

GERMANY 2017 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 head of the federal government, the chancellor. 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. Observers considered the national elections for the Bundestag on September 24 to have been free and fair.

Civilian authorities maintained effective control over security forces.

The most significant human rights issues included incidents of anti-Semitism and violence against Muslims, refugees, and LGBTI individuals. Authorities generally investigated, and where appropriate prosecuted, such cases.

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

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

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

There were no reports that the government or its agents committed arbitrary or unlawful killings.

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 prohibits such practices, but there were a few reports that government officials employed them. According to Amnesty International, authorities did not effectively investigate allegations of mistreatment by police and

failed to establish an independent complaints mechanism to investigate allegations. The June report of the Council of Europe's Committee for the Prevention of Torture (CPT) on its visit in 2015 stated that detained persons, particularly foreign nationals and persons suffering from a mental disorder, reported excessive use of force by police during arrest, such as punches or kicks after the person concerned had been brought under control or unduly tight handcuffing.

The CPT reported allegations at the Brandenburg Forensic Psychiatric Clinic that some vulnerable patients were repeatedly subjected to sexual harassment and exploitation. Some patients who had committed sexual offenses and who had been or were receiving antiandrogen treatment (so-called chemical castration) claimed the treating doctor had pressured them to accept the treatment and that they had been advised that otherwise they would have no realistic prospect of being released in the foreseeable future.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards.

Physical Conditions: The CPT found that mattresses were not provided to persons held in overnight custody at Donauwoerth police station in Bavaria and in the sobering-up cells in the Berlin South-West police station and the Magdeburg (Saxony-Anhalt) police headquarters. The CPT report also stated that particularly in the Kaisheim (Bavaria) and Tonna (Thuringia) prisons the administration repeatedly delayed transferring prisoners suffering from severe mental disorders to a hospital setting (either a prison hospital or a psychiatric clinic). The CPT also observed differences among prisons regarding opiate substitution treatment for drug-addicted prisoners. While the Celle (Lower Saxony) and Tonna prisons offered such treatment, it was as a matter of policy usually not offered to prisoners at Kaisheim prison, despite the fact it was generally available in the outside community.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. A delegation from the CPT visited the country in 2015.

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/her arrest or detention in court. The government generally observed these requirements.

Role of the Police and Security Apparatus

Responsibility for internal and border security is shared by the police forces of the 16 states, the Federal Criminal Police Office (BKA), 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 (FOPC) and the state offices for the protection of the constitution (OPCs) are responsible for gathering intelligence on threats to domestic order and certain other security functions. Like the police, the OPCs report to their respective state ministries of the interior and the FOPC to the Federal Ministry of the Interior. Civilian authorities maintained effective control over police and the OPCs, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year. The nongovernmental organization (NGO) Amnesty International Germany stated there is no nationwide requirement for police to wear identity badges. Police are required to wear badges in the states of Berlin, Brandenburg, Saxony-Anhalt, and Thuringia, as are riot police in the states of Rhineland-Palatinate, Hesse, Bremen, and Schleswig-Holstein.

Following attacks against police and reports of police violence during the G20 summit in Hamburg on July 7-8, some persons complained about police actions. As of August citizens filed 16 criminal cases against the police, and the Hamburg Police Internal Affairs Department investigated an additional 56 cases. The Hamburg interior senator (interior minister) officially apologized and stated he was convinced of "reproachable behavior by officers that could face legal penalties."

Arrest Procedures and Treatment of Detainees

Authorities may arrest an individual only with a warrant issued by a competent judicial authority unless police apprehend a suspect in the act of committing a crime or have strong reason to believe that the individual intends to commit a crime. The constitution provides that authorities must produce an apprehended person before a judge no later than the day after the suspect was taken into custody. At that time the judge must inform the suspect of the reasons for the detention and provide the suspect an opportunity to object. The court must then

either issue an arrest warrant stating the grounds for detention or order the individual's release. Authorities generally respected these rights.

Bail exists, but authorities granted it infrequently. Judges usually released individuals awaiting trial without requiring bail, except in cases where a court decided there was a clear risk that the individual might flee. In such cases authorities may hold detainees for the duration of the investigation and subsequent trial, subject to judicial review. Time spent in investigative custody applies 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 the incarceration.

The law entitles a detainee to prompt access to an attorney at any time, including prior to any police questioning. According to the law, before interrogations begin, authorities must inform suspects, arrested or not, of their right to consult an attorney. The CPT reported detained persons were not entitled to have a lawyer present during police questioning (as opposed to any questioning by a public prosecutor or a judge).

During the G20 Summit in Hamburg in July, police took a busload of 44 young Green party members, young members of the Social Democratic Party's youth organization, and labor union activists to a G20 detention facility, where they allegedly strip-searched underage passengers. The organizations filed a legal complaint.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A detainee has the right to appeal his or her detention at any point of the legal process, including pretrial detention. The regional court of appeals decides whether to grant the appeal. It must hear the detainee and other persons involved unless it is firmly convinced that this will lead to no new findings. If the court of appeals holds that detention is to be continued, the detainee has a further right to appeal to the Federal Court of Justice.

e. Denial of Fair Public Trial

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

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, 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 reviews.

Because the law does not regard such detention as punishment, authorities are legally required to keep subsequent “prevention” detainees in separate buildings or in special prison sections with better conditions than those of the general prison population. Authorities must also provide a range of social and psychological therapy programs. According to the Federal Statistics Office, 50 offenders, including one woman, were held under preventive detention as of the end of March.

In July the parliament of the state of Bavaria passed a law extending preventive detention from two weeks to three months for “Gefährder,” individuals formally designated by law enforcement agencies as posing a threat of serious, politically motivated crimes. The legislation also allows unlimited preventive detention subject to review by a judge every three months. First discussed as part of an “antiterror” law the Bavarian parliament passed in February, critics argued this law violates the constitution. Bavaria maintained that the constitution does not require states to set maximum limits on preventive custody.

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 that defendants be present at their trials. Defendants have the right to consult with an attorney, and the government provides an attorney at public expense if defendants demonstrate financial need. Defendants and their attorneys have the right to adequate time and facilities to prepare a defense and an interpreter free of charge if the defendant wins the case or if he/she has no means to pay for an interpreter. They have access to all court-held evidence relevant to their cases. Defendants may confront and question adverse witnesses, and present witnesses and evidence on their behalf. Defendants may not be compelled to testify or confess guilt. Defendants have a right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may file complaints about violations of their human rights with petition committees and commissioners for citizens' affairs. Citizens usually referred to these points of contact as "ombudsmen." In addition, an independent and impartial judiciary in civil matters provides court access for lawsuits seeking damages for, or cessation of, a human rights violation. 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 Restitution

The government has laws and mechanisms in place, and NGOs and advocacy groups reported it made significant progress on resolution of Holocaust-era claims, including for foreign citizens. Since the end of World War II through 2016, according to the Federal Ministry of Finance, the government paid approximately 74.5 billion euros (\$89.4 billion) in Holocaust restitution and compensation. The country has also supported numerous public and private international reparation and social welfare initiatives to benefit Holocaust survivors and their families.

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

Before German reunification in 1990, in accordance with the Federal Restitution Law, West German authorities provided property restitution and compensation payments for real estate properties and businesses that were confiscated or disrupted by the Nazis. For confiscated Jewish property that was in the former East Germany, the JCC filed further claims under the 1990 Property Law adopted after reunification. Since 1990 authorities have approved and granted restitution in 4,500 cases and provided compensation in approximately 12,000 cases. The JCC assumed and auctioned off heirless properties and used the proceeds to fund the organization's other efforts to support Holocaust survivors. There are only a few

real estate property claims pending at the Federal Office for Central Services and Unsettled Property Issues (BADV).

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

The constitution prohibits such actions, and there were no reports the government failed to respect these prohibitions.

The federal and state OPCs continued to monitor political groupings deemed potentially hostile to the constitution, including the Left Party and the right-wing extremist National Democratic Party (NPD). Authorities stated they employed monitoring as a last resort but only with approval of state or federal interior ministries and review by state or federal parliamentary intelligence committees. Authorities indicated they monitored the Left Party, which had seats in the Bundestag, because of their perception that it tolerated left-extremist groups within its ranks.

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

In February the magazine *Der Spiegel* reported that from 1999 the Federal Intelligence Service (BND) monitored at least 50 telephone and fax numbers or email addresses of journalists or newsrooms worldwide.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press. The law bans Nazi propaganda, Holocaust denial, and fomenting racial hatred.

Freedom of Expression: While the government generally respected these rights, it imposed limits on groups it deemed extremist. The government arrested, tried, convicted, and imprisoned a number of individuals for speech that incited racial

hatred, endorsed Nazism, or denied the Holocaust (see also section 6, Anti-Semitism).

In March a police officer in Bochum, North Rhine-Westphalia, was fined 100 euros (\$120) for not filing a charge against a soccer fan who shouted “Heil Hitler” during a match.

Press and Media Freedom: Independent media were active and expressed a wide variety of views with few restrictions; there were limitations on press freedoms similar to those on speech.

Violence and Harassment: In January, two drunken men chased and threatened a Syrian-German journalist for the regional public television affiliate, MDR, filming a news segment on violence against refugee children. When they realized the reporter was Syrian, they threatened him with racial slurs and an improvised weapon. The attackers were held for questioning but later released.

In July the Hamburg district court sentenced three men accused of firebombing the offices of the local newspaper *Hamburger Morgenpost* to two-year suspended prison sentences and community service, and one additional man to community service. The men allegedly acted in response to the newspaper’s publication of cartoons of the Prophet Mohammed.

Actions to Expand Freedom of Expression, Including for the Media: In June parliament unanimously repealed a law that protected heads of state and foreign government institutions from public insults. In April 2016 Turkish President Recep Tayyip Erdogan had invoked the law, which allowed the Turkish government to seek charges against comedian Jan Boehmermann; that case was dropped in October 2016. The repeal was scheduled to take effect on January 1, 2018.

Internet Freedom

The government normally did not restrict or disrupt access to the internet or censor online content, with a notable exception, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The exception is that the law allows 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 in some cases to remove such content.

In August the minister of the interior told journalists in a press conference that the website “linksunten.indymedia.org” was banned. He called the website the country’s most important platform for left-wing extremism and stated it had been used to “spread hate and call for violence against police officers and dissenters.” In August police in the state of Baden-Wuerttemberg raided five locations linked to the website and confiscated firearms, knives, and clubs.

In October legislation to combat hate speech on social networking sites went into effect. Journalists and press organizations, including Reporters without Borders, as well as digital policy groups, voiced concerns that the law establishes a “censoring infrastructure.” The law puts the onus on social media companies to identify hate speech and delete content, imposing short deadlines and extensive fines for noncompliance. Organizations expressed concern the new laws might lead to social media companies erring on the side of caution by deleting more content than necessary or installing “upload filters” to prevent the posting of problematic content.

In April a Berlin district court convicted a 57-year-old man of hate speech against Green Party member of parliament Claudia Roth. In fall 2015 the defendant posted that the parliamentarian should be “hanged.” He was fined 4,800 euros (\$5,800).

According to International Telecommunication Union statistics, 90 percent of the country’s population used the internet in 2016.

Academic Freedom and Cultural Events

There were some 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

While the constitution provides for the freedom of peaceful assembly, the government restricted this freedom in some instances. Groups seeking to hold open-air public rallies and marches must obtain permits, and state and local officials may deny permits when public safety concerns arise or when the applicant is from a prohibited organization, mainly right-wing extremist groups. In rare instances during the year, authorities denied such applications to assemble publicly. Authorities allowed several nonprohibited, right-wing extremist or neo-Nazi groups to hold public rallies or marches when they did so in accordance with the law.

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

Police detained known or suspected activists, primarily right- or left-wing extremists, when they believed such individuals intended to participate in illegal or unauthorized demonstrations. The length of detention varied from state to state.

During the campaign leading to the Turkish constitutional referendum in April, local authorities blocked or cancelled a number of rallies that would have featured Turkish cabinet ministers or other politicians. In July authorities prevented the Turkish president from holding a rally while he was in the country for the G20 Summit. The German foreign minister stated that an appearance was “not a good idea” and not a good fit with “the political landscape,” adding that sufficient police forces would not be available to protect such a rally.

Freedom of Association

While the constitution provides for the freedom of association, the government restricted this freedom 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 generally consisted of collecting information from written materials and firsthand accounts but also included intrusive methods, such as the use of undercover agents who were subject to legal oversight. The FOPC and state OPCs published lists of monitored organizations, including left- and right-wing political parties. Although the law stipulates that surveillance must not interfere with an organization's activities, representatives of monitored groups, such as Scientologists, complained that the publication of the organizations' names contributed to prejudice against them.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: The NGO Pro Asyl, which tracks cases of refugees, criticized the "fast procedure" for asylum seekers, refugees, and migrants who arrive at the country's airports. The procedure provides for the Federal Office for Migration and Refugees to decide on asylum applications within an expedited two-day period during which time it detains applicants at the airport. If authorities deny the application, the applicant may appeal the ruling. Authorities make a final decision on the appeal within two weeks, during which time the applicant remains in detention at the airport. If authorities deny the appeal, they subsequently deport the applicant. Authorities maintained they applied this fast procedure only to persons coming from countries that the government identified as safe--the member states of the EU, Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal, and Serbia--and to persons without valid identification documents. Pro Asyl stated the number of asylum seekers rejected under the fast procedure was relatively low at 300-500 cases annually and that the vast majority of asylum seekers entered the country before they filed their applications.

Authorities in various states continued the practice of detaining rejected asylum seekers awaiting deportation, for up to 10 days. According to court rulings, asylum seekers awaiting deportation must be housed in separate, special facilities. Authorities may also deport rejected asylum seekers without notifying the rejected asylum seekers in advance if their deadline for voluntary departure has passed. Authorities may detain asylum seekers, refugees, and migrants awaiting deportation to a country within the EU under the Dublin III regulation only if there was evidence they might abscond. As of August, six facilities throughout the country provided space for 400 asylum seekers.

Assaults on refugees, asylum seekers, refugees, and migrants and attacks on government-provided asylum homes remained at a high but declining level during the first quarter of the year. According to BKA's figures, from January to March, authorities registered 90 offenses directly aimed at refugee shelters, compared with 970 in 2016 and 1,031 in 2015.

In March, two men attacked a Syrian man in Wangen im Allgaeu, Baden-Wuerttemberg. They insulted, punched, and kicked him after he told them he was from Syria. Police were unable to identify and locate the perpetrators. The case was forwarded to the Public Prosecutor's Office.

In November the regional court in Potsdam gave a man a two-year suspended sentence and 200 hours of community service for an October 2016 arson attack on a building that housed child refugees in Jueterbog, near Berlin. The court convicted him of attempted murder, attempted serious arson, and property damage. The court found that the man was motivated by a hatred of foreigners as well as by a desire to impress his father, who allegedly provided the fuel used in the attack and was being tried in a separate case.

Protection of Refugees

Access to Asylum: Laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country faced the task of integrating approximately 1.2 million asylum seekers, refugees, and migrants who arrived in 2015 and 2016 as well as an additional 90,389 who arrived during the first six months of the year. The influx of asylum seekers, refugees, and migrants stretched the country's infrastructure and resources.

Amnesty International voiced concerns about the “deteriorating quality of refugee status determination leading to flawed decisions” by the Federal Office for Migration and Refugees (BAMF). According to Amnesty International, quickly recruited BAMF personnel often lacked sufficient training to make human rights-based decisions, and interpreters often were unprofessional and lacked impartiality. Amnesty International stated that a large number of asylum seekers took their cases to court, resulting in a backlog of court cases.

Safe Country of Origin/Transit: The country adheres to the EU’s Dublin III regulation, which permits authorities to turn back or deport individuals who entered the country through one of “safe countries of transit,” which include the EU member states, Switzerland, and Norway. The government defines “safe countries of origin” to include Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal, Serbia, and EU states.

Employment: Persons entitled to asylum were able to access the labor market without restriction; asylum seekers with applications pending were generally not allowed to work during their first three months after applying for asylum. According to the Federal Employment Agency, there were approximately 492,000 unemployed refugees as of July. Hurdles to employment remained, such as long review times for recognition of previous qualifications and a lack of language skills and official certificates.

The law excludes asylum seekers from countries considered “safe countries of origin” (identified above) from certain refugee integration measures, such as language courses and access to employment opportunities. Asylum seekers and persons with a protected status from these countries were not allowed to work if they applied for asylum after August 2015.

Access to Basic Services: The decisions on how to house asylum seekers, refugees, and migrants and whether to provide cash benefits or other contributions were up to local officials in each state. For example, the state of Berlin continued to operate emergency shelters, among them at the former Tempelhof airport.

Several states, including Berlin, Brandenburg, Bremen, Hamburg, Lower Saxony, North-Rhine Westphalia, Schleswig-Holstein, and Thuringia, provided medical insurance cards for asylum seekers. The insurance cards allow them to visit any doctor of their choice without prior approval by authorities. The welfare organization Diakonie, however, stated that even asylum seekers who have

medical insurance cards still had access only to emergency treatment. Some local communities and private groups provided supplemental health care.

Durable Solutions: The government accepted resettlement of refugees who had already fled their countries of origin and facilitated local integration (including naturalization), 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. The government assisted with the safe and voluntary return of asylum seekers, refugees, and migrants to their homes. Authorities granted residence permits to long-term migrants, asylum seekers, refugees, and migrants with no prospects of returning to their home countries.

Temporary Protection: The government also provided protection to individuals who did not qualify as refugees. In the first six months of the year, the government extended subsidiary protection to 69,921 persons. This status is usually issued if a person does not qualify for refugee or asylum status but might face severe danger in his/her country of origin. An estimated 27,265 additional persons 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/her country of origin (i.e., nonavailability of treatment in the country of origin for a 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.

Stateless Persons

UNHCR reported 12,017 stateless persons in the country at the end of 2016. Some of these persons lost their previous citizenship when the Soviet Union collapsed or Yugoslavia disintegrated. Others were Palestinians from Lebanon and Syria whom the government registered as stateless.

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, but producing sufficient evidence to establish statelessness could be difficult, since 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 on September 24 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. The court banned two parties in the 1950s.

Under the law each political party receives federal public funding commensurate with the party's election results in state, national, and European elections. In July parliament amended the constitution to stipulate that extremist parties "hostile to the constitution" will be excluded from public funding. The right-wing extremist NPD is considered hostile to the constitution and cannot receive public funding.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. After the September 24 federal elections, the number of female members of the Bundestag dropped to 30.7 percent from 36.5 percent in 2013. The number of members of Bundestag who were born outside of the country or had at least one parent born outside of the country rose to 8 percent from 6 percent in 2013.

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. Officials sometimes engaged in corrupt practices with impunity.

Corruption: In July the public prosecutor's office in Regensburg, Bavaria, charged the mayor of Regensburg with corruption. The mayor, who was suspended while

the case was pending, was accused of selecting a contractor for a building project who had previously donated 470,000 euros (\$564,000) to the Regensburg branch of the mayor's political party.

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

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

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

Government Human Rights Bodies: A wide range of government bodies worked independently and effectively to protect human rights. The Bundestag has a Committee for Human Rights and Humanitarian Aid as well as a Petitions Committee. The latter fields a variety of 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 human rights treaties and conventions. The Federal Antidiscrimination Agency (FADA) is a semi-independent body that studies discrimination and supports victims of discrimination. The Office of the Federal Commissioner for Persons with Disabilities has specific responsibility for protecting the rights of persons with disabilities. A commissioner of human rights within the Justice Ministry oversees implementation of decisions by the courts, the rulings of which continue to refine human rights protections.

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and provides penalties of up to 15 years in prison.

Officials may temporarily deny abusers access to the household without a court order, put them under a restraining order, or in severe cases prosecute them for assault or rape and require them to pay damages. Penalties depend on the nature of the case. The government enforced the law.

Approximately 12,000 to 13,000 cases of sexual violence are reported annually to police. According to the Federal Office for Family and Civic Duties, approximately one in four women between the ages of 16 and 85 has been a victim of domestic violence at least once in her life.

The federal government, the states, and NGOs supported numerous projects to deal with gender-based violence, both to prevent it and to give victims greater access to medical care and legal assistance. During the year approximately 350 women's shelters operated throughout the country. The NGO Central Information Agency of Autonomous Women's Homes (ZIF) reported accessibility problems, especially in bigger cities, because women who found refuge in a shelter tended to stay there longer due to a lack of available and affordable housing. ZIF stated the number of refugee women seeking protection in shelters rose since the refugee influx in 2015.

Female Genital Mutilation/Cutting (FGM/C): FGM/C of women and girls is a criminal offense punishable by one to 15 years in prison. FGM/C affected segments of the immigrant population and their German-born children. In February the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth estimated in a study that 50,000 women in the country were victims of FGM. The study further stated that this number reflected an increase of one-third compared with 2014 and traced the increase to the number of refugees coming from Eritrea, Iraq, Somalia, Egypt, and Ethiopia. A working group under the leadership of the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth worked with other federal government bodies and all 16 states to combat FGM.

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

Court proceedings continued in Wuppertal, North Rhine-Westphalia, regarding the suspected honor killing of a 35-year-old Iraqi Yazidi woman, Hanaa S. In June the

woman's brother-in-law confessed to kidnapping and killing her. The government financed various projects that aim to tackle this problem.

Sexual Harassment: Sexual harassment of women was a recognized problem and prohibited by law. The law requires employers to protect employees from sexual harassment. Various disciplinary measures against harassment in the workplace were available, including dismissal of the perpetrator. 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.

In July police in Schorndorf, Baden-Wuerttemberg, recorded nine cases of sexual assault during a public festival. While three of those cases could not be substantiated, local police and Stuttgart prosecutors continued investigating sexual harassment allegations against four unknown and two known suspects.

As of August the state attorney in Hamburg initiated 245 prosecutions related to charges of 400 women being sexually harassed or assaulted during New Year's Eve celebrations in 2015 in Hamburg. During New Year's Eve of 2016, with increased police presence, there were 14 reports of sexual harassment. Police identified 10 suspects.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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 law provides for equal pay for equal work. Women were underrepresented in highly paid managerial positions and overrepresented in some lower-wage occupations (see section 7.d.).

Children

Birth Registration: In most cases persons derive citizenship from their parents, but the law also allows citizenship based on birth in the country 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 have the responsibility to apply for registration for newborn children. Once officials receive registration applications, they generally process them expeditiously. Parents who fail to register their child's birth may be subject to a fine.

Child Abuse: There were reported incidents of child abuse. The Federal Ministry for Family, Seniors, Women, and Youth sponsored a number of programs throughout the year on the prevention of child abuse. The ministry sought to create networks among parents, youth services, schools, pediatricians, and courts and to support existing programs at the state and local level. Other programs provided therapy and support for adult and youth victims of sexual abuse.

Early and Forced Marriage: Forced marriages are illegal, invalid, and punishable by up to five years' imprisonment. There were no reliable statistics on the number of forced marriages. The legal minimum age for marriage is 18.

In July parliament passed a law that declared marriages involving minors unlawful and prohibited such marriages. Prior to the new law, 16-year-old children could marry under certain circumstances. The new law also invalidates foreign underage marriages that were legal in the country in which they were officiated.

Child and forced marriage affected mostly girls. Media reported that during the year more than 1,400 cases of child marriage involving more than 1,100 girls were registered with authorities. Nearly one-half of the cases reported involved nationals from Syria; other countries of origin were Iraq, Bulgaria, Poland, Romania, and Greece.

In June a 17-year-old Iraqi girl in Selm, North Rhine-Westphalia, who disagreed with the marriage her parents arranged for her, escaped her family's apartment. According to media, her father found her, beat her in public, and threatened to take her to Iraq if she did not marry the groom. The girl called the police, and a local youth welfare office provided her protected relocation and refuge. Police investigated her parents for bodily injury, threat, and attempted forced marriage.

Sexual Exploitation of Children: The penalty for rape of adults--up to 15 years in prison--also applies to the rape of children. Consensual sex is legal from age 14 in most cases. There is an exception if the older partner is older than 18 and is "exploiting a coercive situation" or offering compensation and the younger partner is under 16. It is also illegal for a person who is 21 or older to have sex with a

child under 16 if the older person “exploits the victim’s lack of capacity for sexual self-determination.” The government’s Independent Commissioner for Child Sex Abuse Issues offered a sexual abuse help online portal and an anonymous telephone helpline free of charge.

Possession of or attempts to acquire any material “reflecting a true or realistic incident of child pornography” is punishable by three months to five years in prison.

In August a court in Krefeld, North Rhine-Westphalia, allowed the extradition to Chile of a 73-year-old physician associated with Colonia Dignidad, a group which the foreign ministry called “a German sect in Chile, in which... children were systematically sexually abused.” He fled to Germany after being sentenced in Chile to five years in prison in 2011 for aiding the sexual abuse of children.

Displaced Children: Media reported that authorities could not account for the whereabouts of approximately 8,000 unaccompanied minor asylum seekers, refugees, and migrants. According to the NGO Federal Association for Unaccompanied Minor Refugees (BumF), many of these minors moved on to join relatives in the country and abroad. BumF also stated some unaccompanied minors might have become victims of human trafficking. Authorities were working to improve their ability to track these missing children. For more information, please see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt.

According to the year’s estimates by the NGO Off Road Kids, there were up to 2,500 runaways under the age of 18. Off Road Kids reported most runaways did not end up on the street but become “sofa-hoppers.” These minors are generally school dropouts who had no contact with the youth welfare office or their parents but were able to find temporary housing through digital networks.

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 travel.state.gov/content/childabduction/en/legal/compliance.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

90,000 registered Jewish community members. Manifestations of anti-Semitism, including physical and verbal attacks, occurred at public demonstrations, sporting and social events, and in certain media. 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. Jewish organizations also noted an increase of anti-Semitic attitudes among some Muslim youth.

During the final federal cabinet meeting before federal elections in September, the government officially acknowledged the International Holocaust Remembrance Alliance's (IHRA) definition of anti-Semitism: "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." The Central Council of Jews in Germany welcomed this decision as an important step towards combatting anti-Semitism.

In 2016, 644 anti-Semitic crimes were reported. According to a report released in April by the Independent Expert Group on Anti-Semitism, traditional forms of anti-Semitism declined slightly, while modern anti-Semitism, such as conflating individual Jews with actions by Israel, remained prevalent. The report also noted anti-Semitism existed on both the extreme right and extreme left of the political spectrum as well as among Muslims in the country.

The FOPC's annual report stated the number of violent right-wing anti-Semitic incidents increased from 29 in 2015 to 31 in 2016. It noted membership in skinhead and neo-Nazi groups remained steady at approximately 6,000 persons. Federal prosecutors brought charges against suspects and maintained permanent security measures around many synagogues.

In January Bjoern Hoecke, the caucus chair of the right-wing populist party Alternative for Germany (AfD) in the Thuringia state parliament, denounced the Holocaust Memorial in Berlin as a "monument of shame." He was criticized within his party but actively campaigned for the AfD in September's general election.

In January a local court in Betzdorf, Rhineland-Palatinate, acquitted three members of a band called Kaltes Judenleder (Cold Jew Leather) of charges of disseminating right-wing propaganda and using symbols of "anticonstitutional" organizations.

The court could not prove that the band's "inhumane and brutal" anti-Semitic and racist lyrics were meant to be made available to the public.

In April Jewish parents removed their child from a school in the Friedenau district of Berlin, stating their son was subjected to continual discrimination by children of Turkish and Arab descent. The child reportedly was also physically attacked. Following the incident, Jewish leaders called for an investigation into anti-Semitic bullying in schools.

In April a politician from the far-right NPD of the district of Barnim, Brandenburg, was sentenced to eight months in prison for showing unconstitutional tattoos. In 2015 he was seen in a public swimming pool having the silhouette of the concentration camp Buchenwald's with its slogan "Jedem das Seine" ("To each his own") tattooed on his back.

On August 26 and September 2, one or more unidentified perpetrators kicked at the facade of the New Synagogue in Ulm, Baden-Wuerttemberg, and later rammed it with a metal post, breaking through the outer wall.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the judicial system, and the provision of other federal government services, including access to other transportation. 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 on the effectiveness of government's enforcement of antidiscrimination laws.

In August the federal government commissioner for matters relating to persons with disabilities criticized the fact that more than 84,000 individuals in the country were not allowed to vote in federal elections. The stated reason was that many were the subjects of court orders declaring they are not capable of independently managing their administrative and financial matters.

Persons with disabilities faced particular difficulties finding housing. The country's approximately 500,000 children with disabilities attended school.

States decide whether children with disabilities may be included in regular schools or whether they must attend special needs schools.

In February a public hearing organized by the German Institute for Human Rights showed that refugees with disabilities were not always granted the special protection and reasonable accommodation for which they are eligible according to EU Commission guidelines.

National/Racial/Ethnic Minorities

Harassment of foreigners and members of racial minorities such as Roma remained a problem throughout the country. Hostility focused on the increasing number of asylum seekers, refugees, and migrants from the Middle East and Africa.

The annual FOPC report for 2016 described 1,190 of the 1,600 violent "politically motivated crimes" with "right-wing extremist backgrounds" as xenophobic. Since January the FOPC registered crimes against asylum seekers and refugees as a separate subcategory of politically motivated crimes.

The right-wing extremist, anti-Islam movement Patriotic Europeans against the Islamization of the West (PEGIDA) maintained the size of its support base after a considerable decline in 2016. On average, approximately 2,000 demonstrators attended PEGIDA rallies in Dresden during the first half of the year.

In April a group of 13 persons using racist language insulted, threatened, and assaulted a 22-year-old Jordanian man and his German female companion walking together in Halle, Saxony-Anhalt. During the exchange the man suffered a blow to the head and the woman was threatened with a knife. Police arrested one suspect and filed charges.

Persons of foreign origin faced particular difficulties finding housing. FADA reported cases of landlords denying rental apartments to persons of non-ethnic-German origin, particularly of Turkish and African origin, saying that the neighborhood's population was majority ethnic German.

In March a 20-year-old Serbian Rom sued the state of North Rhine-Westphalia for damages and compensation of 52,000 euros (\$62,000). He claimed he was

wrongfully diagnosed as having mental disabilities when he entered elementary school in Bavaria and spoke very little German. The assessment was not reviewed by local authorities when he moved to North-Rhine Westphalia, and he subsequently attended schools for students with special needs for 11 years. The trial continued at year's end.

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

The law prohibits discrimination based on sexual orientation and gender identity. In November the federal constitutional court found the legal sex-identification option on birth certificates of only "male" and "female" unconstitutional. There were no official statistics on mistreatment of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; the availability of NGO reports on the incidence of such mistreatment varied widely in different parts of the country, although some quantitative data was available for cities with large populations of LGBTI persons. In 2016 there were 336 assaults in Berlin motivated by bias against LGBTI persons, according to the NGO Maneo. Insults accounted for 20 percent of the cases reported, injury for 29 percent, and coercion and threat for 22 percent.

In June a lesbian couple was violently assaulted in Berlin. One of the women was hit with a bottle and strangled until she lost consciousness. Passersby intervened and held the assailant until the police took him into custody. Police determined the attack was homophobic, and the BKA took over the investigation.

In July parliament passed a law to compensate the approximately 50,000 men who were punished under the ban on gay acts between 1945 and 1994. Compensation packages include 3,500 euros (\$4,200) per person and 1,500 euros (\$1,800) for each year the person spent incarcerated.

HIV and AIDS Social Stigma

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

In August the German Medical Association changed its guidelines regarding blood donations to allow gay men to donate blood, but only after a year of sexual abstinence.

Other Societal Violence or Discrimination

Authorities in Aalen, Baden-Wuerttemberg, reported more than 15 instances of right-wing, neo-Nazi, and anti-Muslim propaganda spray painted on public buildings, including a memorial for the local World War II concentration camp. In February unknown perpetrators desecrated several Muslim graves at the local cemetery. Police were investigating at year's end.

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. The law prohibits antiunion discrimination and offers legal remedies to claim damages, including the reinstatement of unlawfully dismissed workers. The government generally respected these rights.

No laws or regulations limit these labor rights. In addition, while civil servants are free to form or join unions, their wages and working conditions are determined by legislation and 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. All employees, whether trade union members or not, usually benefit from the provisions of the bargained collective agreement.

In July the Federal Constitutional Court upheld the Collective Bargaining Unity Law, seeking to reinstate the longstanding "one corporation, one wage agreement" principle after a 2010 Federal Labor Court ruling opened the door for multiple wage agreements. The law aims to prevent small unions from shutting down operations of entire corporations and stipulates that wage agreements must be negotiated between the employer and the union with the most members within a corporation.

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 need to

apply the provisions of a collective agreement if the Ministry of Labor and Social Affairs declares a collective bargaining agreement generally binding. The number of such agreements decreased to a minor extent. Employers not legally bound by collective bargaining agreements also often made use of them to determine part or all of the employment conditions of their employees. Employers may contest in court a strike's proportionality and a trade union's right to take strike actions. Legislation fails to establish clear criteria, but case law provides specific measures on strike matters.

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 void and lead to fines. Penalties were adequate and remediation efforts were sufficient.

Laws regulate cooperation between management and work councils, including the right of the workers to information about company operations that could affect them. Work councils are independent from labor unions but often have close ties to the sector's labor movement. The penalty for employers who interfere in work councils' elections and operations is up to one year in prison or a fine. Findings showed that a considerable number of employers reportedly hired law firms to deter employees from organizing new work councils. This led to calls for new legislation to protect effectively employees intending to exercise their right to establish a work council.

b. Prohibition of Forced or Compulsory Labor

The constitution and federal law prohibit all forms of forced or compulsory labor. Nevertheless, there were reports of forced labor in 2015, the latest year for which statistics were available. Penalties for forced labor range from six months to 10 years in prison and were generally sufficient to deter violations.

The government effectively enforced the law when companies were discovered employing forced labor, but NGOs questioned the adequacy of resources to investigate and prosecute the crime. Some traffickers received suspended sentences, consistent with the country's sentencing practices for most types of crime.

There were reports of forced labor involving adults, mainly in agriculture and construction. There were also reports in restaurants, hotels, meat-processing plants, seasonal industries, and domestic households. In 2015, the latest year for

which statistics were available, police completed 19 labor-trafficking investigations which identified 54 victims, mostly from Bulgaria (63 percent) followed by Romania (7 percent), and Hungary (7 percent).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

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 newspapers, babysitting, and dog walking for up to two hours per day, if the person exercising the custodial role authorizes it. Children between the ages of 13 and 15 may not work during school hours, before 8 a.m. or after 6 p.m., and not 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 work that exposes them to the risk of an accident (especially by machine operation or animal care). 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.

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 protects against discrimination in all areas of occupation and employment, from recruitment, self-employment, and promotion to career advancement. Although social 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 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 remains

inactive or 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 Equal Treatment Law, victims of discrimination are entitled to injunctions, removal, and material or nonmaterial damages set by court decision. Penalties were sufficient to deter violations.

In June the quadrennial report of FADA on discrimination found serious discrimination risks at the country's employment agencies. For example, staff at government-run local employment agencies discriminated against single parents or persons with disabilities in some instances, leading to missed opportunities for job seekers. FADA highlighted that applicants of foreign descent and with foreign names faced discrimination even when they had similar or better qualifications than others. FADA stated the majority of complaints concerned the private sector, where barriers for persons with disabilities persisted.

Three female teachers in Berlin filed separate lawsuits against schools after not being hired, accusing the schools of having rejected them because they wore headscarves. The schools invoked the neutrality acts that prohibit teachers from wearing religious symbols at work. In February, one defendant received 8,680 euros (\$10,400) after the Berlin Labor Court concluded the school violated equal opportunity laws. In July the Berlin Labor Court decided in favor of a second defendant, ordering compensation of approximately 7,000 euros (\$8,400). The third case was under consideration at year's end.

According to a 2015 study conducted by the Hans-Boeckler Foundation, the unemployment rate among immigrants--particularly those from Turkey, former Yugoslavia, and non-European countries--was twice as high as that of the general population. Immigrants were also more likely to have temporary or marginal employment with fewer prospects for career and wage advancement, regardless of their qualification level. A 2016 study conducted by the Institute for the Future of Work found the risk of discrimination increased with the level of qualifications required for a position.

In March the Federal Statistical Office found that the gross hourly wages of women in 2016--16.26 euros (\$19.45)--were on average 21 percent lower than those of men, which were 20.71 euros (\$24.85). It named differences in occupations in which women and men were employed as well as unequal requirements regarding leadership experience and other qualifications as the most significant reasons for the pay gap. FADA reported women were at a disadvantage regarding promotions, often due to career interruptions for child rearing.

As of August women occupied 6.1 percent of the positions on publicly listed companies' management boards and 27.3 percent (versus 22.9 percent two years previously) of positions on supervisory boards in the country's top 105 companies. The law imposes a gender quota of 30 percent for supervisory boards of certain publicly traded corporations. The law 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) by 2017 and to report on their performance.

In August the Duesseldorf local court abolished a minimum height requirement for male and female police officers in North Rhine-Westphalia following complaints by affected officers.

There were also reports of employment discrimination against persons with disabilities. The unemployment rate among persons with disabilities was 13.4 percent in 2016, considerably higher than that of the general population (on average 6.1 percent for 2016). Employers with 20 or more employees must hire persons with more 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. Companies that fail to meet these quotas face a monthly fine for each required position not filled by a person with disabilities.

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 who were in the country on temporary work permits. In December 2016 the federal government stated that foreign workers in 2015 earned on average 2,467 euros (\$2,960) gross per month, or 21.5 percent less than German employees, who earned on average 3,141 euros (\$3,769).

e. Acceptable Conditions of Work

The statutory countrywide minimum wage is 8.84 euros (\$10.61) per hour. The minimum wage does not apply to persons under 18, long-term unemployed persons during their first six months in a new job, or apprentices undergoing vocational training, regardless of age. Sectors that set their own minimum wages included the electrical trades, painting, scaffolding, roofing, waste management, large-scale laundries, cleaning services, nursing care, hairdressing, meat processing, special

mining services, and temporary employment agencies. Sector-wide minimum wages were generally lower in the eastern parts of the country than in the west. According to the Federal Statistical Office, in 2016 persons living in a single household with an income of less than 12,765 euros (\$15,318) per year (60 percent of the national median income) or 1,064 euros (\$1,277) per month were at risk of poverty. More than 16 million persons (20 percent of the population) fell below this threshold in 2015.

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 78 percent of employees who are directly or indirectly affected by collective bargaining agreements, the average maximum workweek under current agreements is 37.7 hours. According to the Federal Statistical Office, the average workweek of full-time employees was 40.5 hours in 2015. 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.

The Customs Office's Financial Control Illicit Work Unit (FKS) is responsible for monitoring compliance with the statutory and sector-wide minimum wages and hours of work. The FKS conducted checks on 40,374 companies and 355,000 individuals in 2016 and completed 107,080 criminal proceedings. Employees may sue companies if employers fail to comply with the Minimum Wage Act. Courts may sentence employers who violate the provisions to pay a substantial fine.

An extensive set of laws and regulations govern occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace. Workers may remove themselves from situations that endanger their health or safety without jeopardizing their employment, and authorities effectively protected employees in this situation.

The Federal Ministry of Labor and Social Affairs and its counterparts in the states effectively monitored and enforced occupational safety and health standards through a network of government bodies, including the Federal Agency for Occupational Safety and Health. At the local level, professional and trade associations--self-governing public corporations with delegates representing both

employers and unions--as well as work councils oversaw worker safety. The number of inspectors was sufficient to ensure compliance.

Most accidents occurred in the construction, transportation, wood, and metalworking industries. The number of workplace fatalities decreased to 424 in 2016 compared with 470 in 2015.