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## U.S. Department of State

### Germany Country Report on Human Rights Practices for 1996

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#### GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy with an independent judiciary; citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal Government, the Chancellor, is elected by the lower house of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states enjoy significant autonomy, especially as concerns law enforcement and the courts, education, the environment, and social assistance.

Law enforcement is primarily a responsibility of state governments, and the police are organized at the state level. The jurisdiction of the Federal Criminal Office is limited to international organized crime, especially narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general are well trained, disciplined, and mindful of citizens' rights, although there were occasional instances of police abuse.

Germany's highly advanced economy affords its residents a high standard of living. The economy has had difficulty pulling out of its 1993-94 recession, which followed a reunification boom in the early 1990's. The economy picked up in the second half of 1996, but unemployment remains high, as the structural rate of unemployment rose again with the most recent recession. In the East, where economic integration and growth continued particularly strongly, employment has increased more noticeably than in the West. Nonetheless, overall unemployment in eastern Germany remains significantly higher than in the country's western half as the region continues to grapple with adjustment to free market conditions. Unemployment in the East affects women disproportionately more than men.

The Government fully respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. However, there were continued

allegations of police abuse of prisoners, especially foreigners. Although violence or harassment directed at foreigners continued to occur within society as a whole, the number of incidents declined markedly, as was the case in 1995. Rightwing violence against foreigners decreased by nearly 50 percent, with 154 cases reported in the first 6 months of 1996, compared with 313 in the same period of 1995. Rightwing extremist violence rose sharply after German unification but peaked in 1992 and has since been declining sharply. Still, there were a significant number of attacks on property or persons, and foreigners were disproportionately the victims.

Anti-Semitic incidents decreased in the first 6 months of 1996. Most involved graffiti or distribution of anti-Semitic materials. The overwhelming majority of the perpetrators of attacks on foreigners or anti-Semitic acts were frustrated, apolitical youths and a small core of neo-Nazis. All the major political parties and all the highest officials of the Federal Republic denounced violence against foreigners and anti-Semitic acts.

Women continue to face wage discrimination in the private sector. The Government is taking serious steps to address the problem of violence against women.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings by government officials.

Some murders occurred among rival factions of Iranians, Kurds, Turks, and other foreign nationals. The federal and state authorities sought to find and prosecute the perpetrators of such crimes and pressed charges in several trials.

The trial of Red Army Faction member Birgit Hogefeld, which began in November 1994, ended on November 5. Hogefeld was sentenced to life imprisonment by the State Superior Court in Frankfurt. She was found guilty of participating in a 1993 bombing of a prison in Weiterstadt, Hessen; participating in a 1988 attack on Bundesbank President Hans Tietmeyer; and participating in the 1985 bomb attack at the U.S. Rhein-Main Air Base.

Lebanon extradited Yasser Mohammed Shraydi to Berlin in May in connection with his alleged participation in the April 1986 bombing of the Berlin discotheque "La Belle." The attack killed one Turkish and two U.S. citizens, and injured 230 persons. Prosecution is expected to begin in spring 1997. Three further suspects were arrested in October: Ali Chanaa, alias Alba; his former wife, Verena Helga Chanaa (a German national); and his wife's sister, Andrea Haeusler (also German). Also in October, warrants were issued for the arrest of three former Libyan diplomats and a former member of the Libyan Security Service who were stationed in East Berlin.

On September 10, six former East German generals were sentenced to prison for terms ranging from 3 years 3 months to 6 1/2 years, for ordering the shooting of persons who fled across the Berlin Wall and the former border between East and West Germany. The six included former Deputy Defense Minister Klaus-Dieter Baumgarten, who was accused of direct complicity in 11 killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

Torture is not mentioned in the Basic Law, but it is forbidden by law.

There continue to be serious allegations of police brutality against foreigners, but fewer than in previous years. No action was taken against individual Hamburg policemen being investigated since 1995 for possible mistreatment of arrested foreigners as the witnesses were considered unreliable.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Basic Law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition. To make an arrest, police must obtain a judicial warrant. By the day after arrest, police must bring the suspect before a judge and lodge a charge. The court must then either issue a warrant stating the grounds for detention or order the person's release.

There is no preventive detention. If there is evidence that the suspect might flee the country, police may detain the suspect for up to 24 hours pending a formal charge. The right of free access to legal counsel has been restricted only in the cases of terrorists suspected of having used contacts with lawyers to continue terrorist activity while in prison. Only judges may decide on the validity of any deprivation of liberty. Bail exists but is seldom employed; the usual practice is to release detainees unless there is clear danger of flight outside the country.

There is no use of forced exile.

#### e. Denial of Fair Public Trial

The Basic Law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right. The court system is highly developed and provides full legal protection and numerous possibilities for judicial review. Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition there are four types of specialized courts: Administrative, labor, social, and fiscal courts. These courts are also established on different levels, with the possibility for appeal to the next higher level.

Separate from these five branches of jurisdiction is the Federal Constitutional Court, which is not only the country's supreme court but an organ of the Constitution with special functions defined in the Basic Law. Among other things, it reviews laws to ensure their compatibility with the Constitution and adjudicates disputes between constitutional organs on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority. The judiciary provides citizens with a fair and efficient judicial process.

There were no reports of political prisoners.

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

The Basic Law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Basic Law provides for freedom of the press, and the Government respects this right in practice. There is no official censorship. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and the press, including academic freedom. Propaganda of Nazi and other proscribed organizations is illegal. Statements endorsing Nazism are also illegal. Several persons were indicted for making statements or distributing materials that were alleged to fall into these categories, including a U.S. citizen, Gary Lauck, who was sentenced August 22 to 4 years' imprisonment for instigating national hatred and dissemination of illegal propaganda materials.

In January the press reported that the authorities pressured a provider of Internet on-line service to block access to material--a neo-Nazi World Wide Web site--that the Government considers illegal under German law.

#### b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice. The Basic Law permits banning political parties found to be "fundamentally antidemocratic." A 1950's ruling by the Federal Constitutional Court outlawed a neo-Nazi and a Communist party. State governments may outlaw only organizations that are active solely within their state. If a group's activities cross state lines, the Federal Government assumes jurisdiction.

Four far-right political groups, not organized as political parties, were banned in late 1992. The Kurdistan Workers' Party (PKK), along with 35 subsidiary organizations, was banned in 1993. Also in 1993 the Federal Government asked the Constitutional Court to ban the far-right Free German Workers' Party; the Court's decision was still pending at year's end. Several extremist parties were under observation by the Office for the Protection of the Constitution (BFV, the internal security service), although such monitoring may by law not interfere with the organizations' continued activities. The BFV reported that 46,100 people belonged to far-right organizations in 1994, a decline of 22 percent from the previous year.

#### c. Freedom of Religion

The Basic Law specifically provides for religious freedom. The Government fully supports religious freedom. Most of the population belongs to the Catholic or Protestant churches. These denominations and the Jewish community hold a special legal status as corporate bodies under public law, giving them, for instance, the right to participate in a state-administered church tax system. State governments subsidize church-affiliated schools and provide religious instruction in schools and universities for those belonging to the Protestant, Catholic, or Jewish faith.

Groups of a religious character, which are not granted special legal status, do not benefit from the privileges granted by the State. A sharp debate surrounds the activities of the Church of Scientology, whose members allege both government-condoned and societal harassment, including expulsion from (or denial of permission to join) a political party and loss of employment. Business firms whose owners or executives are Scientologists may face boycotts and discrimination, sometimes with government approval. Scientologists continued to take such grievances to the courts. Legal rulings have been mixed.

During the year, the Church of Scientology came under increasing scrutiny by both federal and state officials, who claim that its activities do not fall within the legal definition of a religious organization. Several cabinet officials criticized the organization. In January Claudia Nolte, the Minister of Family Policy, described the Church as "one of the most aggressive groups in our society" and said she would oppose the organization "with all the means at my disposal." The Parliament created a special commission to investigate Scientology's activities and social impact. The press reported that the federal chancellery and state minister-presidents decided on December 19

to create an interministerial group to study Scientology.

Major political parties exclude Scientologists from membership, arguing that the Church is not a religion but a for-profit organization whose goals and principles are antidemocratic and thus inconsistent with those of the political parties. In late summer, the governing Christian Democratic Union (CDU) party approved a resolution saying that membership "in the Scientology organization is not compatible with employment in the public service," and urging that the Church be put under surveillance. The resolution also urged the banning of federal funding for cultural and artistic events featuring Scientologists. In December a state organization of the CDU confirmed the expulsion of three members for belonging to the Church.

Various artists have been affected because of their membership in the organization. Artists have been prevented from performing or displaying their works because of their membership in the Church. In the summer, the youth wing of the CDU in a number of German states urged a boycott of the film "Mission Impossible" because the leading actor in this film is a Scientologist. In Bavaria the Minister of Culture was criticized by the state parliament for allowing American musician Chick Corea, a Scientologist, to perform at a state-sponsored jazz festival.

Individual German states also took action against members of the organization. On November 1, the state of Bavaria began to screen applicants for state civil service positions for Scientology membership. Bavaria also said it would not fund arts-related activities in which Scientologists were to appear. It also decreed that private companies awarded state contracts in certain "sensitive" fields must sign a statement that they do not follow the tenets of Scientology.

The past year has also seen some positive developments. A former Minister of Justice editorialized that the Government should be more restrained in its dealings with Scientology. In an October report, the Ministry of Interior concluded that there was insufficient evidence to justify surveillance of Scientology by the Offices for the Protection of the Constitution (OPC). In response to the CDU's call for the organization to be placed under OPC observation, the report concluded that "no concrete facts exist currently to substantiate the suspicion of criminal acts." In closing the report reminded states requesting a ban on Scientology that "only economic considerations may be taken into account" when awarding public contracts.

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

Citizens are free to move anywhere within the country, to travel abroad, to emigrate, and to repatriate, without restrictions that violate human rights.

For ethnic Germans entering the country, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. Persons not of German ethnicity may acquire citizenship (and with it the right of unrestricted residence) if they meet certain requirements, including legal residence for at least 10 years (5 if married to a German), renunciation of all other citizenships, and a basic command of the language. Long-term legal residents often opt not to apply; they receive the same social benefits as do citizens, and after 10 years of legal residency they are entitled to permanent residency. Representatives of the Turkish and Roma communities in Germany have criticized the citizenship policy as unjust and discriminatory and have opposed the policy against dual nationality.

The Basic Law and subsequent legislation provide for the right of foreign victims of political persecution to attain asylum and resettlement. In 1996 Germany received 116,367 applications for asylum and had a recognition rate of 12.4 percent for the 194,451 cases concluded. Since July 1993, when the criteria for granting asylum were tightened with an amendment to the asylum law, the overall trend in asylum applications has continued downward, decreasing by two-thirds from the 1992 all-time high of 438,191.

Under the tightened criteria, persons coming directly from any country that officials designate as a "safe country of origin" cannot normally claim political asylum but may request an administrative review of their applications while in Germany. Persons entering via a "safe third country"--any country in the European Union or adhering to the Geneva Convention--are also ineligible for asylum.

The legislated changes also limited legal recourse against denials of asylum applications. Critics argue that few countries can assuredly be designated as "safe third countries" and that the law unjustly fails to allow applicants to rebut such designations. While the law permits appeals against designations of "safe countries of origin," critics protest that the 48-hour period allotted for hearings is too brief.

However, in May the Constitutional Court upheld the constitutionality of the 1993 amendment.

Asylum seekers with applications under review enjoy virtually the full range of civil rights except the right to vote. While less than 5 percent of applicants have attained political asylum, denial does not automatically result in deportation. Most rejected applicants are allowed to remain in the country for humanitarian reasons, especially those from the former Yugoslavia.

Applicants who have been conclusively denied asylum are placed in detention pending deportation. Some police detention facilities, particularly in Berlin, are overcrowded or otherwise seriously substandard.

Repatriations of Vietnamese citizens living illegally in Germany have proceeded behind the schedule established in the protocols to the agreement signed with Vietnam in July 1995; 7,500 returns were foreseen for 1996, but the actual number of returns for the year only reached approximately 1,500.

Germany concluded two other repatriation agreements during the year. The first, signed on October 10 with Serbia-Montenegro, is intended to facilitate the return of the estimated 135,000 citizens of Serbia-Montenegro living without legal status in Germany. Of that number, it is estimated that two-thirds are ethnic Albanians from Kosovo. No returns within the context of this agreement occurred in 1996, but Germany has begun the application process to allow for returns in 1997. The second agreement, initialed with Bosnia on November 20, is intended to facilitate the repatriation of the estimated 320,000 Bosnian refugees. The Government provides first asylum and has granted "temporary protection" (first asylum) to these Bosnian refugees at an estimated cost of \$2.8 billion annually for their support.

In response to the December 1995 Dayton Peace Agreement, Federal and state Interior Ministers decided in January to terminate the temporary protection regime and to begin a phased, compulsory if necessary, return of the Bosnian refugees residing in Germany. In the first phase (October 1996 to mid-1997), those refugees without accompanying minor children are to leave Germany; the Federal Interior Ministry estimates the number of people potentially included in the first phase to be 80,000. The second phase (mid-1997 onward) foresees the departure of all other Bosnian refugees. The starting date for "first phase" returns was originally July, but was postponed until October 1 when it became clear that conditions in Bosnia were not conducive to large-scale returns. Most states decided subsequently to delay returns until the spring of 1997. However, two states with large Bosnian refugee populations, Bavaria and Baden-Wuerttemberg, pursued returns beginning in October, deporting fewer than 60 Bosnians by year's end. Many, though not all, of the deportees were convicted of crimes in Germany, making priority candidates for deportation. The decision to proceed with compulsory returns led to disagreement with the Office of the United Nations High Commissioner for Refugees, which favored only voluntary returns during this period.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Basic Law provides citizens with the right to change their government peacefully, and citizens

exercise this right in practice through periodic, free, and fair elections. The Government is elected on the basis of universal suffrage and secret balloting. Members of the Parliament's lower house, the Bundestag, are elected from a mixture of direct-constituency and party-list candidates. The upper house, the Bundesrat, is composed of delegations from state governments.

The law entitles women to participate fully in political life, and a growing number are prominent in the Government and the parties, but women are still underrepresented in those ranks. Slightly over 26 percent of the Federal Parliament is female, including its President. Women occupy 3 of 16 cabinet positions. One state minister-president is a woman. On the Federal Constitutional Court, 4 of the 16 judges are women, including the Chief Justice. All of the parties have undertaken to enlist more women. The Greens/Alliance 90 Party requires that women comprise half of the party's elected officials. The Social Democrats have a 40-percent quota for women on all party committees and governing bodies.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

#### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The law prohibits denial of access to shelter, health care, or education on the basis of race, religion, disability, sex, ethnic background, political opinion, or citizenship. The Government enforces the law effectively.

##### **Women**

While violence against women occurs and is almost certainly underreported, it is prohibited by laws that are effectively enforced. It is condemned in society, and legal and medical recourse is available. Police statistics on rape showed a slight increase to 6,175 cases in 1995 (latest available data) from 6,095 in 1994.

The Government has conducted campaigns in the schools and through church groups to bring public attention to the existence of such violence and has proposed steps to counter it. The Federal Government has supported numerous pilot projects throughout Germany. There are, for example, 330 "women's houses" in Germany, over 100 in the new states in the East, where victims of violence and their children can seek shelter, counseling, and legal and police protection. Germany supported the appointment of a special rapporteur on violence against women at the U.N. Human Rights Commission.

Trafficking in women and forced prostitution is also forbidden by law. The laws against trafficking in women were modified in 1992 to deal more effectively with problems stemming from the opening of Germany's eastern borders. In recent years, the Federal Ministry for Women and Youth commissioned a number of studies to gain information on violence against women, sexual harassment, and other matters, producing for example a special report on violence against women in 1995.

##### **Children**

The Government is committed to protection of children's rights, and there is no societal pattern of abuse of human rights of children. Public education is provided and is mandatory through the age of 16. The Government recognizes that violence against children is a problem requiring its attention.

Police figures indicate that there were 16,013 alleged cases of sexual abuse of children in 1995 (latest available figures), up slightly from 1994. Officials believe that the numbers of unreported cases may be much higher. The Child and Youth Protection Law stresses the need for preventive measures, and the Government has taken account of this in stepping up its counseling and other assistance.

The Criminal Code was amended in 1993 to further protect children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year's imprisonment; the sentence for distribution is 5 years. The amendment made sexual abuse of children by German citizens abroad punishable even if the action is not illegal in the child's own country.

### People with Disabilities

There is no discrimination against the disabled in employment, education, or in the provision of other state services. The law mandates several special services for disabled persons, and the Government enforces these provisions in practice. The disabled are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offers vocational training and grants for employers who hire the disabled. The severely disabled may be granted special benefits, such as tax breaks, free public transport, special parking facilities, and exemption from radio and television fees.

The Federal Government has established guidelines for attainment of "barrier-free" public buildings and for modifications of streets and pedestrian traffic walks to accommodate the disabled. While it is up to the individual states to incorporate these guidelines into building codes, all 16 states now have access facilities for the disabled.

### Religious Minorities

Anti-Semitic acts decreased, with 380 incidents reported in the first 6 months of 1996, compared with 634 incidents in the same period in 1995. There were only 17 cases involving the use of force. Over 90 percent of these anti-Semitic incidents involved graffiti, the distribution of anti-Semitic materials, or the display of symbols of banned organizations. The perpetrators of the 1995 firebombing of the Luebeck synagogue were deemed mentally ill and sent for treatment. There were no anti-Semitic bombings in 1996.

### National/Racial/Ethnic Minorities

Data from the Federal Office for the Protection of the Constitution show the number of violent offenses by rightwing extremists against foreigners decreased by nearly 50 percent in the first 6 months of 1996 compared with the same period in 1995. This continues a significant downtrend since 1992. According to police data, all violent acts against foreigners, regardless of the political leanings of the perpetrators, also declined by roughly 50 percent. As in previous years, most of these offenses were directed against foreign residents. Eight American exchange students of Asian descent were attacked and slightly injured by rightwingers in July 1995 in Merseburg. Charges have been brought in this case, but the trial had not convened by year's end.

Ethnic Turks continue to complain credibly about societal and job-related discrimination. Isolated firebombing incidents occurred again during the year targeting Turkish business establishments. The attacks were largely attributed to intra-Turkish disputes. There have been no arrests in connection with these firebombings. Turkish community leaders have sometimes complained of insufficient security efforts by German authorities in the face of these bombings.

In March Turkish Kurd supporters of the PKK held large demonstrations at German border crossing points. During one such demonstration in Elten near the Dutch border, two police personnel suffered



severe head injuries.

Perpetrators of rightwing violence were predominantly young, male, and low in socioeconomic status, often committing such acts while inebriated. As in the past, most acts of violence against minority groups were committed spontaneously. There continued to be evidence in 1996 that neo-Nazi groups were making efforts to achieve greater coordination among themselves.

In addition to voicing condemnation of the violence, the Government has recommended tougher anticrime legislation and law enforcement measures, as well as measures aimed at the societal roots of extremist violence and other crime. Eastern state governments have also taken efforts to reinvigorate enforcement of laws against violence by extremists. For such projects, however, state governments have thus far allocated only limited funds in their tight budgets.

The police in the eastern states continued to become better versed in the federal legal system, better trained, and more experienced. They continued to move toward reaching the standards of effectiveness characteristic of police in the rest of Germany. The level of rightwing activity in the new states continued to decrease, and the police and state officials continued to show greater coordination in moving quickly and effectively to prevent illegal rightwing and neo-Nazi gatherings and demonstrations. The state of Saxony, for example, has a "Special Commission on Rightwing Extremism," which has been particularly active. Police at the local level in the new states are not always so active, however. After police in the Saxon town of Wurzen failed to move against local rightwing radicals, the Special Commission was forced to take independent action in May without informing the local police in advance. In the aftermath of the raid, nine Wurzen police officers were suspended. The case is still under investigation, but all the policemen involved have returned to regular duty.

Sinti and Romani leaders expressed satisfaction at the signing by the Government of the Council of Europe Convention on Minorities. Germany submitted an interpretation of the Convention in which Sinti and Roma were explicitly mentioned as ethnic minorities in Germany, providing them the recognition that they had long sought.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The right to associate freely, choose representatives, determine programs and policies to represent workers' interests, and publicize views is recognized and freely exercised. Some 35.5 percent of the total eligible labor force belong to unions. The German Trade Union Federation (DGB) represents 85 percent of organized workers.

The law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) has criticized the Government's definition of "essential services" as overly broad. The ILO was responding to complaints about sanctions imposed on teachers who struck in the state of Hesse in 1989 and, earlier, the replacement of striking postal workers by civil servants. In neither case did permanent job loss result. The ILO continues to seek clarifications from the Government on policies and laws governing labor rights of civil servants.

There were several large union-sponsored job actions protesting efforts to reduce fringe benefits. For example, on October 1, over 100,000 workers demonstrated to protest cuts in sick pay by major auto manufacturing companies.

The DGB participates in various international and European trade union organizations.

## b. The Right to Organize and Bargain Collectively

The Basic Law provides for the right to organize and bargain collectively, and this right is widely exercised. Due to a well-developed system of autonomous contract negotiations, mediation is uncommon. Basic wages and working conditions are negotiated at the industry level and then are adapted, through local collective bargaining, to particular enterprises.

However, some firms in eastern Germany have refused to join employer associations, or have withdrawn from them, and then bargained independently with workers. Likewise, some large firms in the West withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system. They have not, however, refused to bargain as individual enterprises. The law mandates a system of works councils and worker membership on supervisory boards, and thus workers participate in the management of the enterprises in which they work. The law thoroughly protects workers against antiunion discrimination.

There are no export processing zones.

## c. Prohibition of Forced or Compulsory Labor

The Basic Law prohibits forced or compulsory labor, and there were no known violations.

## d. Minimum Age for Employment of Children

Federal law generally prohibits employment of children under the age of 15, with a few exceptions: Those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforces the law through its Factory Inspection Bureau.

## e. Acceptable Conditions of Work

There is no legislated or administratively determined minimum wage. Wages and salaries are set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering about 90 percent of all wage- and salary-earners, these agreements set minimum pay rates and are legally enforceable. These minimums provide an adequate standard of living for workers and their families. The number of hours of work per week is regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers is 36 hours in western Germany and about 39 hours in the eastern states.

An extensive set of laws and regulations on occupational safety and health incorporates a growing body of European Union standards. These provide for the right to refuse to perform dangerous or unhealthy work without jeopardizing employment. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. This system now applies in the eastern states, where lax standards and conditions under the communist regime created serious problems. The Labor Ministry and its counterparts in the states effectively enforce occupational safety and health standards through a network of government organs, including the Federal Institute for Work Safety. At the local level, professional and trade associations--self-governing public corporations with delegates both from the employers and from the unions--oversee worker safety.

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