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Germany

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Germany is a constitutional parliamentary democracy with a population of approximately 82.5 million. Citizens periodically choose their representatives in free and fair multiparty elections. The head of the federal government, the chancellor, is elected by the Federal Parliament (Bundestag). The second legislative chamber, the Federal Council (Bundesrat), represents the 16 states at the federal level and is composed of members of the state governments. The Basic Law (constitution) sets forth the powers of the chancellor and of the legislative branch. The most recent national elections for the Federal Parliament took place in September 2005. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. There were limitations on the freedoms of speech, press, assembly, and association aimed at groups deemed extremist. There was governmental and societal discrimination against some minority religious groups. Harassment of asylum seekers, violence against women, harassment of racial minorities and foreigners, anti-Semitic acts, and trafficking in persons were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them. Investigations of earlier instances of alleged abuse continued.

There were developments in the 2004 case involving mistreatment of army recruits in Coesfeld. In March the Muenster Regional Court began the trial of 18 army instructors on charges of degrading treatment of subordinates. As of the end of November, the court had given one defendant a suspended 18-month prison sentence and fined four defendants $2,920 to $3,504 (2,000 to 2,400 euros). The court acquitted two defendants and suspended criminal proceedings against another on the grounds that he was unfit to stand trial due to illness. The court had not ruled on the cases of the remaining 10 defendants at year's end.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers; however, one reported incident and conditions in some facilities were causes for concern.

In early 2006 an interim report of the Council of Europe's Committee for the Prevention of Torture (CPT) criticized conditions at prisons in seven states. According to the report, none of the prisons inspected by the CPT had adequate staffing or facilities. There was no information available on whether authorities had taken steps to improve these conditions.

On March 27, the Dessau (Saxony−Anhalt) Regional Court opened proceedings in the 2005 death of Oury Jalloh, a detained asylum seeker from Sierra Leone, during a fire in a jail cell. The officer on duty was charged with causing bodily harm with fatal consequences for not immediately reacting to the fire alarm. A second officer was charged with involuntary manslaughter for overlooking a lighter when he frisked Jalloh. The trial was ongoing at year's end.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the police and the Federal Criminal Investigative Service, and the government has effective mechanisms to investigate and punish abuse and corruption. No cases of impunity involving the security forces were reported during the year.

Arrest and Detention

An individual may be arrested only on the basis of a warrant issued by a competent judicial authority unless the suspect is caught in the act of committing a crime or the police have strong reason to believe that the individual intends to commit a crime. By law arrested persons are entitled to prompt access to an attorney. For all offenses that proceed to trial, all accused persons are guaranteed access to a lawyer. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. An individual detained by police must be brought before a judge and charged by the end of the day following the arrest. The court must then issue an arrest warrant stating the grounds for detention; otherwise they must order the individual's release. These rights were generally respected.

Police may detain known or suspected criminals for brief periods when they believe such individuals intend to participate in illegal or unauthorized demonstrations.

Although criminals may not be punished twice for the same crime, the law allows "retroactive preventive detention." In cases involving rape, homicide, or manslaughter, courts may order offenders to serve supplemental detention. Such preventive detention requires a court finding, based on at least one expert opinion, that the convicted person could pose a danger to the public. The detention may last indefinitely.

Bail exists but was employed infrequently; authorities usually released detainees unless there was clear risk that they might flee the country. In such cases authorities could hold detainees for the duration of the investigation and subsequent trial. Such decisions are subject to judicial review, and time spent in investigative custody applies towards any eventual sentence. If a court acquits a defendant, the government must provide compensation for financial losses as well as for "moral prejudice" if they were incarcerated.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Heavy caseloads at times delayed court proceedings. For simple or less serious cases, procedures exist for an accelerated hearing and summary punishment at the local court level. These procedures are limited to cases for which the maximum sentence is not greater than one year. Courts generally suspended one-year sentences and placed the convicted individuals on probation.

Trials are public, and juries are not used. Cases are heard either by one judge, a panel of professional judges, or a mixed panel of professional and lay judges, depending on the severity of the charges. Defendants are required to be present and have the right to consult with an attorney in a timely manner. The government provides an attorney at public expense if defendants demonstrate financial need. Defendants may confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to all court-held evidence relevant to their cases. They also enjoy a presumption of innocence and have a right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

An independent and impartial judiciary in civil matters provides access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies for alleged wrongs are available as well.

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

The law prohibits such actions, and authorities generally respected these prohibitions; however, members of organizations monitored by the federal and state offices for the protection of the constitution (OPCs) charged that their privacy was violated.

In criminal investigations of certain serious crimes, law enforcement officials may monitor the telecommunications of suspects, but only with court approval. In intelligence-related cases, such as suspicion of involvement in terrorism, the law permits intelligence services to engage in surveillance activities, such as monitoring telecommunications, without court approval; however, such activities generally have to be approved by an independent commission elected by a parliamentary control body.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; while the government generally respected these rights, it imposed limits aimed at groups deemed extremist.

Distribution of the propaganda of proscribed organizations is illegal, as are statements inciting racial hatred, endorsing Nazism, and denying the Holocaust. On March 15, Germar Rudolf was found guilty in Manheim of denying the Holocaust and was sentenced to 30 months in prison. His book, *Lectures on the Holocaust: A Controversial Question Cross-Examined,* was banned. On February 15, Ernst Zuendel was sentenced to five years in prison for Holocaust denial and writing anti-Semitic essays in several right-wing extremist pamphlets.

Apart from these limitations, an active independent media expressed a wide variety of views without government restriction.

Internet Freedom

Access to the Internet was unrestricted in most respects, and most individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, there were some limitations on access and expression.

Federal and state laws permitted OPCs to monitor the private e-mails and chat rooms of individuals and groups under surveillance; such activities were subject to oversight by an independent commission elected by a parliamentary control body. Access to material such as child pornography and Nazi propaganda is prohibited by law. Authorities also sought to ban the storing of such material on servers in the country.

Access to the Internet was widely available.

During the year several Internet service providers exhausted their legal challenges to a 2002 North Rhine-Westphalia state ordinance that prohibits access to certain neo-Nazi Web sites. The companies complied with the ordinance and blocked customers' access to the sites.

Academic Freedom and Cultural Events

There were few government restrictions on academic or cultural events; however, Nazi propaganda, material denying the Holocaust, and pornography are prohibited.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. However, prohibited organizations were not permitted to hold public assemblies.

Permits must be obtained for open−air public rallies and marches, and state and local officials have authority to deny permits when public safety concerns arise or when the applicant is a prohibited organization. Denials were rare but did occur. For example, in June the city of Leipzig banned a July 21 march proposed by right−extremist Christian Worch on the grounds that his demonstrations in recent years had resulted in confrontations between right−wing marchers and left−wing "antifascists." The ban was later rescinded and the march was held.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice; however, the law permits the prohibition of organizations whose activities have been judged illegal or opposed to the constitutional democratic order. While the Federal Constitutional Court is the only body that can prohibit political parties on these grounds, federal or state governments may prohibit or restrict other organizations, including groups that authorities classified as extremist or criminal in nature; organizations have the right to appeal prohibition or restrictions.

In March authorities opened an investigation of the alleged neo-Nazi affiliations of three members of an elite Frankfurt-based police unit that protects public figures. The three had served as bodyguards to Michel Friedman, former deputy head of Germany's Jewish community. The officers were suspended or reassigned. The trial of one of these officers was to begin in January 2008. The officer is accused of treason, possession of an illegal weapon, and of having posed for a picture in an SS uniform and signing the picture "Adolf Hitler."

In April officials in Saxony outlawed the far-right extremist group Sturm 34 and raided the homes of suspected members. Sturm 34 was known for its attempt to establish a "liberated nationalist zone" in the Mittweida area.

Federal and state OPCs responsible for examining possible threats to the constitutional democratic system monitored several hundred organizations. Monitoring generally consisted of collecting information from written materials and firsthand accounts; however, OPCs could employ more intrusive methods, including the use of undercover agents, subject to legal checks. OPCs published lists of monitored organizations.

Although the law stipulates that OPC monitoring must not interfere with an organization's activities, representatives of monitored groups complained that the publication of the organizations' names contributed to prejudice against them. There were no specific examples during the year.

c. Freedom of Religion

The Basic Law provides for freedom of religion, and the government generally respected this right in practice with some exceptions; however, discrimination against certain religious minorities remained a problem. Government policy continued to contribute generally to the free practice of religion.

Religious organizations must register in order to qualify as nonprofit associations with tax−exempt status. The state confers certain other advantages upon religious communities that also obtain the status of "corporation under public law," including the right to levy taxes on their members that the government collects on their behalf. In July 2006, after a 10−year legal effort by the Jehovah's Witnesses organization, the State of Berlin granted the organization public corporation status, but other states have not yet done so.

To date, few Muslim organizations have applied for public law corporation status, and no state has granted corporation status to any Muslim organization, in part because none has met the government's criteria; in some cases intra−Muslim disputes prevented organizations from establishing their right to represent that community.

In principle the federal government encouraged the states to grant "corporation under public law" status to Muslim communities. However, it has indicated its preference that the Muslim community agree upon a single organization with which the federal and state governments can negotiate. In April the four largest Muslim religious organizations in Germany formed the Muslim Coordination Council. State officials had not announced whether this group met the legal requirements for registration by year's end.

The government continued to deny recognition of some belief systems, including Scientology, as religions; however, the absence of recognition did not prevent their adherents from engaging in public and private religious activities.

On December 7, the federal and state interior ministers decided that the OPCS should collect information to determine whether a federal exploration of a potential ban against Scientology was warranted. The decision was prompted by the Hamburg interior minister, who warned that Scientology should not be considered harmless**.**

Federal and some state authorities continued to classify Scientology as a potential threat to democratic order, resulting in discrimination against Scientologists in both the public and private sectors.

Scientologists continued to report instances of official and societal discrimination during the year. In March Minister−President of Baden−Württemberg Guenther Oettinger demanded that actor and Scientologist John Travolta be disinvited from a scheduled guest appearance on a popular television show, expressing concern that Travolta might use the show to promote Scientology. Travolta appeared on the show, but he reportedly agreed beforehand not to mention Scientology.

In June, before receiving official permit requests, officials barred the use of a ministry of defense facility in the making of a movie in which actor Tom Cruise, a follower of Scientology, would play the leading role. An official of the Ministry of Defense cited affiliation with Scientology as the reason for the decision. The government eventually permitted filming to proceed with Cruise's participation.

On June 4, the federal government lifted a travel ban against the founder of the Unification Church, Reverend Sun Myung Moon, pursuant to a May 4 ruling by the Higher Administrative Court of Koblenz. The action followed the October 2006 Federal Constitutional Court's rejection of the Federal Interior Ministry's rationale for its 1995 immigration exclusion, which was based on the government's characterization of Reverend Moon and his wife as leaders of a "cult" that endangered the personal and social development of young persons. The court dismissed this rationale on the grounds that it violated religious freedom.

During the year courts upheld headscarf bans in several cases. The Federal Supreme Court ruled in 2003 that banning of head scarves is within state legislative jurisdiction, and subsequently eight of the 16 federal states passed headscarf bans for civil servants. On February 21, the Bremen Higher Administrative Court found a school law banning headscarves to be constitutional, dismissing the case of a trainee teacher whose employment application was denied in 2005 after she refused to sign a commitment to abstain from wearing a headscarf in class. In July a Hesse state court ruled that a legal intern is not allowed to wear a headscarf in court if she is publicly recognized as a representative of the judiciary. A petition by Maryam Brigitte Weiss, the first deputy chairperson of the Central Council of Muslims in Germany, against the headscarf ban in North Rhine-Westfalia was dismissed by the Duesseldorf Administrative Court in August. On December 11, the Hesse State Constitutional Court upheld the state's head scarf ban. The Hesse ban as applied allows state institutions to prevent civil servants, including public school teachers, from wearing headscarves, while making exceptions for Christian religious symbols or clothing.

Most public schools offer Protestant and Catholic religious instruction, as well as instruction in Judaism if enough students express interest. Students may opt out of religious instruction. In some states, students may be required to attend a nonreligious ethics course as an alternative.

There are an estimated 900,000 Muslim students in the public school system; Islamic education is offered in some states. The practice, however, is complicated by

differences between Islamic groups. At the start of the 2006–2007 school year, authorities in Baden–Wuerttemberg established a two–course system: one for Sunni and Shia students and another for Alevis. State officials and Muslim groups in Baden–Wuerttemberg agreed upon the system and the initial reactions were positive. Some states offered similar programs while others were working with Islamic leaders to establish a uniform curriculum. Later in the year, universities in Ludwigsburg, Karlsruhe, and Weingarten began offering training courses in the teaching of Islam.

The legal obligation that children attend school and the related prohibition on home schooling were problems for some religious groups. State authorities generally permitted such groups to establish charter–type schools if quality standards could be met. During the year, several Russian–German immigrant families belonging to the Baptist group "Gemeinde Gottes" petitioned to send their children to a private religious school run by members of their community. On August 2, the Stuttgart Administrative Court dismissed the case, ruling that the teaching staff was insufficiently qualified.

Beginning in January 2006, authorities in Baden–Wuerttemberg required residents seeking naturalization to complete a questionnaire concerning their political and moral beliefs and their adherence to the constitution. Some minority groups, particularly Muslims, protested against this questionnaire, claiming it was discriminatory. In June 2007 the questionnaire was modified to eliminate questions about sexual orientation and to rephrase those about marriage to address only forced marriages. The questionnaire was reoriented to immigrants in general, and not just to Muslims. The new version of the questionnaire was approved by Muslim associations.

Societal Abuses and Discrimination

There were reports of continuing societal discrimination and hostility toward some minority religious groups, including anti-Semitic acts; the government took measures during the year to address these problems. The federal government also promoted tolerance by establishing regular dialogues on the integration of minorities and immigrants and on Islamic issues between cabinet-level officials and representatives of immigrant and Muslim groups.

There were incidents of violence by right–wing extremists against Muslims. On June 11, Berlin police clashed with some 450 right–wing extremists protesting the construction of the first mosque in the East Berlin neighborhood of Pankow–Heinersdorf. Police arrested twenty individuals, 15 of whom were right–wing extremists.

There were a number of anti–Semitic incidents. According to preliminary figures provided by the Federal Interior Ministry to the federal parliament, through September there were 716 anti-Semitic offenses (including 23 violent ones) compared to 749 (15 violent) for the same period a year earlier. Through September, authorities identified 398 suspects and made 21 arrests, compared to 449 suspects and 67 arrests in 2006. There were 13 injuries, an increase of five from the previous year.

On September 7, a rabbi was stabbed in Frankfurt by a man who at the time reportedly made anti–Semitic remarks. Police arrested a twenty-two year old German citizen of Afghan origin one week later. The rabbi, whose wound was not life-threatening, made a full recovery.

On February 25, Nazi sympathizers vandalized a Jewish kindergarten in Berlin, defacing the building with swastikas and slogans invoking the Holocaust, and threw a smoke bomb (which did not ignite) into the building. Police continued to investigate.

Desecrations of Jewish cemeteries and other monuments were the most widespread anti–Semitic acts. For example, on March 8, 63 tombstones were destroyed at a Jewish cemetery in Diesbeck. Police arrested two men in connection with the act. On August 11, vandals overturned 79 tombstones in the Jewish cemetery in Ihringen. Police arrested four young men and confiscated extreme-right pamphlets from their apartments.

In March a Magdeburg court sentenced five men to nine months' probation and fined them for the June 2006 burning of *The Diary of Anne Frank* at a summer festival in the town of Pretzien. The five men withdrew their request for appeal.

In April vandals in Berlin painted a large swastika on a memorial marking the site of a former synagogue and place where Jews were gathered for deportation during the Holocaust. In May a Holocaust memorial in Soemmerda, which has been repeatedly attacked by neo–Nazis, was defaced with swastikas. A swastika was also found on a plaque nearby.

Throughout the year, in what appeared to be a concerted effort, supporters of the right-extremist National Democratic Party of Germany (NPD) distributed newsletters with antiforeigner and anti-Semitic content to schools in Berlin, Brandenburg, and Saxony. During a protest march of the NPD on July 7 in Frankfurt, about 100 protesters chanted slogans calling Germany a Jewish state.

Statements inciting racial hatred, endorsing Nazism, and denying the Holocaust are illegal. In March Germar Rudolf, who was deported to Germany from abroad and put on trial in November 2006 "for representing the Holocaust as a myth," received a 30-month jail sentence in Mannheim.

The activities of right–wing extremist organizations whose platforms include anti–Semitism continued to be a concern. The government monitored right–wing extremists, conducted investigations into anti–Semitic crimes, and at times banned extremist groups deemed a threat to public order. Authorities sought to address right–wing extremism by conducting a variety of education programs to promote tolerance, many focusing on anti–Semitism.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government generally provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. Although the government processes refugee and asylum cases according to existing law, the grant rate is very low.

Through October authorities processed 23,747 asylum applications, down from the 25,707 for the same period in 2006. Authorities granted asylum to 218 persons (0.9 percent) and granted 5,409 persons (22.8 percent) refugee protection. Authorities granted 539 persons (2.3 percent) temporary suspension of expulsion due to the situation in their countries of origin or on other humanitarian grounds and rejected 10,965 applications (46.2 percent). All cases in which asylum was granted must be reviewed after three years to determine whether the grounds for asylum still apply.

A person living in Germany for at least a year under "temporary suspension of deportation" can apply to the Federal Employment Office for permission to work. A job may be given to such a person only if it cannot be filled with a German or a foreigner with an unrestricted work permit. A person who has been in the country under that status at least four years may take a job without regard for these conditions. Temporary protection is reviewed every three years.

The federal government, in coordination with the UN Interim Mission in Kosovo, continued repatriation of the estimated 43,600 technically deportable Kosovar refugees remaining in the country, including 22,670 Roma/Sinti and 6,700 Ashkali. Through October, approximately 260 Kosovars had been voluntarily repatriated (including approximately 40 members of ethnic minorities) and 710 had been involuntarily repatriated (including approximately 220 members of ethnic minorities). Some human rights observers asserted that Roma from Kosovo were particularly likely to be deported; however, the federal Ministry of the Interior stated that Roma and Serbs were excluded from forced repatriation except in a few cases involving criminals.

Through September 30, 58 refugees were involuntarily returned to Afghanistan (compared to 173 for 2006) as criminals, deportees, or persons posing a threat to domestic security.

According to the Basic Law, individuals who attempted to enter the country through a "safe country of transit"--a member state of the European Union (EU) or a country adhering to the Geneva Convention on Refugees--were ineligible for asylum and could be turned back at the border or, if they had entered the country, returned to that safe country of transit.

Individuals whose applications for asylum were rejected had up to two weeks to appeal the decision. Individuals who arrived at an international airport and who were found to have come from a safe country of origin could be detained at an airport holding facility. In these cases the Federal Office for the Recognition of Foreign Refugees was required either to make a decision on an asylum application within 48 hours or allow the person to enter the country. An applicant had three days to appeal a negative decision to an administrative court, and the court was required to rule within 14 days or allow the individual to enter the country. Local nongovernmental organizations (NGOs) continued to criticize these periods of time as insufficient to allow applicants to prepare for hearings. Stays in an airport facility are not to exceed 19 days, although there was an incident in 2006 when rejected applicants who could not be immediately deported were held there for months. The federal government does not maintain statistics about stays in airport facilities.

To deal with particularly difficult cases, all states have formed "commissions on hardship cases," composed of representatives from churches, charity organizations, and municipal organizations, that could grant rejected asylum seekers permission to remain in the country on an individual basis.

Societal discrimination against, and abuse of, refugees and asylum seekers occurred. In 2006 right-wing extremist groups reportedly attacked shelters for asylum seekers in Mecklenburg-Vorpommern (Nordvorpommern), Berlin, and Brandenburg (Cottbus and Neuruppin).

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

The Basic Law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Elections for seats in the Federal Parliament were last held in September 2005.

The chancellor was a woman, and there were 194 women in the 613-seat Federal Parliament. There were five women, in addition to the chancellor, in the 15-member cabinet; three of the 16 judges of the Federal Constitutional Court were women.

There were at least eight members of ethnic minorities in the Federal Parliament and one on the Federal Constitutional Court, but none in the cabinet.

Government Corruption and Transparency

There were isolated reports of government corruption. Parliamentarians are subject to financial disclosure laws that require them to publish earnings made in side jobs. State prosecutors are generally responsible for investigating corruption cases.

Federal law provides for public access to government information. Four states (Berlin, Brandenburg, Schleswig-Holstein, and North Rhine-Westphalia) also have freedom of information laws that provide for an appeals process. In those states, authorities cited business confidentiality in those cases where access was denied.

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

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits the denial of access to housing, health care, or education on the basis of race, gender, disability, language, or social status, and the government generally enforced these provisions in practice. Nonetheless, violence against women and children, trafficking in persons, and harassment of racial and religious minorities and foreigners were problems.

In August 2006 the government enacted a law prohibiting discrimination on the basis of ethnicity, religious affiliation, age, sex, handicap, or sexual orientation.

Women

The law criminalizes rape, including spousal rape, and provides penalties of up to 15 years in prison. The government effectively enforced the law. According to national police criminal statistics, there were 8,118 cases of rape or serious sexual coercion in 2006. The federal government supported numerous projects in conjunction with the states and NGOs to deal with violence against women, both to prevent violence and to give victims greater access to medical care and legal assistance.

The law prohibits violence against women, including spousal abuse; perpetrators may be temporarily denied access to the household, put under a restraining order, or in severe cases prosecuted for assault or rape and required to pay damages. The government enforced the law; nevertheless, violence against women was believed to be widespread. Organizations that aid victims estimated that one in four to five women has been the victim of physical or sexual violence.

Forced marriages are illegal and invalid, and the act of coercing another person into a marriage through force or threat of force or other negative consequences is punishable by up to five years' imprisonment. While there were no conclusive statistics regarding the actual number of forced marriages in the country, evidence indicated that the problem occurred more often in the immigrant Muslim community than in the population in general. Forced marriages reportedly often led to violence. Such

marriages affected not only some young women living in the country for whom the family brought a husband from abroad, but also young women who were sent against their will from Germany to other countries to be married.

On August 28, the Federal Court of Justice in Leipzig ordered a retrial for the two acquitted brothers of Hatan Surucu, the victim of a 2005 "honor killing." The Federal court ruled that the Berlin court failed to adequately evaluate evidence during the original trial. The youngest brother was found guilty of murder during the first trial and sentenced to nine years and three months in prison.

In May a 42-year-old man of Turkish origin was sentenced to four and a half years in prison in Wuppertal for attempted manslaughter. According to witnesses, the man lifted his 16-year-old daughter over the railing of a four-story balcony while another family member pried loose her grip on the railing. The daughter had been forced to marry and later rebelled. The family accused her of being "dishonorable" because she opposed her father's will. The victim survived.

In April a Turkish immigrant was convicted of incitement and sentenced to five and a half years in prison by the Hesse state court in Limburg. The man had ordered his 16-year-old son to kill his sister because she did not want to marry her cousin. The son refused and told his teacher.

On June 18, the Baden-Wuerttemberg ministries for education and for social affairs began implementing several programs to combat forced marriage in the Muslim community. In addition, the state government continued to discuss the issue with representatives of Muslim organizations.

Prostitution is legal and fairly widespread, although communities have the authority to exclude it from specified areas, such as residential neighborhoods. There is a legal framework for improving the legal and social situation of persons engaged in prostitution, but the provisions of the law giving them the right to enforce contracts and to apply for health insurance and social benefits were rarely used.

Sexual harassment of women was a recognized problem. The law prohibits sexual harassment and requires employers to protect employees from sexual harassment. A variety of disciplinary measures against offenders are available, including dismissal. An employer's failure to take measures to protect employees from sexual harassment is considered a breach of contract, and an affected employee has the right to paid leave until the situation is rectified. There were press reports of sexual harassment in the workplace and in public facilities. 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.

The law provides women the same rights as men. The Federal Ministry for Family, the Elderly, Women, and Youth was the primary federal agency maintaining oversight of women's rights issues. The law provides for equal pay for equal work. Women generally were not discriminated against in terms of compensation for equivalent work, although they were underrepresented in well-paid managerial positions and overrepresented in some lower-wage occupations; women earned on average 30 percent less than men.

Children

The government maintained its strong commitment to children's rights and welfare. Public education is provided free of charge through the university level. Education is compulsory through the age of 16; almost all children attended school.

The government funded medical care for children, and boys and girls had equal access to it.

During the year the European Parliament investigated reports that the German authorities discriminated against the non-German parent in separated mixed marriages by not allowing that parent to have contact with the child. The German youth welfare offices allegedly interrupted conversations between children and parents and threatened to halt contact between them if they attempted to converse in a language not understood by the supervisor.

Child abuse was a problem that received widespread media attention. The law provides for the protection of children from pornography and sexual abuse. The maximum sentence is one year in prison for possession of child pornography and five years for its distribution. The law makes the sexual abuse of children by citizens abroad punishable even if the action is not illegal in the child's own country. The government effectively enforced these laws.

Government data indicated that there might be up to 7,000 street children in the country. Authorities believed that the lives of these children often involved violence and abuse. Often they were fleeing violent and abusive homes. Street children frequently turned to prostitution for income.

The government provided extensive funding for programs to combat the sale of children, child prostitution, child pornography, trafficking of children, and child sex tourism.

Trafficking in Persons

The law prohibits trafficking in persons, but there were reports that men, women, and children were trafficked to, through, and within the country for the purposes of sexual and labor exploitation. Victims of sex trafficking came primarily from Central and Eastern Europe, although some were from Africa and Asia.

In its most recent report, covering 2006, the government recorded 775 trafficking victims compared to 642 in 2005. Most victims (460) were between the ages of 18 and 24; 181 were German nationals. Approximately 8 percent were under the age of 18, including 28 citizens.

The Federal Criminal Office reported 664 suspected traffickers in 2006. German citizens made up 282, or 43 percent, of the total.

The law criminalizes trafficking in persons and provides penalties of up to 10 years in prison. Trafficking crimes are prosecuted at the state level.

According to the Ministry of Justice, courts convicted 136 traffickers in 2005, including nine processed in the juvenile justice system, compared to 137 adult and four juvenile traffickers in 2004. The statistics did not include convictions of alleged traffickers on nontrafficking charges or convictions of traffickers on multiple charges where another charge carried a higher maximum penalty than the maximum penalty for trafficking. Of the 127 adults convicted in 2005, 42 received prison sentences that were not suspended. Those receiving suspended sentences were generally convicted of playing an auxiliary role in trafficking operations and were subsequently required to perform community service, pay penalties, and in many cases, meet regularly with a parole officer.

The antitrafficking office of the Federal Criminal Office cooperated with Europol and Interpol law enforcement authorities. Federal ministries coordinated antitrafficking efforts on the international, national, and state levels.

Police were required to notify a counseling center of trafficking victims and to inform the victims of their rights and options for seeking assistance. The centers provided shelter, counseling, interpreting services, and legal assistance.

In nine of the 16 federal states, there were cooperation agreements between police, state welfare agencies, and NGOs to strengthen the delivery of welfare services to victims. The federal and state governments worked with NGOs and local women's shelters to identify and assist victims, funding more than 30 NGO counseling centers for victims of trafficking.

The government paid the basic cost of repatriating trafficking victims. The International Organization for Migration administered and facilitated assistance to returning victims.

The government sought to educate potential trafficking victims before they entered the country. Embassies and consulates as well as NGOs distributed brochures that provided information on residency and work permit requirements as well as warnings about trafficking.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced these provisions.

Government guidelines were in place for barrier−free public buildings and for modifications of streets and pedestrian traffic walks to accommodate persons with disabilities. All 16 states have incorporated the federal guidelines into their building codes. Almost all federal buildings (98 percent) complied with the guidelines for a barrier−free environment.

National/Racial/Ethnic Minorities

Harassment, including beatings, of foreigners and racial minorities remained a frequent problem throughout the country.

In March unknown persons vandalized four immigrant−owned stores in Rheinsberg, Brandenburg. In the same month in Cottbus, Brandenburg, two unknown persons physically attacked and shouted racial epithets at two asylum seekers from Chad and Cameroon.

In June three men attacked a 35-year-old African man in a Berlin subway station, knocking him off the edge of the platform. The victim remained in a coma days after the attack. In late June three Turks were identified as suspects, and an arrest warrant was issued for one. Police continued to investigate, but there were no new developments by year's end. On August 19, right−wing extremists attacked and severely injured a 26-year-old Sudanese man and a 39-year-old German of Egyptian descent at a street festival in Guntersblum (Rhineland Palatinate). In November the public prosecutor indicted five young men (aged 17 to 29) for the attack.

Also on August 19, 40 to 50 adults and youths rioted against eight residents from India in the town of Muegeln in northern Saxony. Witnesses stated that rioters and onlookers chanted antiforeigner phrases, such as "foreigners out" and "here the nationalist resistance rules." Rioters broke windows and vandalized the car of the Indian owner of the pizzeria where the eight victims and two police officers had sought refuge. A detail of seventy riot police broke up the attack. Police arrested two persons and released them after questioning; a national newspaper reported they were charged with disturbing the peace. Fourteen persons, including two police officers, were injured; three victims were treated in a hospital. On October 19, police charged one man with damage to property and incitement; on December 5, he was sentenced to eight months in prison. He has appealed the verdict. Two others were charged with making xenophobic statements; a 35-year-old man was fined $2,190 (1500 euros), and an 18-year-old was fined $875 (600 euros) for incitement. (His sentence was limited because of his juvenile status.) Charges against four other men were dropped. Proceedings against a 22-year-old were pending. An investigation continued at year's end.

On October 20, an African-American was verbally harassed and beaten in Berlin Spandau. The police arrested the four juvenile male attackers and opened an investigation. No further information was available at year's end.

On December 1, in Magdeburg, several Iraqis were attacked on a bus. One of the victims, a pregnant woman, was taken to a hospital after the incident because of abdominal pain. The police detained two suspects. An investigation was ongoing at year's end.

In June a judge acquitted two persons accused in the April 2006 beating of a man of Ethiopian origin in Potsdam, citing insufficient evidence.

In 2006 the federal OPC recorded 17,597 right−wing, "politically motivated crimes" (PMCs), an increase from 15,361 in 2005 and the highest number since 2000. There were also 2,369 left−wing PMCs, 477 PMCs by foreigners, and 168 other types of PMCs. The Federal Criminal Office defines politically motivated crimes as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, worldview, ancestry, sexual orientation, disability status, appearance, or social status. The OPC report listed 182 right−wing extremist organizations and groups. Authorities estimated membership in these groups plus right−wing extremists who were unorganized to be 38,600 at the end of 2006.

To address right−wing extremism, authorities conducted a variety of educational programs to promote tolerance, many focusing on anti−Semitism and xenophobia. Government agencies cooperated with NGOs in the formulation and administration of these programs. Following the attack on eight Indians in Muegeln, the federal government announced that it would increase funding for programs to combat right−wing extremism by $7 million (5 million euros), in addition to a comparable increase in October 2006.

Other Societal Abuses and Discrimination

Despite increasing public awareness, media and other reports indicated that societal and job−related discrimination against homosexuals occurred, though such instances were rare.

Five victims were hospitalized in June after eight right−wing radicals attacked a group of actors in Halberstadt (Saxony−Anhalt), still costumed from their performance of "The Rocky Horror Picture Show." Four previously convicted right-wing extremists went on trial for this attack on October 9 in Magdeburg. On December 5, the four men were released from custody on the basis of insufficient evidence while the adjudication of the case proceeds. One suspect who made a partial confession was obliged to report his whereabouts periodically to the police.

On November 3, four men in Mittweida allegedly cut a swastika into the thigh of a teenage girl who had intervened in an effort to stop the men from harassing a younger girl of Russian origin. Seeing the child crying and being bullied, the 17-year-old girl reportedly told the four men to leave the child alone. Three of them reportedly held her down, while a fourth carved into her thigh. The girl will receive a special award for civil courage from the Association for Democracy and Tolerance, an initiative supported by the government. However, police had some doubts about the veracity of the girl's account and were considering the possibility that the wound might have been self-inflicted.

There was discrimination against persons with HIV/AIDS. The government worked with NGOs, religious groups, and business to educate the public about HIV/AIDS and its prevention.

Section 6 Worker Rights

a. The Right of Association

The Basic Law provides for the right of employees to form and join unions of their choice without excessive requirements or previous authorization, and workers exercised this right. Approximately 23 percent of the workforce was organized into unions. The overwhelming majority of organized workers belonged to eight unions largely grouped by industry or service sector and affiliated with the German Trade Union Federation, the country's main trade union umbrella organization.

b. The Right to Organize and Bargain Collectively

The law protects the right to collective bargaining and permits unions to conduct their activities without interference, and the government generally protected this right in practice. Collective bargaining agreements covered approximately 63 percent of the labor force. The law provides for the right to strike for all workers except civil servants (including teachers) and personnel in sensitive or essential positions, such as members of the armed forces. Collective bargaining agreements reached with those public service workers who had this right were usually extended by legislation to those who did not, although such extensions did not always include all of the provisions of those agreements. Workers not allowed to strike also had legal recourse through the courts to protect their rights. Workers conducted legal strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that men, women, and children were trafficked for sexual exploitation and labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The law prohibits the 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 three hours per day or may deliver newspapers for up to two hours per day, and those three to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and times of day. Abusive child labor was not a serious problem, although violations did occur, mainly in small, often family-owned, businesses such as pubs, restaurants, and grocery stores.

The Federal Ministry of Labor and Social Affairs effectively enforced the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work

Germany does not have a minimum wage except for construction workers and cleaning staff. In June the government agreed to extend the law on payment of foreign workers at construction sites to twelve other sectors, but ruled out introduction of a universal minimum wage. A minimum wage for cleaning and electrical workers was enacted into law during the year. Collective bargaining agreements set minimum pay rates and were enforceable by law for an estimated 80 percent of all wage and salary earners. The wages established by these processes provided a decent standard of living for a worker and family.

Federal regulations limited the workweek to 48 hours, but collective bargaining agreements may stipulate lower maximums. Contracts that directly or indirectly affected 80 percent of the working population regulate the number of hours of work per week. According to the Statistical Office of the European Communities (Eurostat), in 2006 the average workweek of full-time workers was 40.3 hours nationwide; rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement.

An extensive set of laws and regulations governs occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace. The Ministry of Labor and Social Affairs and its counterparts in the states effectively enforced occupational safety and health standards through a network of government bodies, including the Federal Institute for Occupational Safety and Health. At the local level, professional and trade associations--self-governing public corporations with delegates representing both employers and unions--oversee worker safety. The law provides for the right to refuse to perform dangerous or unhealthy work without jeopardy to continued employment.

Foreign workers in the country were protected by law and generally worked in conditions equal to those of citizens; however, such workers faced some wage discrimination. For example, foreign teachers in some schools were paid less than their citizen counterparts. Seasonal workers from Eastern Europe who came to the country on temporary work permits also often received lower wages. Workers from other EU countries at times were employed at the same wages they would receive in their home country, even if the corresponding citizen worker would receive a higher wage.

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