal Constitutional Court or federal or state governments determined to be opposed to the constitutional democratic order or otherwise illegal. While only the Federal Constitutional Court could prohibit political parties on these grounds, both federal and state governments could prohibit or restrict other organizations, including groups authorities classified as extremist or criminal in nature. Organizations had 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 subjected 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 (IZH), which the Hamburg OPC stated was a major Iranian regime asset in Europe.

Although the law stipulated surveillance must not interfere with an organization's legitimate activities, representatives of some monitored groups, such as Scientologists, complained the publication of the organizations' names contributed to prejudice against them. In June, the Hamburg district court ruled against the IZH, which had sued to block the Hamburg OPC from describing it as an "extremist Islamist organization with objectives opposed to Germany's constitution."

The FOPC monitored approximately 21,000 so-called *Reichsbuerger* (citizens of the empire) and *Selbstverwalter* (sovereign citizens). These individuals denied the existence and legitimacy of the Federal Republic of Germany and rejected government authority. The FOPC considered the groups posed a potential threat due to their affinity for weapons and their contempt for national authorities.

The Ministry of Interior banned the right-wing extremist association *Hammerskins Deutschland* on September 19, including its regional chapters and sub-organization Crew 38, based on the country's association law. The 20th such ban on a right-wing extremist organization, this was the first that also banned an association for not only violating the constitutional order but also working against "international understanding," referring to the group's international activities.

### **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 provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

**In-country Movement:** Authorities issued three types of travel documents to stateless individuals for internal movement and within the EU. 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. Other stateless individuals received a “travel document for the stateless.”

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

## **e. 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 provided for the granting of asylum or refugee status, and the government had an established system for

providing protection to refugees.

The NGO PRO ASYL continued to criticize the government's "airport procedure" for asylum seekers who arrived at the country's airports. This direct procedure enabled the Federal Office for Migration and Refugees (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 remained in detention at the airport. If the appeal was denied, authorities deported the applicant. Authorities stated the airport procedure was used only in less complex asylum cases and that more complex 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 "airport procedure." The NGO *Fluechtlingsrat Berlin* (Refugee Council 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.

**Refoulement:** According to RBB television, authorities deported a Pakistani Ahmadiyya Muslim community asylum seeker to Pakistan February 15 after denying his claim he faced prosecution and imprisonment in Pakistan.

A temporary ban on deportations to Afghanistan was in effect during the

year due to the security situation there. A temporary ban on deportations to Iran, in effect since November 2022, expired in early July. As of September, states were still consulting on a possible extension of the ban.

The NGO PRO ASYL reported an Iranian citizen was returned to that country in March after the asylum claim was rejected in the “airport procedure” at the Frankfurt airport.

**Abuse of Refugees and Asylum Seekers:** Assaults on refugees, asylum seekers, and migrants continued, as did attacks on government-provided asylum homes.

MDR television reported unidentified persons attacked two Syrian girls ages 14 and 15 in Dessau-Rosslau, Saxony-Anhalt, on April 29. The perpetrators approached the girls from behind, snatched their headscarves, pushed them to the ground, and kicked them, injuring them. Police suspected a xenophobic motive.

Deutsche Presse Agentur reported four masked men forcibly entered a refugee shelter on July 22 in Sebnitz, Saxony, where they shoved an Afghan, age 18, into a wall and threw objects at another resident, age 16, and shouted racist slurs. The assailants fled when other residents arrived. The Afghan required medical treatment. Police searched the area but were unable to find any suspects.

**Durable Solutions:** The government accepted for resettlement and facilitated the local integration (including naturalization) of refugees who

fled their countries of origin, particularly for refugees belonging to vulnerable groups. Such groups included women with children, refugees with disabilities, survivors of trafficking in persons, and survivors 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 2022, authorities provided financial assistance of €321 to €500 (\$347 to \$541) to 7,877 individuals to facilitate voluntary returns to their countries of origin. Beneficiaries were either rejected asylum seekers or foreigners without valid identification. The largest groups of applicants came from North Macedonia, Iraq, Albania, and Georgia.

**Temporary Protection:** As of June, the government also provided temporary protection to 307,741 individuals who might not qualify as refugees, according to an analysis of government figures by the NGO *Mediendienst Integration* (Media Service Integration). Government sources and Mediendienst Integration also estimated the country was hosting another 1.1 million persons who had fled the war in Ukraine as of September 3. About four-fifths had been granted protected status under the EU temporary protection mechanism.

The government provided subsidiary and humanitarian temporary protection for individuals who did not qualify as refugees. Subsidiary status was usually granted to persons who did not qualify for refugee or

asylum status but might face severe danger in their countries of origin due to war or conflict. Humanitarian status was granted if a person did not qualify for any form of protected status, but there were other humanitarian reasons the person might not have been able to return to their country of origin, such as unavailable medical treatment for an existing health condition. Both forms of temporary protection were granted for one year and could be extended. After five years a person in subsidiary or humanitarian protection could apply for an unlimited residency status if they earned enough money to not require public assistance and were proficient in German.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

Not applicable.

## **g. Stateless Persons**

According to Ministry of Interior figures, there were 29,614 stateless persons in the country at the end of February, the most recent figures available; of these, about one-third did not have residency permits for the country. Most were Kurds and Palestinians, many of whom were born in Syria or Lebanon. Others lost their previous citizenship when the Soviet Union collapsed or when the dissolution of Yugoslavia occurred.

Laws and policies provided stateless persons the opportunity to gain citizenship on a nondiscriminatory basis. Stateless persons could apply

for citizenship after six years of residence. Producing sufficient evidence to establish statelessness was often difficult, however, because the burden of proof was 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 provided 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**

**Abuses or Irregularities in Recent Elections:** State elections took place in Bavaria, Hessen, Bremen, and Berlin and were widely reported to be fair and free of abuses and irregularities. Federal parliamentary elections in 2021 were widely reported to be fair and free of abuses and irregularities.

**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 perceived such a threat, they could petition the Federal Constitutional Court to ban the party.

By law, each political party received federal public funding commensurate

with the party's election results in state, national, and European elections. The constitution, however, denied public funding to extremist parties that sought to undermine the constitution. As of November, the Federal Constitutional Court had begun considering a 2019 collective claim by the Bundesrat, Bundestag, and federal government to exclude the right-wing extremist Die Heimat party (formerly the National Democratic Party, NPD) from receiving state party financing, arguing that Die Heimat sought to undermine the democratic order in the country, but had not yet issued a decision as of early December.

In July, police in Oberhausen closed their investigation of a July 2022 explosion at the local office of the Left party without identifying a suspect. Although they believed the party had been specifically targeted, they were unable to collect enough evidence to pursue the case.

The Frankfurt Regional Court sentenced Alexander M. to five years and 10 months in prison on November 17, 2022, for sending 116 threatening letters to prominent parliamentarians, women, and members of minority groups active in campaigns against extremism between 2018 and 2021. The court maintained Alexander M. acted alone despite investigation findings that a database at a Frankfurt police station was used to obtain personal data belonging to the recipients.

**Participation of Women and Members of Marginalized or Vulnerable Groups:** Transgender persons complained 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, Gender Identity or Expression, or Sex Characteristics). They also pointed out this requirement limited the ability of transgender persons to be elected to public office, because only legal names could 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).

## **Section 4. Corruption in Government**

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

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and 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

had a Committee for Human Rights and Humanitarian Aid and a Committee for Petitions. The petitions committee fielded complaints from the public, including human rights concerns. The German Institute for Human Rights had responsibility for monitoring the country's implementation of its international human rights commitments, including treaties and conventions.

The Federal Anti-Discrimination Agency (FADA) was a semi-independent body that studied discrimination and those who had been affected. The government appointed federal commissioners who advocated for the human rights of vulnerable groups, including a federal commissioner for persons with disabilities, a federal commissioner for the acceptance of sexual and gender diversity, a federal commissioner to combat antisemitism and promote Jewish life, and a federal commissioner against antiziganism (anti-Romani) and for Sinti and Roma life in Germany. The Federal Justice Ministry's commissioner for human rights oversaw implementation of court rulings related to human rights protections.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalized rape of a person, including spousal rape, regardless of gender, and provided penalties of up to 15 years in prison. Without a court order, officials could temporarily deny access to their household to those accused of abuse, or they could

impose a restraining order. In cases of rape and domestic violence, authorities could prosecute individuals for assault or rape and require them to pay damages. Penalties depended 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.

Social service NGOs and shelter operators complained access to shelters was uneven or not available in many areas, with a shortfall in accommodation for approximately 15,000 women nationwide. According to a March report by the media outlet *Correctiv*, occupancy was at 83 percent nationwide and there were no open shelter spaces on 303 days of 2022. The NGO Central Information Agency of Autonomous Women's Shelters stated refugee women were at particular risk of domestic violence because they were required to maintain residence in a single district for three years, had few financial resources, and often resided in districts without women's shelters.

**Female Genital Mutilation/Cutting (FGM/C):** There were no reports FGM/C was performed in the country. FGM/C of women and girls was a criminal offense punishable by one to 15 years in prison, even if performed abroad. Authorities could revoke the passports of individuals suspected of traveling abroad to subject a girl or woman to FGM/C but

had not done so since the law took effect in 2017. A working group led by 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.

The ministry continued to issue “protection letters” for girls at risk of FGM/C, warning of the high criminal penalties in the country. The letter was intended to be carried when traveling abroad and shown to relatives or others who tried to subject girls to FGM/C.

**Other Forms of Gender-based Violence or Harassment:** Criminal law considered so-called honor killings as murder, and the government enforced the law effectively. Although authorities estimated the number of such killings fluctuated between three and 12 during any given year, some observers questioned how many of these were so-called honor killings, which media tended to attribute to immigrant communities, and how many were other manifestations of domestic violence.

In February, a Berlin court sentenced two men of Afghan origin to life in prison for the July 2021 killing of their sister. Prosecutors argued the two had killed her because she had divorced her husband and was involved in a relationship with another man.

In October, a Berlin court convicted an Afghan man of murdering his former wife in April 2022, in what the presiding judge called a case of “classic femicide,” and sentenced him to life in prison, the harshest possible sentence. Media reported the man did not accept the divorce,

which he considered an act of infidelity; the woman's family stated she repeatedly sought police help, but police had not taken her seriously because she was an immigrant.

The law prohibited sexual harassment. Penalties included fines and prison sentences of up to five years. Various disciplinary measures against harassment in the workplace were available, including dismissal of the perpetrator. The law required employers to protect all employees from sexual harassment. The law considered an employer's failure to take measures to protect employees from sexual harassment to be a breach of contract, and an affected employee had the right to paid leave until the employer rectified 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.

**Discrimination:** Men and women enjoyed the same legal status and rights under the constitution and family, labor, religious, personal status, property, nationality, and inheritance laws. The government generally enforced the law effectively, although women did not always receive the same pay as men for equivalent work.

The law provided for equal pay for equal work. In January, the Federal Statistical Office found the gross hourly wages of women in 2022 were on average 18 percent lower than those of men, and 7 percent lower for women even when factors such as qualifications, responsibilities and employment biographies were equivalent. It attributed pay differences

primarily to the different sectors in which men and women were employed and to unequal requirements for leadership experience and other qualifications. Women were underrepresented in highly paid managerial positions and overrepresented in some lower-wage occupations. The Federal Anti-Discrimination Agency (FADA) reported women were also at a disadvantage regarding promotions, often due to career interruptions for child rearing.

The law imposed a requirement of at least 30 percent women representation on the supervisory boards of certain publicly traded corporations. It also required approximately 3,500 companies to set and publish self-determined targets to increase the share of women in leading positions (executive boards and management) and to report on their performance.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

While abortion was technically illegal in the country, existing laws protected patients, physicians, and service providers from prosecution through the 12th week under certain conditions. The law required parental permission for patients younger than age 18 to obtain an abortion, but physicians could exempt patients age 14 or older from this requirement.

Individuals had access to safe, effective, and affordable methods of family planning and contraception of their choice, including emergency

contraception, throughout the country. Prenatal and obstetrical care was comprehensive, widely available, and covered by all insurance providers. Public information regarding contraception, reproductive health, and prenatal care was readily available free of charge from health insurance providers, NGOs, and health authorities.

Public health insurance covered the costs of emergency contraception and abortion in cases of rape or if medically necessary. Postexposure prophylaxis was available as part of the clinical management of rape. Emergency health care in the event of abortion complications was available and unrestricted. Emergency contraception was widely available and did not require a prescription.

The law required public health insurance to pay for immediate care for all survivors of sexual violence, including emergency contraception, although not all states fully implemented the law.

## **Systemic Racial or Ethnic Violence and Discrimination**

The country's constitution stated no one shall be "favored or disfavored because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions." Federal laws prohibited discrimination based on race or ethnicity by public authorities as well as private actors such as employers, landlords and businesses; however, the government did not always effectively enforce these laws.

Public incitement of hatred against an ethnic, racial, religious, or other

minority was a crime, and authorities vigorously prosecuted violations of the law. Conviction of crimes motivated by such hatred also incurred harsher sentences, 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, in 2022, the federal government named the country's first independent federal commissioner for antidiscrimination. The commissioner was the head of the Federal Anti-Discrimination Agency (FADA), which took complaints of discrimination and provided advice and support to victims, and could submit policy proposals, recommendations, or opinions on pending legislation to the federal government. The commissioner could also request responses from authorities to individual discrimination complaints. 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 €182 million (\$197 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 2022, released in June, recorded the reporting and investigation of 20,967 politically motivated crimes

committed by individuals with right-wing extremist backgrounds, a 3.8 percent increase over 2021. This included 1,016 violent crimes (a 7.5 percent increase), of which 796 were categorized as xenophobic, 16 percent more than in 2021. The 2022 FADA report listed 2,882 complaints of racism, an increase of 802 over 2021, and 1,815 complaints based on disability. The agency reported 6,627 requests for consultations from possible victims of discrimination, compared with 5,617 in 2021 and 6,383 in 2020.

Persons of foreign origin sometimes faced difficulties finding housing. FADA reported persons not of ethnic German origin, particularly of Romani, Turkish, and African origin, including those with foreign-sounding names, were often subjected to housing discrimination. Foreign workers sometimes faced wage discrimination.

Harassment of members of racial minorities, such as Roma and Sinti, remained a problem throughout the country. In 2022, the federal government appointed a national commissioner to combat anti-Roma prejudice and for Roma life in Germany, who coordinated government measures and advocated on behalf of the Romani community.

The country's Monitoring and Information Office on Antiziganism issued its first annual report September 18, which listed 621 anti-Roma incidents in 2022, including 17 incidents of assault and one incident which it called a "very violent case"; more than half of all alleged cases involved discrimination. A fifth of the cases were tied to housing, and another fifth involved discrimination by public agencies, including employment offices,

youth welfare agencies, schools, and social services offices.

Commissioner to Combat Anti-Roma Prejudice and for Roma Life Mehmet Daimagueler stated “racism in job centers, police authorities and educational institutions must finally be fought decisively.” In the “very violent case,” individuals in two cars shouted anti-Roma insults at members of the Romani community in the state of Saarland, before shooting them with an air rifle, wounding several.

## Children

**Child Abuse:** There were laws against child abuse. The law punished violence, cruelty, and malicious neglect of children. 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 continued 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 young survivors of sexual abuse.

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

The law nullified 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 could petition a judge on a case-by-case basis to recognize their foreign marriage if they faced a specific

hardship from not having their marriage legally recognized. Complete central statistics were unavailable on such cases. Child and forced marriage primarily affected girls of foreign nationality.

**Sexual Exploitation of Children:** The law prohibited 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 was 14 years, but sex was not considered consensual if the person was younger than age 16 and the older partner was age 18 or older and “exploiting a coercive situation.” It was illegal for adults to offer compensation for sex to a person younger than age 18. It was also illegal for a person age 21 or older to have sex with someone between ages 14 and 16 if the older person “exploits the victim’s lack of capacity for sexual self-determination.”

The law allowed undercover investigators to use artificially created videos of child sexual abuse to gain access to internet forums. The government’s independent commissioner for child sex abuse issues operated an online help portal and an anonymous telephone helpline free of charge.

In August, North Rhine-Westphalia (NRW) Minister of Interior Herbert Reul said the number of child pornography cases in NRW rose to 11,000 annually in 2021 and 2022 from 1,578 in 2013, with a successful prosecution rate of about 80 percent. Reul attributed the higher number of reported cases to better investigation and enforcement methods, and the state’s efforts to combat the problem more decisively.

## Antisemitism

Observers estimated the country's Jewish population to be approximately 200,000, of whom an estimated 90 percent were from the former Soviet Union. According to the Central Welfare Board of Jews in Germany, there were approximately 91,900 registered, dues-paying members of Jewish congregations at the end of 2022, the most recent figures available.

Manifestations of antisemitism, 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 antisemitic speech, desecration of cemeteries and Holocaust monuments represented the most widespread antisemitic acts, although there was a rising number of physical assaults on individuals perceived to be Jewish.

The federal government attributed most antisemitic acts to neo-Nazi or other right-wing extremist groups or persons, and such acts increased during the year. According to a preliminary figure obtained by the socialist Left party caucus from the Ministry of Interior, 1,225 crimes were motivated by antisemitism in the first three quarters of the year; in the third quarter the number of crimes increased 76 percent over the same period in 2022.

In March 2022, the Ministry of Interior published a 10-point plan to combat right-wing extremism, and in November 2022, the federal government released the country's first national strategy to combat antisemitism and support Jewish life. Jewish organizations also noted

antisemitic attitudes and behavior of some Muslim youth and left-wing extremists. NGOs agreed right-wing extremists were responsible for most antisemitic acts but cautioned federal statistics misattributed many acts committed by Muslims as right-wing acts.

The number of antisemitic incidents rose sharply in the fourth quarter of the year concurrent with conflict in the Middle East. The NGO RIAS, which collects and monitors reports of antisemitism, announced on October 18 it recorded 202 antisemitic incidents from October 7 to 16, up 240 percent over the same period in 2022. This included tweets, chants, vandalism, and graffiti, as well as physical attacks on buildings and persons. In Berlin, unknown persons threw Molotov cocktails at a synagogue complex on October 18, but there were no injuries or damage. RIAS reported antisemitic demonstrations in Berlin, North Rhine-Westphalia, Bavaria, Baden-Wuerttemberg, and Lower Saxony in October.

According to the Deutsche Presse Agentur, in the early morning of July 17, five volunteer firefighters of the Leonberg, Baden-Wuerttemberg, fire department shouted antisemitic and right-wing extremist slogans through the fire engine's loudspeakers while driving through the city. Police investigated charges of inciting racial hatred. The firefighters were suspended by the city.

In its report released February 6, the panel of scholars reviewing accusations of antisemitism at the 2022 Documenta Fifteen art exhibition and the handling of them concluded that Documenta Fifteen became “an

echo chamber for Israel-related antisemitism, and sometimes for pure antisemitism.” In its report, the panel accused the curators and certain artists who exhibited at the Documenta of a clear antisemitic bias, including through works that promoted stereotypes.

In April, a court in Cologne ruled three of the four men charged with assaulting and seriously injuring in 2021 a Jewish man, age 18, who said he was wearing a kippa in a public park would have to pay the defendant €400-500 each (\$432-541) for the pain they inflicted upon him. The victim, however, could not remember whether the assailants had used antisemitic insults, and the judge ruled it was not possible to determine whether antisemitism was a motive in the attack. The fourth suspect was no longer in the country.

Many prominent government officials repeatedly condemned antisemitism throughout the year, including Federal Chancellor Olaf Scholz, Federal President Frank-Walter Steinmeier, Federal Minister of Economics and Climate Robert Habeck, Federal Interior Minister Nancy Faeser, and Federal Minister of Education Bettina Stark-Watzinger. In 2018, the federal government created the position of federal commissioner for Jewish life in Germany and the fight against antisemitism. Since then, 15 of 16 states also established state-level commissioners to combat antisemitism. In the one state that had not instituted the position, the local Bremen Jewish community advised the state government such a position was not necessary. The community deemed alternative tools to combat antisemitism to be more efficient.

The positions' responsibilities varied by state but involved meeting with Jewish communities, collecting statistics on antisemitic acts, and designing education and prevention programs. A federal- and state-level Commission to Combat Antisemitism and Protect Jewish Life that included all commissioners met twice a year to coordinate strategies.

## Trafficking in Persons

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

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** No laws criminalized consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behaviors.

**Violence and Harassment:** Lesbian, gay, bisexual, transgender, queer, or 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 released in May showed a 16 percent rise in recorded hate crimes against LGBTQI+ persons nationwide in 2022, with 1,005 such crimes recorded by authorities. Of these, 227 were violent (up 38 percent over 2021) and 213 involved battery (up 38 percent over

2021). Community activists, including the German Gay and Lesbian Federation, suspected the actual figures were much higher. The Berlin NGO Maneo stated privacy protection laws prevented police from releasing information regarding specific incidents in approximately 50 percent of cases, making it difficult for the NGO to assess the magnitude of the problem.

According to media reports, four participants in the Halle Pride parade on September 9 were verbally abused by a group of four after the parade. The group allegedly punched and kicked parade participants, seriously injuring one who required hospital treatment. Police arrested two of the assailants, who were reportedly ages 16 and 20.

In May, the Karlsruhe public prosecutor's office told local media it was unable to charge any suspects in the June 2022 assault on participants in the Karlsruhe LGBTQI+ Pride march that left six injured, including one who required hospitalization. An internal police investigation found no evidence to support accusations that police were intentionally slow to respond to the incident.

A court in Muenster convicted a person age 20 for assault resulting in death in the killing of Malte C., a transgender man, age 25, at an LGBTQI+ Pride march in Bielefeld in August 2022, and sentenced him to addiction treatment and five years of juvenile detention. Prosecutors charged the attacker with assault instead of murder because they determined the attacker did not intend to kill Malte.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity, or sex characteristics and recognized LGBTQI+ individuals, couples, and their families.

Authorities generally enforced the law. The government offered telephone and online consultations to persons who wished to report discrimination.

According to a survey by the polling firm YouGov released in May, 57 percent of LGBTQI+ employees have experienced some kind of discrimination at the workplace. Most common were hearing jokes or disparaging remarks made about LGBTQI+ persons, reported by 51 percent of respondents, while 22 percent reported bullying and 14 percent reported harassment.

**Availability of Legal Gender Recognition:** Legal gender recognition was available, but it did not comply with the recommended global standard of allowing individuals to self-identify their gender, including the option for a third gender, “divers.” LGBTQI+ activists criticized the requirement that transgender persons had to obtain two assessments by independent experts to receive legal gender recognition (including a legal name change) as expensive, time consuming, subjective, and intrusive.

**Involuntary or Coercive Medical or Psychological Practices:** By law, offering, advertising, or arranging treatments to convert homosexual or transgender children by means of so-called conversion therapy was a crime punishable by up to a year in prison. Persons convicted of coercing such “therapy” on persons of legal age were also subject to incarceration.

There were no reports that children had been subjected to conversion therapy during the year. The Federal Center for Health Education operated a telephone hotline and online service to provide free and anonymous consultations to young persons and others who suspected such practices.

There were reports of medically unnecessary and irreversible “normalization” surgeries performed on intersex children or nonconsenting adults. The law and medical associations did make efforts to limit these surgeries. Advocates for intersex persons said the law included too many exceptions and needed to be strengthened.

### **Restrictions of Freedom of Expression, Association, or Peaceful**

**Assembly:** There were no laws or other restrictions on those speaking out or reporting on LGBTQI+ matters, or on the ability of LGBTQI+ individuals or organizations to legally register or convene events such as Pride festivities.

## **Persons with Disabilities**

Federal and state laws required authorities take measures to provide for persons with disabilities to have equal treatment and access to education, health care, public buildings and services, and transportation. The law required access to information and communications, including public information in accessible formats. These requirements were not always met. For example, most physicians’ offices located in older buildings were not accessible to persons with disabilities, and there were

too few health-care facilities that met 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 prohibited discrimination against persons with disabilities. The law made no specific mention of the rights of persons with sensory or intellectual disabilities, but their rights were considered included under the other legal protections. NGOs disagreed on whether the government effectively enforced these provisions.

Persons with disabilities also faced obstacles in obtaining employment and housing. Although discrimination based on a disability was illegal, there were reports of employment discrimination against persons with disabilities, and the unemployment rate among persons with disabilities 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 with more than 20 employees employ persons with disabilities, many chose to pay a monetary fine of up to €360 (\$389) per month instead. In 2021, the most recent year data were available, nearly 107,000 employers did not meet their quotas, according to figures released during the year by the Federal Employment Agency. In June, the Bundestag passed a law doubling the maximum fine to €720 (\$778) starting in 2024.

There was also a shortage of affordable, accessible, and barrier-free housing for persons with disabilities, and older and 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 by various degrees under conservatorship laws. Reforms to conservatorship laws came into effect January 1, which gave persons under conservatorship more control over their own lives. NGOs such as the Institute for Human Rights stated the reforms did not go far enough. For example, the law continued to permit involuntary medical treatment or sterilization in some cases.

State officials decided whether children with disabilities could attend mainstream or segregated schools. The law obliged all children to attend school, so those with disabilities did so at the same rate as children without disabilities. Approximately 55 percent of children with disabilities attended segregated schools, although inclusion levels varied among the country's 16 states. Somewhat more than one-half of the students with disabilities attending mainstream schools successfully completed secondary education, compared with one in four of those attending segregated schools.

According to data released in June, persons with disabilities filed 1,815 discrimination complaints with FADA in 2022, 27 percent of the total FADA received.

## Other Societal Violence or Discrimination

According to preliminary government figures released August 12, police registered 258 crimes directed at mosques or Muslims during the first half of the year, a 70 percent increase over the previous year.

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

FADA stated work applicants of foreign descent with foreign names faced discrimination even when they had similar or better qualifications than others. In 2022, FADA received 2,882 complaints alleging discrimination in the workplace or when accessing services because of ethnic background, a 38 percent increase over 2021.

Media reported women who wore a hijab faced employment discrimination, which was made easier by the customary practice of requiring photos as part of job applications. A 2017 European Court of Justice ruling permitted employers to prevent staff from wearing religious attire and symbols at work if necessary to enable the employer to project an image of neutrality to clients. There were reports of employers applying this rule.

The NGO German AIDS Foundation and the NGO German AIDS Service Organization reported societal discrimination against persons with HIV

and AIDS ranged from isolation and negative comments from acquaintances, family, and friends, to bullying at work.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

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

Some laws and regulations limited these labor rights. While civil servants were free to form or join unions, their wages and working conditions were 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 were prohibited from striking.

Employers were generally free to decide whether to be a party to a collective bargaining agreement. Even if they decided not to be a party, companies had to apply the provisions of a collective agreement if the Federal Ministry of Labor and Social Affairs declared a collective bargaining agreement generally binding for the whole sector. Employers

not legally bound by sectoral collective bargaining agreements often used them to determine part or all employment conditions. Employers could contest a strike's proportionality or a trade union's right to take strike action in court. The law did 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 were considered unlawful and could lead to monetary fines. Penalties and remediation efforts were commensurate with those of equivalent laws denying civil rights. Penalties were regularly applied against violators.

Laws regulated 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 were independent from labor unions but often had close ties to the sector's labor movement. The penalty for employers convicted of interfering in work councils' elections and operations was up to one year in prison or a monetary fine. Labor organizers complained a significant number of employers interfered with the election of work council members or tried to deter employees from organizing work councils. This practice was criticized by labor unions for a long time; they called for stronger legislation that shielded employees seeking to exercise their legal rights.

## **b. Prohibition of Forced or Compulsory Labor**

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 prohibited all of the worst forms of child labor and provided for a minimum age of employment, including limitations on working hours and occupational safety and health (OSH) restrictions for children. The law prohibited the employment of children younger than 15 with a few exceptions: Children ages 13 and 14 could 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 could not work during school hours, before 8 a.m., after 6 p.m., or on Saturdays, Sundays, or public holidays. The type of work could not pose any risk to the security, health, or development of the child, and could not prevent the child from obtaining schooling and training. Children were 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 exposed them to the risk of an accident. Children between the ages of 3 to 14 could take part in cultural performances, but there were 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. Penalties were regularly applied against violators. Isolated cases of illegal child labor occurred in small, family-owned businesses, such as cafes, restaurants, family farms, and grocery stores. Inspections by the relevant regional agencies and the resources and remediation available to them were adequate to provide for broad compliance. There were no confirmed reports during the year of the worst forms of child labor.

#### **d. Discrimination (see section 6)**

#### **e. Acceptable Conditions of Work**

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

Federal regulations set the standard workday at eight hours, with a maximum of 10 hours, and limited the average workweek to 48 hours. For the 54 percent of employees who were directly covered by collective bargaining agreements, the average agreed working week was 37.7 hours. The law required a break after no more than six hours of work, stipulated regular breaks totaling at least 30 minutes, and set 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 governed OSH. Allegations of unsafe working conditions were most common in the construction, transportation, and postal logistics industries, and the highest number of workplace accidents occurred in these industries. If an employer failed to protect the employee effectively, employees could remove themselves from situations that endangered their health or safety without jeopardy to their employment.

**Wage, Hour, and OSH Enforcement:** 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 (FKS), which conducted checks on nearly 53,100 businesses in 2022, the latest year for which data were available. Focus areas included construction, hair salons, hospitality industry, logistics and parcel delivery, and taxis. Employees could sue companies if employers failed to comply with the Minimum Wage Act, and courts could sentence employers who violated the provisions to pay a substantial monetary fine.

The Federal Ministry of Labor and Social Affairs and its state-level counterparts monitored and effectively enforced OSH standards through

a network of government bodies, including the Federal Agency for Occupational Safety and Health. At the local level, professional and trade associations, self-governing public corporations with delegates representing both employers and unions, as well as works councils, oversaw worker safety. The number of inspectors was sufficient to provide for compliance. Inspectors had the ability to make unannounced inspections and initiate sanctions.

A comprehensive system of worker insurance carriers enforced safety requirements in the workplace.

Penalties for wage, hour, and OSH violations were commensurate with those for other crimes and were regularly applied against violators.

According to media reports, the informal economy accounted for approximately 11 percent of the country's GDP. According to the 2019 Act to Combat Unlawful Employment and Benefit Fraud, part of the FKS's mandate included monitoring undeclared and illegal work. The FKS had approximately 8,600 personnel assigned to investigate employers and employees not fulfilling certain social security, tax, social benefit, or employment reporting obligations.