

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re: Church of Scientology Human Rights Concerns. (2 pages)	02/18/1993	P1/b(1)
002. cable	re: Church of Scientology Human Rights Concerns. (2 pages)	04/16/1993	P1/b(1)
003. cable	re: Chick Corea Non-Concert. (2 pages)	06/21/1993	P1/b(1)
004. cable	re: Church of Scientology Complains about Human Rights Abuses. (2 pages)	08/04/1993	P1/b(1)
005. cable	re: Church of Scientology Status. (4 pages)	08/25/1993	P1/b(1)
006. cable	re: CSCE: "Focus" Article on Commission Report on Human Rights in Unified Germany. (3 pages)	11/02/1993	P1/b(1)
007. cable	re: Corea, Chick: Alleged Human Rights Violation and Meeting Regarding Church of Scientology. (2 pages)	03/14/1994	P1/b(1)
008. cable	re: Budapest Review Conference - Work Group 3 Continues. (6 pages)	10/21/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Cables
 Jan 1993-Dec 1994 (Scientology and Germany)
 OA/Box Number: 505000

FOLDER TITLE:

[02/18/1993-11/09/1994]

2017-0301-M

vz5757

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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Cable

PREC: PRIORITY
CLASS: ~~CONFIDENTIAL~~
LINE1: PAACZYUW RUEHCAA5043 0320027-CCCC--RHEHAAX.
LINE2: ZNY CCCCC ZZH
LINE3: P R 010017Z FEB 94
LINE4: FM SECSTATE WASHDC
OSRI: RUEHC
DTG: 010017Z FEB 94
ORIG: SECSTATE WASHDC
TO: RUEHOL/AMEMBASSY BONN PRIORITY 0000
 RUFHMB/USMISSION USVIENNA PRIORITY
INFO: RUEHRL/USOFFICE BERLIN 0000
 RUEHFT/AMCONSUL FRANKFURT 0000
 RUFHAM/AMCONSUL HAMBURG 0000
 RUFHMU/AMCONSUL MUNICH 0000
SUBJ: 1993 HUMAN RIGHTS REPORT FOR GERMANY

TEXT:
~~CONFIDENTIAL~~
 LIMITED OFFICIAL USE STATE 025043
 BONN PASS STUTTGART; BERLIN PASS LEIPZIG; VIENNA FOR US CSCE
 E.O. 12356: N/A
 TAGS: PHUM GM
 SUBJECT: 1993 HUMAN RIGHTS REPORT FOR GERMANY

1. TRANSMITTED HERewith IS THE FINAL (V-4) VERSION OF THE GERMANY HUMAN RIGHTS REPORT FOR 1993 AS IT WILL GO TO CONGRESS ON MONDAY, JANUARY 31. DEPARTMENT PRINCIPALS WILL RELEASE THE REPORT TO THE PUBLIC AT A PRESS CONFERENCE ON TUESDAY, FEBRUARY 1, AT 12:45 P.M. THE EMBASSY MAY, AT ITS DISCRETION, PROVIDE A COPY TO THE HOST GOVERNMENT NO SOONER THAN 24 HOURS BEFORE 12:45 P.M. EST, FEBRUARY 1, ON CONDITION THAT THE HOST GOVERNMENT STRICTLY OBSERVE AN EMBARGO ON ITS RELEASE UNTIL THE TIME OF PUBLIC RELEASE IN WASHINGTON. THE TEXT REMAINS LOU UNTIL THAT TIME, WHEN IT BECOMES UNCLASSIFIED.

2. BEGIN TEXT.

GERMANY

THE FEDERAL REPUBLIC OF GERMANY (FRG) IS A CONSTITUTIONAL FEDERAL REPUBLIC AND A PARLIAMENTARY DEMOCRACY. THE HEAD OF THE FEDERAL GOVERNMENT, THE CHANCELLOR, IS ELECTED BY THE BUNDESTAG, THE LOWER HOUSE OF PARLIAMENT. THE POWERS OF THE CHANCELLOR AND OF THE PARLIAMENT, WHICH ARE SUBSTANTIAL, ARE SET DOWN IN THE BASIC LAW, GERMANY'S CONSTITUTION. GOVERNMENTAL AUTHORITY IS ALSO DIVIDED BETWEEN NATIONAL AND STATE (LAND) GOVERNMENTS. THE STATES ENJOY SIGNIFICANT AUTONOMY, ESPECIALLY IN MATTERS RELATING TO LAW ENFORCEMENT AND THE COURTS, CULTURE AND

DECLASSIFIED
 E.O. 13526
 Department of State Guidelines, September 11, 2006
 By VZ NARA, Date 6/14/2014
 2017-0301-AM

EDUCATION, THE ENVIRONMENT, AND SOCIAL ASSISTANCE.

THE POLICE SYSTEM IS ORGANIZED ESSENTIALLY AT THE STATE LEVEL AND OPERATES UNDER THE DIRECTION OF STATE GOVERNMENTS. POLICE FORCES, IN THE VAST MAJORITY OF CASES, ARE WELL-TRAINED, DISCIPLINED, AND CAREFUL IN RESPECTING CITIZENS' RIGHTS. POLICE IN EASTERN STATES, ALMOST EXCLUSIVELY HOLDOVERS FROM THE FORMER GERMAN DEMOCRATIC REPUBLIC (GDR), ARE STILL UNDERGOING A DIFFICULT TRANSITION TO A COMPLEX NEW LEGAL SYSTEM AND DIFFERENT POLICE METHODS. FOR EXAMPLE, A 6-MONTH INVESTIGATION OF LAST YEAR'S ROSTOCK RIOTS RESULTED IN THE DISMISSAL OF THE LAND INTERIOR MINISTER (WHO REFUSED TO ACCEPT ANY CRITICISM OF HIS CONDUCT OR POLICE ACTIONS). A WESTERN GERMAN WAS APPOINTED TO REPLACE HIM. THE MAYOR OF ROSTOCK ANNOUNCED HIS RESIGNATION IN NOVEMBER 1993 AFTER THE CITY PARLIAMENT PRODUCED A REPORT CRITICAL OF HIS ACTIONS DURING THE DISTURBANCES. POLICE IN THE HESSIAN CITY OF FULDA CAME UNDER HEAVY CRITICISM IN AUGUST WHEN THEY FAILED TO PREVENT AN ILLEGAL RIGHT-WING DEMONSTRATION MARKING THE SUICIDE OF NAZI WAR CRIMINAL RUDOLF HESS WHILE SIMULTANEOUSLY DETAINING A GROUP OF LEFT-WING COUNTER-DEMONSTRATORS OUTSIDE THE CITY. IN CONTRAST, POLICE FORCES IN THE EASTERN STATES OF THURINGIA, SAXONY-ANHALT, AND BRANDENBURG, WHO HAD IN PREVIOUS YEARS BEEN CRITICIZED FOR THEIR FAILURE TO DETER RIGHT-WING EXTREMISTS, RECEIVED PRAISE FOR THEIR SUCCESS IN THWARTING ILLEGAL RIGHT-WING DEMONSTRATIONS ON THE ANNIVERSARIES OF BOTH HESS'S SUICIDE AND 1992'S ROSTOCK ASYLUM HOME ATTACKS. IMPROVED POLICE TRAINING AND LAW ENFORCEMENT METHODS, AS WELL AS NEW PREEMPTIVE MEASURES, CONTRIBUTED TO THE POLICE'S SUCCESSES.

DESPITE A DECLINE IN ECONOMIC OUTPUT AND RISING UNEMPLOYMENT IN 1993, GERMANY'S INDUSTRIAL ECONOMY AFFORDED ITS RESIDENTS A HIGH STANDARD OF LIVING. IN EASTERN GERMANY, THE NUMBER OF REGISTERED JOBLESS REACHED ALMOST 1.2 MILLION BY THE END OF THE YEAR, A RATE OF OVER 15 PERCENT, AS ADJUSTMENT TO THE MARKET ECONOMY CONTINUED. THESE FIGURES DID NOT REFLECT THE SUBSTANTIAL NUMBER OF UNDEREMPLOYED WORKERS, PERSONS ENROLLED IN TEMPORARY WORK OR TRAINING PROGRAMS, OR THOSE FORCED INTO EARLY RETIREMENT, WHICH WOULD SWELL THE PROPORTION TO PERHAPS ONE-THIRD OF THE WORK FORCE. WOMEN CONTINUE TO SUFFER DISPROPORTIONATELY FROM UNEMPLOYMENT IN EASTERN GERMANY. UNEMPLOYMENT ALSO WORSENERD IN THE WEST AS THE JOBLESS RATE THERE ROSE TO 8.1 PERCENT, WITH SOME 2.5 MILLION WITHOUT JOBS. MOST OBSERVERS FORECAST A RETURN TO MODEST ECONOMIC GROWTH IN 1994, BUT SAW LITTLE HOPE FOR RELIEF ON THE EMPLOYMENT FRONT IN THE NEAR TERM. GERMANY'S LEADERSHIP BEGAN A DISCUSSION OF SOME OF THE STRUCTURAL ISSUES WHICH WERE PERCEIVED TO CONTRIBUTE TO ECONOMIC STAGNATION AND UNEMPLOYMENT, SUCH AS INAPPROPRIATE FISCAL, REGULATORY, AND SOCIAL POLICIES.

THE BASIC LAW, ADOPTED IN 1949, RESTS FIRMLY ON THE PRINCIPLES OF LIBERTY, EQUALITY, AND THE FREE EXERCISE OF INDIVIDUAL RIGHTS. IN PRACTICE, THESE HUMAN RIGHTS ARE PROTECTED IN ALMOST ALL CASES; FURTHER, PROTECTION AGAINST RACIAL AND ETHNIC

INTOLERANCE IS PROVIDED FOR UNDER LAW. HOWEVER, INCIDENTS OF VIOLENCE AND HARASSMENT DIRECTED AT FOREIGNERS, PARTICULARLY NON-EUROPEANS, CONTINUED IN 1993 AND OCCURRED THROUGHOUT GERMANY. ACCORDING TO THE GERMAN FEDERAL POLICE, 5,681 ANTI-FOREIGNER INCIDENTS (1,341 OF WHICH WERE VIOLENT) OCCURRED DURING THE FIRST 11 MONTHS OF 1993, COMPARED TO 5,306 DURING THE FIRST 11 MONTHS OF 1992. THE FEDERAL OFFICE FOR THE PROTECTION OF THE CONSTITUTION RECORDED 1,699 INSTANCES OF VIOLENCE COMMITTED BY RIGHT-WING EXTREMISTS (AGAINST FOREIGNERS AND OTHERS) IN THE FIRST 11 MONTHS OF 1993, COMPARED TO 2,584 DURING ALL OF 1992. FEDERAL AUTHORITIES RECORDED 267 ANTIFOREIGNER MOTIVATED ARSON ATTACKS THROUGH NOVEMBER 30, INCLUDING THE MAY 29 FIREBOMBING OF A TURKISH HOME IN THE TOWN OF SOLINGEN WHICH KILLED FIVE PERSONS. AS OF NOVEMBER 30, RIGHT-WING VIOLENCE HAD CLAIMED A TOTAL OF 19 LIVES. TO A LARGE DEGREE, THESE ATTACKS WERE PERPETRATED BY ALIENATED YOUTHS, MANY OF THEM "SKINHEADS", AND A SMALL CORE OF NEO-NAZIS. ALL THE MAJOR PARTIES AND ALL OF THE LEADING REPRESENTATIVES OF THE FEDERAL REPUBLIC DENOUNCED THE VIOLENCE, AND THERE WAS WIDESPREAD ACKNOWLEDGMENT THAT POLICE WILLINGNESS AND ABILITY TO DEAL WITH SUCH VIOLENCE HAS NOTABLY IMPROVED.

IN THE WAKE OF CRITICISM OVER LENIENT TREATMENT OF PERPETRATORS OF ANTIFOREIGNER VIOLENCE, JUDGES BEGAN TO LEVY HEAVIER SENTENCES IN CASES WHERE DEFENDANTS WERE MOTIVATED BY RIGHT-WING HATRED. CRITICS CONTINUED TO MAINTAIN, HOWEVER, THAT THE JUDICIAL SYSTEM FAILED TO TREAT RIGHTIST PERPETRATORS AS SEVERELY AS LEFTISTS HAD BEEN TREATED DURING PREVIOUS DECADES' POLITICAL VIOLENCE. GOVERNMENT OFFICIALS RECOMMENDED NEW LEGISLATION DESIGNED TO ENHANCE LAW ENFORCEMENT AUTHORITIES' ABILITIES TO COPE WITH RIGHT-WING VIOLENCE. THERE WAS ALSO EXTENSIVE DEBATE ABOUT CHANGING CITIZENSHIP AND NATURALIZATION LAWS TO ENABLE SECOND AND THIRD GENERATION NON-GERMANS TO ATTAIN CITIZENSHIP MORE EASILY. SOME OF THE ACTIONS TAKEN BY THE GOVERNMENT TO ADDRESS ANTIFOREIGNER VIOLENCE--SUCH AS THE BANNING OF CERTAIN NEO-NAZI ORGANIZATIONS, THE INVESTIGATION OF EXTREMIST POLITICAL PARTIES, AND THE CENSORING OF RIGHT-WING ROCK MUSIC, BOOKS, AND SYMBOLS--RAISED LEGAL AND HUMAN RIGHTS CONCERNS (SEE SECTION 2.).

RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

POLITICALLY MOTIVATED KILLING BY THE GOVERNMENT OR BY MAINSTREAM POLITICAL ORGANIZATIONS IS UNKNOWN. FOR THE SECOND YEAR IN A ROW, THERE WERE NO ASSASSINATIONS BY THE LEFT-WING TERRORIST RED ARMY FACTION (RAF). A BUNGLED POLICE ACTION TO ARREST TWO SUSPECTED RAF TERRORISTS, HOWEVER, RESULTED IN THE DEATH OF A POLICEMAN AS WELL AS ONE OF THE SUSPECTS. THE RAF SUSPECT WAS KILLED BY A POINT-BLANK SHOT TO HIS HEAD, AND WITNESSES GAVE CONTRADICTORY STATEMENTS. THE GOVERNMENT INVESTIGATED ALLEGATIONS THAT THIS SHOOTING WAS A DELIBERATE, EXTRAJUDICIAL EXECUTION, AND RESPONSIBLE SENIOR OFFICIALS,

INCLUDING THE INTERIOR MINISTER AND THE ACTING HEAD OF THE FEDERAL POLICE, RESIGNED DUE TO THE MISMANAGEMENT OF THE AFFAIR, WHILE THE PROSECUTOR-GENERAL WAS FIRED. ALTHOUGH QUESTIONS CONTINUED TO BE RAISED IN THE PRESS AND ELSEWHERE ABOUT WHO KILLED THE RAF MEMBER, TWO OF THREE INDEPENDENTLY COMMISSIONED REPORTS CONCLUDED THAT THE SUSPECTED TERRORIST USED HIS OWN WEAPON TO KILL HIMSELF. SWISS POLICE FORENSICS INVESTIGATORS ALSO CONCLUDED THAT THE SUSPECT WAS KILLED BY HIS OWN WEAPON, AND PROBABLY BY HIS OWN HAND. AFTER REVIEWING THESE INDEPENDENT REPORTS, THE PUBLIC PROSECUTOR INVESTIGATING THE CASE CONCLUDED THAT THE RAF TERRORIST, WITH THE INTENT TO COMMIT SUICIDE, SHOT HIMSELF IN THE HEAD FOLLOWING THE SHOOTOUT WITH POLICE AUTHORITIES.

IN A FEW INSTANCES, POLICE IN BERLIN AND THE EASTERN STATES WERE ACCUSED OF MISTREATING FOREIGNERS TAKEN INTO CUSTODY. IN ONE OF THE MOST EGREGIOUS CASES COVERED IN THE PRESS, AN OFFICER IN THE SAXONY-ANHALT TOWN OF STASSFURT FATALLY SHOT AN UNARMED ROMANIAN ASYLUM SEEKER IN JANUARY AS THE LATTER FLED FROM GUARDS INSIDE A DETENTION CENTER. THE VICTIM WAS BEING HELD BECAUSE HE WAS UNABLE TO PROVIDE POLICE WITH IDENTITY PAPERS. THE OFFICER RESPONSIBLE WAS IMMEDIATELY SUSPENDED, BUT NO CHARGES WERE FILED AGAINST HIM AS A RESULT OF THE ENSUING INTERNAL INVESTIGATION. THE FACT THAT THE STATE PROSECUTOR'S OFFICE DID NOT PUBLICLY ANNOUNCE THE INCIDENT UNTIL OVER 2 WEEKS LATER LED TO CHARGES OF A COVER-UP. THE INTERNAL INVESTIGATION CONCLUDED THAT NO ACTION NEEDED TO BE TAKEN AGAINST THE OFFICER, AND AT YEAR'S END THE SAXONY-ANHALT STATE PROSECUTOR'S OFFICE WAS CONSIDERING WHETHER OR NOT TO PRESS CHARGES. THREE MURDERS ALSO OCCURRED IN GERMANY AMONG RIVAL FOREIGN POLITICAL FACTIONS (E.G., IRANIANS, KURDS AND TURKS, AND SERBS AND CROATS). THE FRG PRESSED CHARGES IN THESE CASES.

B. DISAPPEARANCE

GOVERNMENTAL OR POLICE AUTHORITIES DO NOT ABDUCT, SECRETLY ARREST, OR OTHERWISE ILLEGALLY DETAIN PERSONS.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

THERE WAS NO INDICATION THAT POLICE AUTHORITIES ENGAGED IN THESE PRACTICES. HOWEVER, AS NOTED IN SECTION 1.A., THERE WERE A FEW REPORTS OF POLICE ABUSE OF FOREIGNERS TAKEN INTO CUSTODY. AS OF SEPTEMBER 30, 16 BERLIN POLICE OFFICERS HAD BEEN CHARGED WITH RACIALLY MOTIVATED PHYSICAL MISTREATMENT OF FOREIGNERS. THUS FAR, THE BERLIN PROSECUTOR'S OFFICE HAS INVESTIGATED FOUR CASES, DISMISSING CHARGES IN EACH INSTANCE EITHER BECAUSE OF CLEAR EVIDENCE OF INNOCENCE OR BECAUSE OF INSUFFICIENT PROOF OF GUILT. INVESTIGATIONS OF THE REMAINING 12 CASES WERE UNDERWAY OR PENDING AT YEAR'S END. IN AUGUST 700 VIETNAMESE DEMONSTRATED IN EASTERN BERLIN TO PROTEST ALLEGED MISTREATMENT OF FORMER GDR CONTRACT WORKERS AND ALLEGED ILLEGAL SEARCH AND SEIZURE PRACTICES BY BERLIN AUTHORITIES. A LAWSUIT FILED BY A 14-YEAR-OLD TURKISH KURD BOY, WHO ALLEGED HE WAS INJURED DURING A 1992 ARREST IN BREMEN, WAS DROPPED BY THE PROSECUTOR. THE PLAINTIFF APPEALED THE DECISION.

D. ARBITRARY ARREST, DETENTION, OR EXILE

UNLESS CAUGHT IN THE ACT OF COMMITTING A CRIME, NO PERSON MAY BE ARRESTED EXCEPT ON THE BASIS OF AN ARREST WARRANT ISSUED BY A COMPETENT JUDICIAL AUTHORITY. ANY PERSON DETAINED BY THE POLICE MUST BE BROUGHT BEFORE A JUDGE AND CHARGED NO LATER THAN THE DAY FOLLOWING THE DAY OF APPREHANSION. THE COURT MUST THEN ISSUE AN ARREST WARRANT WITH STATED REASONS FOR DETENTION OR ORDER THE PERSON'S RELEASE.

THERE IS NO PREVENTIVE DETENTION. A SUSPECT MAY BE HELD IN CUSTODY FOR UP TO 24 HOURS WHILE AWAITING A FORMAL CHARGE IF THERE IS EVIDENCE THAT HE MIGHT SEEK TO FLEE THE COUNTRY TO AVOID PROSECUTION. GERMAN LAW ALLOWS THE RIGHT OF FREE ACCESS TO LEGAL COUNSEL TO BE RESTRICTED ONLY IF EVIDENCE EXISTS THAT CONTACT WITH A SPECIFIC ATTORNEY IS BEING USED TO PROMOTE UNLAWFUL ACTIVITY. ONLY JUDGES MAY DECIDE ON THE VALIDITY OF ANY DEPRIVATION OF LIBERTY. BAIL BOND EXISTS BUT IS SELDOM EMPLOYED. THERE IS NO EXILE.

E. DENIAL OF FAIR PUBLIC TRIAL

TRIALS ARE PUBLIC. THE BASIC LAW ASSURES DUE PROCESS AND PROHIBITS DOUBLE JEOPARDY. THE JUDICIARY IS FREE OF BOTH GOVERNMENT INTERFERENCE AND INTIMIDATION BY TERRORISTS. THERE ARE NO POLITICAL PRISONERS. THE COURT SYSTEM, LARGELY SPECIALIZED, HAS FIVE COMPONENTS: "ORDINARY" (CRIMINAL AND CIVIL CASES); LABOR (DISPUTES BETWEEN EMPLOYERS AND UNIONS); ADMINISTRATIVE (ADMINISTRATIVE LAW); "SOCIAL" (SOCIAL SECURITY); AND FISCAL (TAXATION). THE FEDERAL CONSTITUTIONAL COURT IS THE SUPREME COURT.

IN THE STATES FORMERLY A PART OF THE GERMAN DEMOCRATIC REPUBLIC (GDR), THERE HAS BEEN SUBSTANTIAL PROGRESS IN REFORMING THE COURTS TO MEET WESTERN GERMAN STANDARDS. ONE REMAINING AREA OF WEAKNESS CONCERNS A SHORTAGE OF QUALIFIED JUDGES IN THE EASTERN STATES. MANY EXPERIENCED JUDGES WERE DISQUALIFIED FOR REASONS RELATING TO THEIR POLITICAL AND JUDICIAL CONDUCT UNDER THE GDR, AND MANY JUDGES HAD TO BE BROUGHT IN FROM THE WEST (SEE SECTION 2 B.). VIRTUALLY ALL SIGNIFICANT JUSTICE MINISTRY OFFICIALS AND 70 PERCENT OF ALL JUDGES AND PROSECUTORS IN THE EASTERN STATES ARE NOW FROM WESTERN GERMANY. FACED WITH SEVERE PERSONNEL SHORTAGES, LARGE CASE BACKLOGS, AND DEEP-REACHING REORGANIZATION, EASTERN GERMANY'S LEGAL APPARATUS WAS SLOW TO PROSECUTE CASES OF EXTREMIST VIOLENCE DATING FROM THE SPATE OF RIGHT-WING ATTACKS IN LATE 1992 AND CONTINUING EXTREMIST ACTIVITY IN 1993. FOR EXAMPLE, OF THE ROUGHLY 200 ARRESTS STEMMING FROM THE ROSTOCK RIOTS--THE LARGEST SINGLE INCIDENT OF RIGHT-WING VIOLENCE IN 1992--ONLY ABOUT 40 PEOPLE HAD FACED TRIAL BY YEAR'S END. OF THESE, ALL BUT THREE WERE FOUND GUILTY, MOSTLY OF ARSON, DISTURBING THE PEACE, AND ATTEMPTED ASSAULT. SEVERAL INITIAL CHARGES OF ATTEMPTED MANSLAUGHTER BROUGHT AGAINST PARTICIPANTS IN THE ROSTOCK ASYLUM HOME ATTACKS WERE REDUCED TO ARSON, DISTURBING THE PEACE, AND ATTEMPTED ASSAULT. THE MOST SEVERE SENTENCE METED OUT TO AN INDIVIDUAL CONNECTED WITH THE RIOTS--3 YEARS IN PRISON--WAS HANDED DOWN FOR ARSON AND AGGRAVATED BREACH OF THE PUBLIC PEACE. SIX PERSONS RECEIVED PRISON SENTENCES OF UP TO 3 YEARS. OTHER

CONVICTIONS RESULTED IN SENTENCES OF PROBATION OR JUVENILE DETENTION.

SENTENCES FOR ACTS OF RIGHT-WING VIOLENCE, SUCH AS THOSE METED OUT IN THE ROSTOCK TRIALS, ELICITED WIDESPREAD CRITICISM THAT THE LEGAL SYSTEM WAS TOO LENIENT WITH RIGHT-WING EXTREMISTS. IN PART DUE TO SUCH CRITICISM, AS 1993 PROGRESSED, PROSECUTORS INCREASINGLY SOUGHT CONVICTIONS FOR ATTEMPTED MURDER OR ATTEMPTED MANSLAUGHTER IN CASES WHERE RIGHT-WING ARSON ATTACKS OR INDIVIDUAL ASSAULTS RESULTED, OR COULD HAVE RESULTED, IN BODILY INJURY TO FOREIGNERS. WHEN SUCCESSFUL, CONVICTIONS LED TO SENTENCES OF FROM 4 TO 8 YEARS. HOWEVER, CONVICTIONS AND SENTENCES VARIED GREATLY FROM STATE TO STATE AND FROM JUDGE TO JUDGE.

GERMANY'S JUVENILE PENAL CODE MANDATES MORE LENIENT SENTENCING AND AN EMPHASIS ON REHABILITATION FOR CRIMINALS 21 YEARS OLD OR YOUNGER. THE VAST MAJORITY OF PERPETRATORS OF RIGHT-WING CRIMES ARE ADOLESCENTS WHO FALL INTO THIS CATEGORY, SOME AS YOUNG AS 12 TO 14 YEARS OF AGE. GERMAN AUTHORITIES ARE DEBATING WHETHER TO LOWER THE AGE FOR ADULT SENTENCING TO 18, IN PART IN AN EFFORT TO STIFFEN PUNISHMENTS FOR RIGHT-WING OFFENDERS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE INVIOABILITY OF THE HOME IS ENSURED BY THE BASIC LAW AND RESPECTED IN PRACTICE. PRIOR TO FORCIBLE ENTRY BY POLICE INTO A HOME, A WARRANT MUST BE ISSUED BY A JUDGE OR, IN AN EMERGENCY, BY A PUBLIC PROSECUTOR. ELECTRONIC SURVEILLANCE OR MONITORING OF MAIL MAY BE UNDERTAKEN ONLY AFTER AUTHORIZATION BY A COURT ORDER. MEMBERSHIP IN POLITICAL PARTIES IS COMPLETELY VOLUNTARY. COERCIVE POPULATION CONTROL AND FORCED RESETTLEMENT ARE UNKNOWN.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE PROVISIONS OF THE BASIC LAW, AN INDEPENDENT PRESS, AN EFFECTIVE JUDICIARY, AND A FUNCTIONING DEMOCRATIC POLITICAL SYSTEM COMBINE TO ENSURE FREEDOM OF SPEECH AND PRESS. CRITICISM OF THE GOVERNMENT IS UNRESTRICTED. THE MEDIA ARE NOT CENSORED. IN AN EFFORT TO COMBAT RIGHT-WING VIOLENCE, THE GOVERNMENT CONDUCTED A SWEEPING CRACKDOWN ON THE RIGHT-WING ROCK MUSIC INDUSTRY. THIS ACTION INCLUDED THE RAIDING OF HOMES AND OFFICES OF INDUSTRY PERSONNEL AND THE SEIZING OF RECORDINGS. THE GOVERNMENT OUTLAWED THE SALE, MANUFACTURE, AND DISTRIBUTION OF MATERIALS OF AT LEAST FIVE NEO-NAZI ROCK BANDS WHOSE SONGS ADVOCATE VIOLENCE AND RACISM. THERE IS NO GENERAL CENSORSHIP OF FOREIGN OR DOMESTIC BOOKS, ALTHOUGH NAZI PROPAGANDA IS ILLEGAL. CERTAIN NAZI AND NEO-NAZI INSIGNIA, SLOGANS, AND SALUTES ARE PROHIBITED.

NEWSPAPERS AND MAGAZINES ARE PRIVATELY OWNED. RADIO AND TELEVISION NETWORKS AND STATIONS FUNCTION, FOR THE MOST PART, AS CORPORATIONS UNDER SPECIAL PUBLIC LAWS. THEY ARE GOVERNED

BY INDEPENDENT BOARDS MADE UP OF REPRESENTATIVES OF CHURCHES, POLITICAL PARTIES, AND OTHER ORGANIZATIONS.

ACADEMIC FREEDOM IS EFFECTIVELY GUARANTEED.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE RIGHTS OF ASSEMBLY AND ASSOCIATION ARE FULLY RESPECTED, AS IS THE RIGHT TO DEMONSTRATE. ORGANIZERS OF STREET DEMONSTRATIONS ARE REQUIRED TO OBTAIN POLICE PERMITS BEFOREHAND AND MAY BE ASKED TO PAY A DEPOSIT TO COVER THE REPAIR OF ANY DAMAGE TO PUBLIC FACILITIES. SUCH POLICE PERMITS ARE ROUTINELY GRANTED. WHEN DEMONSTRATORS HAVE NOT OBTAINED THE REQUIRED PERMITS, POLICE HAVE EXERCISED RESTRAINT, SHOWING CONCERN ULTIMATELY ONLY FOR THE CONTINUED FUNCTIONING OF PUBLIC FACILITIES AND FOR THE SAFETY OF THE GENERAL PUBLIC.

MEMBERSHIP IN NONGOVERNMENTAL ORGANIZATIONS OF ALL TYPES, INCLUDING POLITICAL PARTIES, IS GENERALLY OPEN. PARTIES FOUND TO BE "FUNDAMENTALLY ANTIDEMOCRATIC" MAY, HOWEVER, BE OUTLAWED. UNDER THIS CONSTITUTIONALLY BASED PROVISION, THE FEDERAL CONSTITUTIONAL COURT IN THE 1950'S DECLARED BOTH A NEO-NAZI AND A COMMUNIST PARTY TO BE ILLEGAL, A BAN STILL IN EFFECT. IN 1993 SEVERAL EXTREMIST PARTIES CONTINUED TO BE UNDER OBSERVATION, I.E., SUBJECT TO TELEPHONE TAPS, INFILTRATION BY UNDERCOVER AGENTS, AND DOCUMENT SEARCHES, BY THE OFFICE FOR THE PROTECTION OF THE CONSTITUTION (BFV, THE INTERNAL SECURITY SERVICE). IN ORDER TO CONDUCT SUCH MONITORING, LAW ENFORCEMENT AUTHORITIES MUST OBTAIN AUTHORIZATION FROM A JUDGE TO INSTALL TELEPHONE TAPS, AND SEARCH WARRANTS ARE REQUIRED FOR DOCUMENT SEARCHES. IN SEPTEMBER, THE GOVERNMENT ASKED THE FEDERAL CONSTITUTIONAL COURT TO BAN THE FAR-RIGHT FREE GERMAN WORKERS' PARTY ON GROUNDS OF THREATENING THE DEMOCRATIC ORDER. FOUR FAR-RIGHT POLITICAL ORGANIZATIONS, WHICH DID NOT ENJOY LEGAL STATUS AS POLITICAL PARTIES, WERE BANNED IN NOVEMBER AND DECEMBER 1992 ON GROUNDS OF "ENDANGERING OR ATTEMPTING TO OVERTHROW THE FREE AND DEMOCRATIC CONSTITUTIONAL ORDER" OR "DIRECTING EFFORTS DAMAGING TO THE IDEA OF INTERNATIONAL UNDERSTANDING (VOELKERVERSTAENDIGUNG)." THE BFV REPORTED THAT 43,000 PEOPLE BELONGED TO FAR-RIGHT ORGANIZATIONS IN 1993, OF WHOM SOME 6,400 WERE CONSIDERED VIOLENCE-PRONE.

IN ACCORDANCE WITH THE GERMAN UNIFICATION TREATY'S PROVISION THAT PREVIOUS COLLABORATION WITH THE FORMER GDR SECRET POLICE IS INCOMPATIBLE WITH STATE SERVICE, BACKGROUND CHECKS OF ALL UPPER-LEVEL CIVIL SERVANTS FROM EASTERN GERMANY ARE CONDUCTED. EASTERN GERMAN JUDGES AND PROSECUTORS ARE NOW INVESTIGATED TO DETERMINE WHETHER THEY COLLABORATED WITH THE STASI SECRET POLICE IN THE GDR OR WERE RESPONSIBLE FOR POLITICALLY MOTIVATED TRIALS OR SENTENCES. COMMISSIONS WITHIN THE STATE MINISTRIES OF JUSTICE THEN CONDUCT HEARINGS DURING WHICH EXAMINEES ARE SHOWN ANY DAMAGING INFORMATION AND GIVEN THE OPPORTUNITY TO RESPOND. DECISIONS OF THE COMMISSIONS CAN BE APPEALED IN COURT. A FEDERAL LAW WAS PASSED AFTER GERMAN UNIFICATION PROVIDING FOR SIMILAR BACKGROUND CHECKS OF EASTERN GERMAN LAWYERS AND NOTARIES. THE CHECKS ARE CONDUCTED BY STATE MINISTRIES OF JUSTICE AS WELL AS BY LAWYERS CHAMBERS.

EXAMINEES RECEIVE A HEARING, AND CAN APPEAL A NEGATIVE DECISION IN COURT.

C. FREEDOM OF RELIGION

THE FULL PRACTICE OF RELIGION IS ALLOWED. ALMOST 50 DIFFERENT CHURCHES AND RELIGIOUS DENOMINATIONS EXIST, BUT MOST OF THE POPULATION BELONGS TO THE CATHOLIC OR PROTESTANT CHURCHES. TOGETHER WITH THE SMALL JEWISH COMMUNITY, THESE CHURCHES 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. THE REST OF THE POPULATION EITHER PRACTICES NO RELIGION OR BELONGS TO SMALL INDEPENDENT CHRISTIAN CHURCHES OR OTHER FAITHS, SUCH AS ISLAM. THE GOVERNMENT SUBSIDIZES CHURCH-AFFILIATED SCHOOLS AND PROVIDES RELIGIOUS INSTRUCTION IN SCHOOLS AND UNIVERSITIES FOR THOSE BELONGING TO THE PROTESTANT, CATHOLIC, AND JEWISH FAITHS.

MEMBERS OF THE CHURCH OF SCIENTOLOGY HAVE COMPLAINED OF HARASSMENT, INCLUDING BEING FIRED FROM JOBS AND BEING EXPELLED (OR NOT PERMITTED TO JOIN) POLITICAL PARTIES SOLELY BECAUSE OF THEIR AFFILIATION WITH SCIENTOLOGY. SCIENTOLOGISTS HAVE SUCCESSFULLY TAKEN SUCH GRIEVANCES TO COURT.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

GERMAN CITIZENS ARE FREE TO MOVE ANYWHERE WITHIN THE COUNTRY AND TO LEAVE AND RETURN AT ANY TIME.

THE BASIC LAW GUARANTEES ETHNIC GERMANS AUTOMATIC GERMAN CITIZENSHIP AND THE RIGHT TO LEGAL RESIDENCE WITHOUT RESTRICTIONS. THE NUMBER OF SUCH ETHNIC GERMANS COMING FROM EASTERN EUROPE AND THE FORMER SOVIET UNION TO SETTLE IN GERMANY IN 1993 SHOWED A CONTINUED DECREASE FROM THE ALL-TIME HIGH 2 YEARS BEFORE. THROUGH NOVEMBER 1993, 191,845 ETHNIC GERMANS HAD REGISTERED TO RESETTLE IN GERMANY. THIS TOTAL INCLUDED 181,167 FROM THE COUNTRIES OF THE FORMER SOVIET UNION, 5,228 FROM POLAND, AND 5,190 FROM ROMANIA.

IMMIGRANTS WHO ARE NOT ETHNIC GERMANS CAN ACQUIRE CITIZENSHIP IF THEY MEET CERTAIN REQUIREMENTS: LEGAL RESIDENCE IN GERMANY FOR AT LEAST 10 YEARS (5 YEARS FOR THOSE MARRIED TO GERMANS); RENUNCIATION OF ALL OTHER CITIZENSHIPS; AND A BASIC KNOWLEDGE OF GERMAN (ALONG WITH SOME OTHER MINOR REQUIREMENTS). GERMAN CITIZENSHIP IS NOT GRANTED AUTOMATICALLY; APPLICATION IS NECESSARY. LEGAL LONG-TERM RESIDENTS OFTEN OPT NOT TO APPLY. THEY RECEIVE THE SAME SOCIAL BENEFITS AS DO GERMAN CITIZENS AND, AFTER 10 YEARS OF LEGAL RESIDENCY, ARE AUTOMATICALLY ENTITLED TO PERMANENT RESIDENCY. REPRESENTATIVES OF THE TURKISH, AND OF THE SINTI AND ROMA GYPSY COMMUNITIES, HAVE CRITICIZED THE CITIZENSHIP POLICY AS UNJUST AND DISCRIMINATORY. THE GOVERNMENT AT YEAR'S END WAS CONSIDERING WHETHER OR NOT TO LIBERALIZE THE NATURALIZATION LAW.

THE RIGHT TO ASYLUM FOR FOREIGNERS WHO ARE POLITICALLY PERSECUTED IS GUARANTEED UNDER THE BASIC LAW. A RECORD 438,191 ASYLUM SEEKERS ENTERED THE FRG IN 1992. DURING THE FIRST 6

MONTHS OF 1993, BEFORE A NEW, MORE RESTRICTIVE ASYLUM LAW TOOK EFFECT, ANOTHER 244,718 APPLICATIONS FOR ASYLUM WERE FILED. DURING THE FIRST 4 MONTHS FOLLOWING IMPLEMENTATION OF THE NEW ASYLUM LAW, APPLICATIONS DROPPED TO 47,795. THE GOVERNMENT PROVIDES FOOD, CLOTHING, AND SHELTER TO ASYLUM SEEKERS DURING PROCESSING OF THEIR APPLICATIONS, OFTEN A MATTER OF SEVERAL MONTHS OR MORE. AS THE INFLUX OF FOREIGNERS STEADILY INCREASED, PLACING A HEAVY BURDEN ON AN ECONOMY ALREADY SEVERELY STRAINED BY THE FINANCIAL COSTS OF REUNIFICATION, DOMESTIC POLITICAL PRESSURE TO RESTRICT THE ASYLUM LAW BECAME OVERWHELMING.

ON MAY 26, THE PARLIAMENT APPROVED A CONSTITUTIONAL AMENDMENT REFORMING THE ASYLUM PROCESS; IT WENT INTO EFFECT ON JULY 1. THE NEW LAW GREATLY RESTRICTED THE CIRCUMSTANCES UNDER WHICH AN INDIVIDUAL COULD QUALIFY FOR POLITICAL ASYLUM. PERSONS ORIGINATING DIRECTLY FROM COUNTRIES PRESUMED FREE OF PERSECUTION ("SAFE THIRD COUNTRIES") WOULD NOT NORMALLY BE ABLE TO CLAIM POLITICAL ASYLUM. SUCH APPLICANTS WOULD, HOWEVER, HAVE THE RIGHT TO REQUEST AN ADMINISTRATIVE REVIEW OF THEIR APPLICATIONS WHILE STILL IN GERMANY. PERSONS ENTERING GERMANY VIA EUROPEAN UNION (EU) COUNTRIES OR THROUGH IDENTIFIED "SAFE THIRD COUNTRIES" ALSO WOULD NOT BE ELIGIBLE TO APPLY FOR ASYLUM WHILE IN GERMANY. THE NEW LAW PERMITS THE GOVERNMENT TO IDENTIFY "SAFE COUNTRIES OF ORIGIN" BASED ON CRITERIA SUCH AS HUMAN RIGHTS REPORTS AND GERMAN EMBASSY REPORTING. ADHERENCE TO THE 1951 GENEVA CONVENTION RELATING TO THE STATUS OF REFUGEES AND ITS 1967 PROTOCOL IS NOT A CRITERION FOR "SAFE COUNTRY OF ORIGIN" STATUS. COUNTRIES DESIGNATED AS "SAFE THIRD COUNTRIES," HOWEVER, MUST BE SIGNATORIES OF THE GENEVA CONVENTION AND PROTOCOL.

OPPONENTS OF THE NEW LAW ARGUED THAT FEW THIRD COUNTRIES COULD BE UNIVERSALLY TERMED "SAFE," AND THAT THE LAW, IN FAILING TO ALLOW APPLICANTS TO REBUT THE "SAFE THIRD COUNTRY" PRESUMPTION, WOULD PROHIBIT LEGITIMATE ASYLUM SEEKERS FROM ENTERING GERMANY. THE U.N. HIGH COMMISSIONER FOR REFUGEES HAS EXPRESSED CONCERNS ABOUT THE "SAFE COUNTRY" CONCEPT, AND THE LANGUAGE IS BEING REVIEWED BY THE FEDERAL CONSTITUTIONAL COURT. LEGAL RECOURSE AGAINST A NEGATIVE DECISION BY THE AUTHORITIES ON AN ASYLUM APPLICATION ALSO WAS LIMITED BY THE NEW LAW. CRITICS QUESTIONED TOO THE QUALITY OF THE HEARINGS ALLOWED FOR INDIVIDUALS APPEALING THE "SAFE COUNTRY OF ORIGIN" PRESUMPTION, GIVEN THE SHORT TIME (48 HOURS) ALLOTTED FOR REVIEW OF THESE CASES. IMMEDIATELY AFTER THE NEW LAW WENT INTO EFFECT, 14 ASYLUM APPLICANTS APPEALED THEIR DEPORTATION ORDERS TO THE CONSTITUTIONAL COURT. SEVERAL WERE GRANTED TEMPORARY STAYS OF DEPORTATION PENDING FURTHER REVIEW OF THEIR CASES.

TWO MONTHS AFTER IMPLEMENTATION OF THE NEW ASYLUM LAW, THE NUMBER OF ASYLUM APPLICATIONS HAD FALLEN BY ONE-HALF. PROCESSING HAD ALREADY BEEN ACCELERATED FOLLOWING THE INTRODUCTION OF NEW, AUTOMATED PROCEDURES IN APRIL. A SECOND LAW PASSED IN CONJUNCTION WITH THE NEW ASYLUM LAW, WHICH REDUCED THE SHARE OF WELFARE BENEFITS PROVIDED TO ASYLUM SEEKERS TO 75 PERCENT OF THAT GENERALLY ALLOTTED TO GERMAN CITIZENS, WAS PARTIALLY RESPONSIBLE FOR THE DROP IN APPLICATIONS. EXCEPTIONS ARE MADE IN SUCH INSTANCES AS LARGE

FAMILIES WITH SMALL CHILDREN. VOUCHERS AND HOT MEALS REPLACED THE REDUCED CASH PAYMENTS MADE TO ASYLUM SEEKERS, LESSENING THE APPEAL OF A STINT AS AN ASYLUM SEEKER IN GERMANY.

SHORT OF THE RIGHT TO VOTE, THOSE GRANTED FORMAL ASYLUM STATUS ENJOY FULL CIVIL RIGHTS. WHILE APPROXIMATELY 5 PERCENT OF THE ASYLUM SEEKERS SUCCEEDED IN THEIR REQUESTS FOR POLITICAL ASYLUM, DENIAL OF POLITICAL ASYLUM DOES NOT AUTOMATICALLY RESULT IN DEPORTATION. THE MAJORITY OF APPLICANTS WHO ARE REJECTED ARE TYPICALLY ALLOWED TO REMAIN IN THE COUNTRY FOR OTHER HUMANITARIAN REASONS, ESPECIALLY THOSE FROM THE FORMER YUGOSLAVIA. DEPORTATION OF ILLEGAL IMMIGRANTS HAS, HOWEVER, BECAME MORE COMMON DUE TO THE NEW ASYLUM LAW AS WELL AS AN AGREEMENT SIGNED WITH ROMANIA IN LATE 1992 ARRANGING THE RETURN OF ROMANIAN ASYLUM SEEKERS, PRIMARILY GYPSIES, WHOSE APPLICATIONS HAD BEEN TURNED DOWN.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

UNDER THE BASIC LAW, THE GOVERNMENT IS CHOSEN BY THE PEOPLE THROUGH ORDERLY ELECTIONS BASED ON UNIVERSAL SUFFRAGE. THE LOWER HOUSE OF PARLIAMENT, THE BUNDESTAG, WHICH CHOOSES THE CHANCELLOR, IS ELECTED THROUGH A MIXTURE OF DIRECT CONSTITUENCY CANDIDATES AND PARTY LISTS. THE UPPER HOUSE, THE BUNDESRAT, IS COMPOSED OF DELEGATIONS FROM STATE GOVERNMENTS. NEW POLITICAL PARTIES ARE FREE TO FORM AND ENTER THE POLITICAL PROCESS, BUT THE BASIC LAW AND THE STATE CONSTITUTIONS STIPULATE THAT PARTIES MUST RECEIVE AT LEAST 5 PERCENT OF THE NATIONAL VOTE (OR WIN AT LEAST THREE DIRECTLY-ELECTED SEATS IN FEDERAL ELECTIONS) IN ORDER TO BE REPRESENTED IN THE FEDERAL AND STATE PARLIAMENTS. ALTHOUGH PARTY DISCIPLINE PLAYS AN IMPORTANT ROLE, VOTING ON ISSUES IN THE BUNDESTAG IS ULTIMATELY A MATTER OF INDIVIDUAL DECISION.

WOMEN ARE ENTITLED BY LAW TO FULL PARTICIPATION IN POLITICAL LIFE, AND ALL PARTIES HAVE EXPRESSED COMMITMENT TO ENCOURAGE THEIR GREATER PARTICIPATION. THE GREENS REQUIRE THAT WOMEN COMPRISE HALF OF THE PARTY'S ELECTED OFFICIALS. THE SOCIAL DEMOCRATIC PARTY (SPD) REQUIRES THAT WOMEN COMPRISE 40 PERCENT OF ALL PARTY COMMITTEES AND GOVERNING BODIES BY THE END OF 1994. PRESENTLY, 37.7 PERCENT OF THE SPD'S EXECUTIVE COMMITTEE MEMBERS ARE WOMEN. THE PARTY HAS MANDATED THAT 33.3 PERCENT OF SPD CANDIDATES RUNNING FOR OFFICE IN THE 1994 BUNDESTAG ELECTIONS BE WOMEN. THE HESSE STATE GOVERNMENT HAS PASSED LAWS REQUIRING THAT 50 PERCENT OF ALL PUBLIC SECTOR JOB OPENINGS BE FILLED BY WOMEN. EFFECTIVE JANUARY 1994, THE LAW APPLIES TO NEARLY 400,000 POSITIONS. WITHIN THE GERMAN GOVERNMENT, THE FEDERAL CABINET MINISTER FOR WOMEN AND YOUTH IS RESPONSIBLE FOR FURTHERING WOMEN'S INTERESTS IN BOTH THE PUBLIC AND PRIVATE SPHERES. WOMEN COMPRISE 21 PERCENT OF THE CURRENT BUNDESTAG MEMBERSHIP, AND ITS PRESIDENT IS A WOMAN.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

PRIVATE NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATED

FREELY AND WITHOUT HARASSMENT IN ALL OF GERMANY, AS DID INTERNATIONAL ORGANIZATIONS.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

DENYING ACCESS TO SHELTER, EMPLOYMENT, HEALTH CARE, AND EDUCATION ON THE BASIS OF RACE, RELIGION, DISABILITY, SEX, ETHNIC BACKGROUND, POLITICAL OPINION, OR CITIZENSHIP IS ILLEGAL.

WOMEN

WOMEN GENERALLY ENJOY FULL AND EQUAL PROTECTION UNDER THE LAW, INCLUDING PROPERTY AND INHERITANCE RIGHTS. YOUNG WOMEN EXPERIENCE DIFFICULTIES IN GAINING ACCESS TO TRAINING IN SOME TRADITIONALLY MALE FIELDS, BUT RECENT COURT RULINGS AND GOVERNMENT PILOT PROGRAMS HELPED BREAK DOWN SOME OF THESE ATTITUDINAL AND INSTITUTIONAL BARRIERS. WOMEN'S RIGHTS GROUPS ARE ACTIVE IN COMBATTING PAY INEQUITIES, SEXUAL HARASSMENT, AND VIOLENCE AGAINST WOMEN.

SALARIES FOR WOMEN IN THE PRIVATE SECTOR TEND TO BE LOWER THAN SALARIES FOR MEN IN SIMILAR JOBS. THE GOVERNMENT, THROUGH ITS LABOR MINISTRY, ACKNOWLEDGED THE EXISTENCE OF UNEQUAL, SEX-DIFFERENTIATED PAY SCALES IN THE PRIVATE SECTOR AS A VIOLATION OF THE CONSTITUTIONAL PROHIBITION AGAINST DISCRIMINATION ON THE BASIS OF SEX. SEVERAL DECISIONS BY THE NATIONAL LABOR COURT IN RECENT YEARS WERE IN FAVOR OF WOMEN WHO INITIATED LITIGATION TO REDRESS PAY INEQUITIES.

THE ISSUE OF EQUAL PAY FOR EQUAL WORK IS ADDRESSED ALSO IN THE PRIVATE SECTOR IN COLLECTIVE BARGAINING BETWEEN UNIONS AND FIRMS.

IN MAY THE FEDERAL CONSTITUTIONAL COURT DECLARED ABORTION TO BE UNCONSTITUTIONAL, RULING THAT ABORTION VIOLATED THE CONSTITUTIONALLY GUARANTEED RIGHT TO LIFE. THE COURT ALSO DECLARED, HOWEVER, THAT FIRST-TRIMESTER ABORTIONS WOULD NOT BE SUBJECT TO PROSECUTION, PROVIDED THAT THE WOMAN RECEIVED COUNSELING BEFOREHAND AND A DOCTOR PERFORMED THE PROCEDURE. THE COURT ALSO LIMITED THE TYPES OF ABORTIONS FOR WHICH GOVERNMENT ASSISTANCE COULD BE PROVIDED TO CASES OF RAPE, DANGER TO THE LIFE OF THE MOTHER, OR GRAVE DEFORMATION OF THE FETUS. THE RULING STRUCK DOWN A "COMPROMISE" ABORTION BILL PASSED BY THE PARLIAMENT IN 1992 IN AN ATTEMPT TO RECONCILE THE FORMER GDR'S LIBERAL ABORTION LAWS WITH THE STRICTLY REGULATED ABORTION POLICIES OF THE WEST. THE 1992 LAW, WHICH PERMITTED ABORTIONS DURING THE FIRST TRIMESTER AFTER MANDATORY COUNSELING, DID NOT GO INTO EFFECT OWING TO A TEMPORARY INJUNCTION ISSUED BY THE CONSTITUTIONAL COURT AT THE REQUEST OF THE CHRISTIAN DEMOCRATS AND THEIR BAVARIAN COUNTERPART, THE CHRISTIAN SOCIAL UNION. THUS, THE "DIVIDED" ABORTION LAW, WHEREBY EASTERN GERMAN WOMEN HAD A LEGAL RIGHT TO ABORTION WITHOUT RESTRICTION DURING THE FIRST TRIMESTER, AND ABORTION IN THE WESTERN PART OF GERMANY WAS PERMITTED ONLY ON MEDICAL GROUNDS OR IN CASE OF EXTREME ECONOMIC DIFFICULTY, HAD REMAINED IN EFFECT UNTIL THE MAY 1993 COURT RULING.

THE UNEMPLOYMENT RATE FOR WOMEN IN THE EASTERN STATES CONTINUED TO BE HIGH RELATIVE TO MEN, WITH WOMEN COMPRISING NEARLY 65 PERCENT OF ALL UNEMPLOYED WORKERS. PRIOR TO GERMAN UNIFICATION, WOMEN IN THE THEN-GDR WORKED PRIMARILY IN THE HEALTH, SOCIAL WORK, EDUCATION, AND RETAIL SECTORS, AS WELL AS IN LIGHT INDUSTRY. FIRMS IN THESE SECTORS WERE AMONG THE FIRST TO GO BANKRUPT OR BE DISMANTLED IN THE TRANSITION FROM A COMMAND TO A MARKET ECONOMY. AS OF AUGUST, WOMEN'S UNEMPLOYMENT IN EASTERN GERMANY STOOD AT 21.7 PERCENT WHILE THE COMPARABLE FIGURE FOR MEN WAS 11 PERCENT.

VIOLENCE AGAINST WOMEN, INCLUDING WIFE BEATING, IS NOT CONDONED IN LAW OR IN PRACTICE. INTERIM STATISTICS FOR REPORTED INCIDENTS OF RAPE FOR THE FIRST 6 MONTHS OF 1993 SHOWED AN INCREASE OF ABOUT 100 CASES OVER LAST YEAR'S FIGURE OF 2,406. THE WOMEN'S MOVEMENT HAS URGED PUBLIC DISCUSSION OF THE PROBLEM AND TOUGHER PENALTIES FOR CRIMES AGAINST WOMEN. IN RECENT YEARS, THE FEDERAL MINISTRY FOR WOMEN AND YOUTH COMMISSIONED A NUMBER OF STUDIES TO INVESTIGATE SUCH TOPICS AS VIOLENCE AGAINST WOMEN AND SEXUAL HARASSMENT. ONE STUDY CONCLUDED THAT MOST WOMEN ARE UNSURE OF THEIR LEGAL OPTIONS IN CASES OF SEXUAL HARASSMENT AND OFTEN FAIL TO COME FORWARD BECAUSE OF THE TABOO NATURE OF THE TOPIC. THE STUDY RECOMMENDED THAT LEGAL COUNSELING FOR VICTIMS OF SEXUAL HARASSMENT SHOULD BE WIDELY PUBLICIZED AND MORE READILY AVAILABLE. THE STUDY ALSO ADVOCATED SPECIAL TRAINING PROGRAMS FOR THOSE WORKING IN PUBLIC EMPLOYMENT OFFICES.

CHILDREN

WHILE THERE IS NO WIDESPREAD ABUSE OF HUMAN RIGHTS OF CHILDREN IN GERMANY, THE GOVERNMENT RECOGNIZES THAT VIOLENCE AGAINST CHILDREN IS A PROBLEM. THE MINISTRY FOR WOMEN AND YOUTH, RELEASING ITS 1992 CHILD ABUSE STATISTICS IN AUGUST 1993, CITED 16,442 REPORTED INCIDENTS OF SEXUAL ABUSE AND 1,732 REPORTS OF OTHER PHYSICAL ABUSE. GOVERNMENT OFFICIALS BELIEVE THAT THE NUMBER OF UNREPORTED CASES MAY BE 10 TO 20 TIMES HIGHER. APPROXIMATELY 75 PERCENT OF SEXUAL ABUSE AGAINST CHILDREN IS COMMITTED BY FAMILY MEMBERS, ONE-THIRD BY THE CHILD'S BIOLOGICAL FATHER. BASED ON THESE FIGURES, THE MINISTRY FOR WOMEN AND YOUTH PLEDGED TO CONTINUE A PUBLIC AWARENESS CAMPAIGN INITIATED IN 1992 WHICH SEEKS TO SENSITIZE PEOPLE TO THE PROBLEM, ABOVE ALL BY MAKING THEM MORE FAMILIAR WITH ITS DIMENSIONS AND SYMPTOMS, AND BY TEACHING THEM TO RECOGNIZE APPEALS FOR HELP. ACCORDING TO THE MINISTRY, COUNSELING AND ASSISTANCE IN THE AREA OF CHILD ABUSE HAVE BEEN EXPANDED IN RECENT YEARS, IN PART REFLECTING THE EMPHASIS (AS SET FORTH IN THE CHILD AND YOUTH PROTECTION LAW) PLACED ON PREVENTION.

NATIONAL/RACIAL/ETHNIC MINORITIES

INCIDENTS REFLECTING INTOLERANCE OF FOREIGN, RELIGIOUS, AND ETHNIC MINORITIES OCCURRED IN BOTH WESTERN AND EASTERN GERMANY. FOREIGNERS, PARTICULARLY ROMANIANS, GYPSIES, TURKS, POLES, AND NON-EUROPEANS, CONTINUED TO BE HARASSED OR ATTACKED MAINLY BY RIGHT-WING EXTREMISTS DURING 1993. INCIDENTS OF ANTIFOREIGNER VIOLENCE IN THE FIRST 9 MONTHS OF 1993 INCREASED BY 36 PERCENT OVER 1992. THE 1.9 MILLION PEOPLE OF TURKISH

ORIGIN IN GERMANY COMPRISE THE LARGEST ETHNIC MINORITY. THEY HAVE BEEN AMONG THE PRIMARY VICTIMS OF RIGHT-WING VIOLENCE AND OTHER ACTS DIRECTED AGAINST FOREIGNERS.

IN MAY A 16-YEAR-OLD BOY FIREBOMBED THE HOME OF A TURKISH FAMILY IN SOLINGEN, KILLING FIVE OF THE INHABITANTS AND WOUNDING THREE. FOLLOWING THE ARSON ATTACK, THOUSANDS DEMONSTRATED TO PROTEST XENOPHOBIA AND RIGHT-WING EXTREMISM. CHANCELLOR KOHL EXPRESSED OUTRAGE AND DISMAY OVER THE MURDERS, CALLING FOR SEVERE HANDLING OF THE PERPETRATOR. PRESIDENT VON WEIZSAECKER WAS PRESENT AT A MEMORIAL SERVICE IN COLOGNE FOR THE SOLINGEN VICTIMS, ALTHOUGH CHANCELLOR KOHL DID NOT ATTEND.

NONCITIZEN RESIDENTS OF GERMANY ARE PROHIBITED FROM HOLDING MOST CIVIL SERVICE JOBS, WHICH INCLUDE TEACHING AND POLICE POSTS. THEIR RIGHTS TO OWN PROPERTY ARE ALSO LIMITED AND THEY ARE SUBJECT TO RESTRICTIVE QUOTAS IN UNIVERSITIS. TURKISH ORGANIZATIONS COMPLAIN THAT SUCH RESTRICTIONS LIMIT THEIR MEMBERS' ECONOMIC OPPORTUNITIES AND ABILITY TO INTEGRATE INTO GERMAN SOCIETY.

SOME PEOPLE OF TURKISH ORIGIN IN GERMANY FELT THAT GOVERNMENT INSTITUTIONS, ESPECIALLY THE POLICE, WERE UNRESPONSIVE TO THEIR NEEDS, THOUGH MOST ADMITTED THAT CITY AND REGIONAL "FOREIGNERS' COMMISSIONERS" WERE CONCERNED AND HELPFUL, IF PERHAPS UNDERSTAFFED. SOME TURKS ALSO ALLEGED THAT NOT ENOUGH WAS DONE TO PREVENT RECURRENCES OF VIOLENCE IN SOLINGEN OR ELSEWHERE. MANY TURKS THINK THAT THEY AND OTHER MUSLIMS ARE DISCRIMINATED AGAINST ON RELIGIOUS AS WELL AS ETHNIC GROUNDS. SOME ALSO POINTED OUT THAT AFTER THE ATTACK AT SOLINGEN THE PRESS TURNED FOR COMMENT, NOT TO A SPOKESPERSON OF FROM THE TURKISH COMMUNITY, BUT TO A LEADER OF THE JEWISH COMMUNITY. TURKS ALSO COMPLAINED ABOUT A PERCEIVED LACK OF HIGH-LEVEL POLITICAL COMMITMENT TO FOREIGNERS. THEY CRITICIZED CHANCELLOR KOHL'S REFUSAL TO TAKE PART IN THE SOLINGEN MEMORIAL SERVICES, A REFUSAL SOME SAW AS A POLITICALLY MOTIVATED EFFORT TO CULTIVATE THE RIGHT WING. PRESIDENT VON WEIZSAECKER, ON THE OTHER HAND, WAS GENERALLY CREDITED FOR HIS FRANKNESS AND CONCERN ABOUT THE INTEGRATION OF FOREIGNERS.

THE SOLINGEN ATTACK PROMPTED A NEW WAVE OF "COPY-CAT" VIOLENCE, CAUSING GOVERNMENT AUTHORITIES TO REVIEW MEASURES PUT INTO PLACE AFTER THE MOELLN INCIDENT. THESE MEASURES INCLUDED PERSONNEL REINFORCEMENT IN CERTAIN LAW ENFORCEMENT BODIES; BANNING OF FOUR NEO-NAZI ORGANIZATIONS (THE DEUTSCHE ALTERNATIVE, THE DEUTSCHER KAMERADSCHAFTSBUND, THE NATIONALE OFFENSIVE, AND THE NATIONALISTISCHE FRONT); INCREASED ELECTRONIC AND OPEN-SOURCE SURVEILLANCE OF OTHER RIGHT-WING GROUPS, AUGMENTED PROTECTION OF ASYLUM HOMES, AND AN OUTREACH PROGRAM TO TROUBLED YOUTH. ON THE FEDERAL LEVEL, NO CONCRETE CHANGES HAVE AS YET BEEN MADE AS A RESULT OF THE REVIEW. INDIVIDUAL LOCAL GOVERNMENTS HAVE, HOWEVER, TAKEN SOME ADDITIONAL ACTION. FOR EXAMPLE, THE CITY OF SOLINGEN AUGMENTED POLICE PROTECTION OF HOMES BELONGING TO FOREIGNERS AND DEVELOPED AFTER-SCHOOL PROGRAMS FOR TROUBLED YOUTH.

IN THE EASTERN STATES, ANTIFOREIGNER CRIMES ATTRIBUTABLE TO RIGHT-WING EXTREMISTS DROPPED BELOW 1992 LEVELS IN INCIDENCE

AND SEVERITY, ALTHOUGH ON A PER CAPITA BASIS, ANTIFOREIGNER VIOLENCE WAS MORE PREVALENT IN THE EAST THAN IN THE WEST. THERE STILL WERE INCIDENTS OF ARSON ATTACKS AGAINST ASYLUM HOMES AND ASSAULTS AGAINST INDIVIDUAL NON-GERMANS. PROTRACTED MOB SIEGES OF ASYLUM FACILITIES, HOWEVER, DID NOT RECUR IN 1993. ON THE OTHER HAND, THE INCIDENCE OF DESECRATION OF JEWISH AND RUSSIAN CEMETERIES, AS WELL AS VANDALISM AT CONCENTRATION CAMP MEMORIALS, ROSE (SEE BELOW).

ALTHOUGH MOST ACTS OF VIOLENCE WERE, AS IN THE PAST, COMMITTED INDEPENDENTLY BY SMALL GROUPS WITH WIDELY DIVERGENT IDEOLOGIES, A NEW TREND, EVIDENT IN BOTH EASTERN AND WESTERN STATES, POINTED TOWARD GREATER COORDINATION AMONG SMALL, PREVIOUSLY MORE DIFFUSE NEO-NAZI GROUPS. IN WESTERN GERMANY, RIGHT-WING ATTACKS ALSO WERE MORE OFTEN VIOLENT THAN IN PREVIOUS YEARS, AS EXTREMISTS SOUGHT TO IMITATE THE 1992 MOELLN FIREBOMBING.

IN ADDITION TO CONDEMNING THE VIOLENCE, THE GOVERNMENT RECOMMENDED TOUGHER ANTICRIME LEGISLATION AND LAW-ENFORCEMENT MEASURES AS WELL AS MEASURES AIMED AT THE SOCIETAL ROOTS OF EXTREMIST VIOLENCE AND GROWING CRIME RATES. ALTHOUGH BETTER TRAINED, MORE EXPERIENCED, AND BETTER VERSED IN FEDERAL GERMANY'S LEGAL SYSTEM THAN IN PREVIOUS YEARS, EASTERN GERMAN POLICE HAVE NOT YET ACHIEVED WESTERN GERMAN STANDARDS OF EFFECTIVENESS AND EFFICIENCY. HOWEVER, POLICE IN EASTERN GERMANY SHOWED GREATER SUCCESS IN COMBATTING RIGHT-WING VIOLENCE IN 1993, IN PART DUE TO THE EFFORTS OF SPECIAL LAW ENFORCEMENT TASK FORCES CREATED IN MANY STATES TO TARGET RIGHT-WING CRIMES. THOUGH THERE WERE NO CASES IN 1993 OF EASTERN POLICE INACTION IN THE FACE OF MOB VIOLENCE AGAINST ASYLUM HOMES (AS OCCURRED IN 1992 IN ROSTOCK AND EISENHUETTENSTADT) THE EASTERN POLICE CONTINUED TO FACE CRITICISM FOR FAILING TO PREVENT ONGOING INCIDENTS OF SMALL-SCALE RIGHT-WING VIOLENCE AND ILLEGAL NEO-NAZI PUBLIC GATHERINGS.

IN ONE WIDELY REPORTED INCIDENT, FOR EXAMPLE, POLICE IN BUETZEE IN BRANDENBURG DID NOTHING TO HALT AN ILLEGAL DEMONSTRATION OF APPROXIMATELY 200 ORGANIZED NEO-NAZIS FROM ALL OVER GERMANY, SOME DRESSED IN OUTFITS CLOSELY RESEMBLING UNIFORMS OF THE SCHUTZSTAFFEL (SS), HITLER'S ELITE GUARD. (IT IS ILLEGAL TO WEAR SS UNIFORMS IN GERMANY. THE QUESTION OF WHEN A UNIFORM CLOSELY ENOUGH RESEMBLES AN SS UNIFORM TO BE CONSIDERED ONE IS A MATTER OF INDIVIDUAL COURT INTERPRETATION, ALTHOUGH A UNIFORM WHICH USES SS INSIGNIAS OR SWASTIKAS IS CLEARLY ILLEGAL.) THAT SAME DAY, POLICE IN PRIEROS, IN THE SAME STATE, STOOD BY AS NEARLY 800 "SKINHEADS" GATHERED AT THE DEPUTY MAYOR'S HOME YELLING OUTLAWED NAZI SLOGANS.

IN RESPONSE TO ACCUSATIONS OF INACTION AND INEPTITUDE, EASTERN LAW ENFORCEMENT AND INTERIOR MINISTRY OFFICIALS ARGUED THAT LEGAL PROHIBITIONS AGAINST SURVEILLANCE AND COVERT INTELLIGENCE GATHERING, SUCH AS PHONE TAPPING, LIMITED THEIR ABILITY TO PREEMPT EXTREMIST ATTACKS. POLICE ALSO CONTENDED THAT THEY COULD NOT GUARD EVERY ASYLUM HOME AND CEMETERY AND THAT THERE WAS LITTLE THEY COULD DO TO STOP SMALL-SCALE "HIT AND RUN" ATTACKS AGAINST ASYLUM HOMES OR INDIVIDUAL NON-GERMANS. IN THE BATTLE AGAINST EXTREMIST VIOLENCE, GOVERNMENTS IN THE EASTERN

STATES INCREASINGLY CALLED ON THE FEDERAL GOVERNMENT TO BAN RIGHT-WING ORGANIZATIONS THEY CONSIDERED GUILTY OF ANTICONSTITUTIONAL ACTIVITIES. STATE GOVERNMENTS CAN LEGALLY OUTLAW ONLY ORGANIZATIONS ACTIVE SOLELY WITHIN THEIR STATE, BUT IF THE ACTIVITIES OF A RIGHT-WING GROUP CROSS STATE LINES, THE FEDERAL GOVERNMENT ASSUMES JURISDICTION.

IN EARLY NOVEMBER, IN A VERDICT THAT AROUSED PUBLIC CRITICISM FOR PERCEIVED LENIENCY, A JUDGE IN DRESDEN SENTENCED THREE DEFENDANTS FOUND GUILTY OF KILLING MOZAMBICAN LABORER JORGE GOMODAI. GOMODAI DIED FROM INJURIES SUSTAINED AFTER BEING THROWN FROM A TRAM BY JUVENILE SKINHEADS ON MARCH 31, 1991. ONE YOUTH WAS SENTENCED TO 2 1/2 YEARS IN PRISON, WHILE THE TWO OTHERS WERE GIVEN PROBATION AND FINES. ALTHOUGH THE COURT WAS CRITICIZED IN THE PRESS FOR THE PERCEIVED LENIENCY OF THESE SENTENCES, THEY WERE IN FACT HIGHER THAN THE PROSECUTOR HAD SOUGHT IN LIGHT OF THE FACT THAT ALL THREE WERE JUVENILES AT THE TIME OF THE ASSAULT AND NO "INTENT TO KILL" COULD BE PROVEN. THE COURT DECIDED ON HIGHER PENALTIES THAN USUAL AFTER HEARING THAT THE MAIN DEFENDANT HAD BEATEN UP A PASSER-BY THE NIGHT BEFORE THE MOZAMBICAN WAS KILLED.

THE TWO NEO-NAZIS CHARGED WITH THE FIREBOMBING IN MOELLN IN NOVEMBER 1992--WHICH KILLED THREE TURKISH CITIZENS--WERE FOUND GUILTY AND GIVEN MAXIMUM SENTENCES ON DECEMBER 8, 1993. ONE ATTACKER RECEIVED A LIFE SENTENCE, WITH PAROLE POSSIBLE AFTER 15 YEARS, WHILE THE OTHER, WHO WAS A MINOR AT THE TIME OF THE ATTACK, GOT 10 YEARS. MANY SAW THE VERDICT AS A SIGNAL THAT COURTS WILL MOVE VIGOROUSLY AGAINST RIGHT-WING ATTACKS. THE DEFENSE SAID THAT IT WOULD APPEAL TO THE CONSTITUTIONAL COURT.

EXTREMISTS CONTINUED TO TARGET THE SINTI AND ROMA GYPSY POPULATIONS. (IN ADDITION TO ASYLUM-SEEKERS, THERE ARE 70,000 SINTI AND ROMA RESIDENT IN GERMANY). SINTI AND ROMA LEADERS ACCUSED THE GOVERNMENT OF DISCRIMINATORY BEHAVIOR IN FAILING TO RECOGNIZE GYPSIES AS A NATIONAL MINORITY. SOME HUMAN RIGHTS GROUPS AND JOURNALISTS ALSO ARGUED THAT THE NOVEMBER 1992 GERMAN-ROMANIAN AGREEMENT ALLOWING FOR RELATIVELY SIMPLE DEPORTATION OF UNQUALIFIED ROMANIAN ASYLUM APPLICANTS (OF WHOM 60 PERCENT ARE GYPSIES) SINGLED OUT GYPSIES.

THE GOVERNMENT OF BRANDENBURG WAS ACCUSED OF VIOLATING THE CONSTITUTIONALLY PROTECTED RIGHTS OF THE STATE'S SLAVIC SORB MINORITY POPULATION BECAUSE OF ITS APRIL DECISION TO ALLOW THE EVENTUAL DEMOLITION AND RELOCATION OF THE SMALL VILLAGE OF HORNO IN ORDER TO MAKE WAY FOR BROWN COAL MINING. SORB ACTIVISTS ACCUSED THE GOVERNMENT OF IGNORING A PROVISION IN THE STATE CONSTITUTION GUARANTEEING THE PROTECTION AND CONTINUATION OF ETHNIC SORB SETTLEMENTS. THE GOVERNMENT HELD THAT HORNO WAS NOT A SORB SETTLEMENT (BUT RATHER A VILLAGE OF 360 RESIDENTS IN WHICH SOME SORBS LIVED) AND THAT THE POLICY AFFECTED THE ENTIRE REGION, NOT ONLY THE SORBS.

STATE GOVERNMENTS IN EASTERN GERMANY INTRODUCED SEVERAL MODEL SOCIAL AND EDUCATIONAL PROGRAMS DESIGNED TO COUNTERACT THE ROOT CAUSES OF XENOPHOBIA AND INTOLERANCE, IN ADDITION TO THEIR EFFORTS TO REINVIGORATE LAW ENFORCEMENT MEASURES TO CRACK DOWN ON VIOLENT MANIFESTATIONS OF EXTREMISM. THUS FAR, HOWEVER,

FINANCIALLY STRAPPED EASTERN GOVERNMENTS HAVE MADE AVAILABLE ONLY LIMITED FUNDS FOR SUCH PROJECTS.

RELIGIOUS MINORITIES

A TOTAL OF 482 ANTI-JEWISH INCIDENTS WERE RECORDED DURING THE FIRST 10 MONTHS OF 1993, INCLUDING 5 CASES OF ASSAULT. JEWISH MONUMENTS WERE VANDALIZED AND AT LEAST 45 JEWISH CEMETERIES WERE DESECRATED. THERE WERE SEVERAL INCIDENTS OF POLITICALLY MOTIVATED VANDALISM OF THE MEMORIAL AT THE FORMER SACHSENHAUSEN CONCENTRATION CAMP. IN SEPTEMBER OVER TWO DOZEN GRAVESTONES WERE PAINTED WITH ANTI-SEMITIC AND NAZI GRAFFITI IN THE JEWISH CEMETERY IN WRIEZEN. ALTHOUGH THE GOVERNMENT CONDEMNED SUCH ANTI-SEMITIC ATTACKS, JEWISH LEADERS AND OTHERS FELT THAT THE RESPONSE WAS INADEQUATE AND CRITICIZED WHAT THEY PERCEIVED TO BE THE GOVERNMENT'S SLOW REACTION TO XENOPHOBIC VIOLENCE AND INSENSITIVITY TO THE JEWISH COMMUNITY.

PEOPLE WITH DISABILITIES

ACCORDING TO GERMAN LAW, ANYONE WHO IS PHYSICALLY OR MENTALLY DISABLED IS ENTITLED TO SEEK HELP IN ORDER TO AVERT, ELIMINATE, OR IMPROVE THE DISABILITY, PREVENT A DETERIORATION OF THE CONDITION, OR ALLEVIATE ITS CONSEQUENCES AND TO SECURE A PLACE IN SOCIETY, PARTICULARLY IN THE WORKPLACE, ACCORDING TO HIS OR HER ABILITIES. LAWS PROVIDING FOR THE DISABLED ARE RESPECTED IN PRACTICE. THE GERMAN SOCIAL SYSTEM PROVIDES FOR MEDICAL TREATMENT AND THERAPY FOR THE DISABLED, AS WELL AS SICKNESS, MAINTENANCE, AND DISABILITY ALLOWANCES EQUAL TO 80 PERCENT OF LOST NORMAL INCOME.8 THE GOVERNMENT OFFERS VOCATIONAL TRAINING PROGRAMS FOR THE DISABLED AS WELL AS INTEGRATION GRANTS FOR EMPLOYERS WHO HIRE DISABLED INDIVIDUALS. SEVERELY DISABLED PERSONS MAYBE GRANTED SPECIAL BENEFITS, INCLUDING TAX BREAKS, FREE PUBLIC TRANSPORT, SPECIAL PARKING FACILITIES, AND EXEMPTION FROM RADIO AND TELEVISION LICENSE FEES.

THE FEDERAL GOVERNMENT HAS PROVIDED GUIDELINES FOR "BARRIER-FREE" CONSTRUCTION OF PUBLIC BUILDINGS, RECOMMENDING THE INSTALLATION OF WHEELCHAIR RAMPS, AUTOMATIC AND EXTRA-WIDE DOORWAYS, SUITABLE RESTROOM AREAS, AND THE LIKE. FEDERAL AUTHORITIES HAVE ALSO PROVIDED GUIDELINES FOR CITY STREETS AND SIDEWALKS, SUGGESTING THAT STATES MANDATE HANDICAPPED PARKING SPACES IN PUBLIC LOTS, LOW CURBS AT CROSSWALKS, AND AUDIO SIGNALS AT CROSSWALK LIGHTS. WHILE IT IS UP TO THE INDIVIDUAL STATES TO INCORPORATE THESE GUIDELINES INTO STATE BUILDING CODES, HANDICAPPED-ACCESS FACILITIES ARE STANDARD THROUGHOUT GERMANY.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

THE RIGHT OF WORKERS TO ASSOCIATE FREELY, CHOOSE REPRESENTATIVES, DETERMINE PROGRAMS AND POLICIES TO REPRESENT MEMBERS' INTERESTS, AND PUBLICIZE VIEWS IS RECOGNIZED AND FREELY EXERCISED. THIRTY-NINE PERCENT OF THE TOTAL ELIGIBLE LABOR FORCE BELONGS TO UNIONS. THE GERMAN TRADE UNION FEDERATION (DGB) REPRESENTS 85 PERCENT OF ORGANIZED WORKERS IN

BOTH EASTERN AND WESTERN GERMANY AND ACTIVELY PARTICIPATES IN VARIOUS INTERNATIONAL AND EUROPEAN TRADE UNION ORGANIZATIONS. THE UNIONS ARE INDEPENDENT OF GOVERNMENT AND THE POLITICAL PARTIES, ALTHOUGH MOST UNION LEADERS ARE POLITICALLY ACTIVE AND SOME SERVE AS MEMBERS OF PARLIAMENT REPRESENTING EITHER THE PRINCIPAL OPPOSITION PARTY OR THE LARGEST PARTY IN THE GOVERNING COALITION. THERE IS NO RESTRICTION ON THE NUMBER OF UNIONS, AND SMALL PARALLEL UNIONS OPERATE ALONGSIDE THE DOMINANT DGB FEDERATION.

THE RIGHT TO STRIKE IS GUARANTEED BY LAW, EXCEPT FOR CIVIL SERVANTS (INCLUDING TEACHERS) AND PERSONNEL IN SENSITIVE POSITIONS, SUCH AS MEMBERS OF THE ARMED FORCES, AND IN 1993 WAS MOST NOTABLY EXERCISED BY EASTERN GERMAN METAL WORKERS. INTERNATIONAL LABOR ORGANIZATION (ILO) BODIES IN 1993 REMAINED CRITICAL OF THE GOVERNMENT'S BROAD DEFINITION OF "ESSENTIAL SERVICES" WHICH PREVENTS TEACHERS FROM LEGALLY STRIKING. SANCTIONS IMPOSED ON TEACHERS WHO STRUCK IN HESSE IN 1989 AND THE REPLACEMENT OF STRIKING POSTAL WORKERS BY CIVIL SERVANTS IN AN EARLIER INCIDENT WERE THE SPECIFIC CASES THAT PROVOKED COMPLAINTS TO THE ILO. IN THE CASE OF THE POSTAL WORKERS, THE FEDERAL LABOR COURT IN JULY 1993 AGREED WITH THE ILO, STATING THE GOVERNMENT MAY NOT REQUIRE CIVIL SERVANTS TO DO THE WORK OF THOSE ENGAGED IN A LEGAL STRIKE.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY IS GUARANTEED BY THE BASIC LAW AND IS WIDELY PRACTICED. NO GOVERNMENT MECHANISM TO PROMOTE VOLUNTARY WORKER-EMPLOYER NEGOTIATIONS IS REQUIRED BECAUSE OF A WELL-DEVELOPED SYSTEM OF AUTONOMOUS CONTRACT NEGOTIATIONS, NOW EXTENDED TO THE EASTERN STATES. THERE IS A TWO-TIERED BARGAINING SYSTEM WHEREBY BASIC WAGES AND WORKING CONDITIONS ARE ESTABLISHED AT THE INDUSTRY LEVEL AND THEN ADAPTED TO THE CIRCUMSTANCES PREVAILING IN PARTICULAR ENTERPRISES THROUGH LOCAL NEGOTIATIONS. IN 1993 THERE CONTINUED TO BE REPORTS THAT SOME FIRMS IN EASTERN GERMANY EITHER REFUSED TO JOIN OR WITHDREW FROM EMPLOYERS' ASSOCIATIONS AND THEN BARGAINED INDEPENDENTLY WITH WORKERS. SOME LARGE FIRMS IN THE WEST ALSO WITHDREW AT LEAST A PORTION OF THEIR WORKERS FROM THE JURISDICTION OF THE EMPLOYERS' ASSOCIATIONS, COMPLAINING OF A LACK OF FLEXIBILITY IN THE SYSTEM OF CENTRALIZED NEGOTIATIONS. A CHARACTERISTIC OF GERMAN INDUSTRIAL RELATIONS IS THE LEGALLY MANDATED SYSTEM OF WORKS COUNCILS THAT PROVIDES A PERMANENT FORUM FOR CONTINUING SELECTIVE WORKER PARTICIPATION IN THE MANAGEMENT OF THE ENTERPRISE. WORKERS ARE FULLY PROTECTED AGAINST ANTIUNION DISCRIMINATION AND CAN BE REINSTATED IF THEY CAN PROVE THEY WERE FIRED FOR UNION ACTIVITY.

GERMANY HAS NO EXPORT PROCESSING ZONES.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

FORCED OR COMPULSORY LABOR IS BARRED BY THE BASIC LAW AND IS NONEXISTENT IN PRACTICE.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

FEDERAL LAW GENERALLY PROHIBITS THE EMPLOYMENT OF CHILDREN UNDER AGE 15, WITH A FEW EXCEPTIONS: CHILDREN AGED 13 AND 14 MAY DO FARM WORK FOR UP TO 3 HOURS PER DAY OR MAY DELIVER NEWSPAPERS FOR UP TO 2 HOURS PER DAY; CHILDREN AGED 3 THROUGH 14 MAY TAKE PART IN CULTURAL PERFORMANCES UNDER STRINGENT CONDITIONS WITH REGARD TO NUMBER OF HOURS, TIME OF DAY, AND FORM OF ACTIVITY. 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 RATE. WAGES AND SALARIES ARE SET EITHER BY COLLECTIVE BARGAINING AGREEMENTS BETWEEN INDUSTRIAL UNIONS AND EMPLOYER FEDERATIONS OR BY INDIVIDUAL CONTRACT. THESE AGREEMENTS, WHICH COVER ABOUT 90 PERCENT OF ALL WAGE AND SALARY EARNERS, SET MINIMUM PAY RATES AND ARE LEGALLY ENFORCEABLE. THESE MINIMUM WAGE LEVELS PROVIDE AN ADEQUATE STANDARD OF LIVING FOR WORKERS AND THEIR FAMILIES. THE NUMBER OF HOURS OF WORK PER WEEK IS REGULATED BY CONTRACTS WHICH DIRECTLY OR INDIRECTLY AFFECT 80 PERCENT OF THE WORKING POPULATION. THE AVERAGE WORKWEEK FOR INDUSTRIAL WORKERS IN THE WESTERN PART OF GERMANY IS 37.6 HOURS, AND IN THE EASTERN STATES, ABOUT 40 HOURS.

GERMANY HAS AN EXTENSIVE SYSTEM OF LAWS AND REGULATIONS ON OCCUPATIONAL SAFETY AND HEALTH AND INCORPORATES A GROWING BODY OF EUROPEAN UNION-WIDE STANDARDS INTO ITS OWN LEGISLATION. THIS SYSTEM INCLUDES THE RIGHT TO REFUSE TO PERFORM DANGEROUS OR UNHEALTHY WORK WITHOUT JEOPARDIZING EMPLOYMENT. FOR EACH OCCUPATION, THERE IS A COMPREHENSIVE SYSTEM OF WORKER INSURANCE CARRIERS THAT ENFORCE REQUIREMENTS FOR SAFETY IN THE WORKPLACE. THIS SYSTEM HAS BEEN EXTENDED INTO THE EASTERN STATES, WHERE LAX OCCUPATIONAL HEALTH AND SAFETY STANDARDS AND CONDITIONS UNDER THE COMMUNIST REGIME CREATED SERIOUS LONG-TERM PROBLEMS. THE FEDERAL LABOR MINISTRY AND ITS COUNTERPARTS IN THE STATES EFFECTIVELY ENFORCE OCCUPATIONAL SAFETY AND HEALTH STANDARDS THROUGH A COMPREHENSIVE NETWORK OF GOVERNMENT STRUCTURES, INCLUDING THE FEDERAL INSTITUTE FOR WORK SAFETY. AT THE LOCAL LEVEL, PROFESSIONAL AND TRADE ASSOCIATIONS--SELF-GOVERNING PUBLIC LAW CORPORATIONS WITH DELEGATES FROM THE EMPLOYERS AND FROM THE UNIONS--OVERSEE THE PREVENTION OF WORKPLACE ACCIDENTS AS WELL AS WORKER SAFETY.

CHRISTOPHER

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. cable	re: Corea, Chick: Alleged Human Rights Violation and Meeting Regarding Church of Scientology. (2 pages)	03/14/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1993-Dec 1994 (Scientology and Germany)
OA/Box Number: 505000

FOLDER TITLE:

[02/18/1993-11/09/1994]

2017-0301-M
vz5757

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. cable	re: Budapest Review Conference - Work Group 3 Continues. (6 pages)	10/21/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1993-Dec 1994 (Scientology and Germany)
OA/Box Number: 505000

FOLDER TITLE:

[02/18/1993-11/09/1994]

2017-0301-M

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Cable

PREC: ROUTINE
CLASS: ~~CONFIDENTIAL~~
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LINE2: ZNY CCCCC ZZH
LINE3: R 091822Z NOV 94
LINE4: FM AMEMBASSY BONN
OSRI: RUEHOL
DTG: 091822Z NOV 94
ORIG: AMEMBASSY BONN
TO: SECSTATE WASHDC 2437
INFO: ////
SUBJ: GERMANY: RESPONSE TO INITIAL EDIT OF THE 1994
TEXT:

~~C O N F I D E N T I A L~~

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 27545

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPR, GM
SUBJECT: GERMANY: RESPONSE TO INITIAL EDIT OF THE 1994
COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

REF: A) STATE 292848 B) BONN 24458

1. LOU-NOFORN ENTIRE TEXT.

2. RESPONSES ARE KEYED TO PARAGRAPH NUMBERS OF REF A.

-- PARA 6. IT IS STILL TRUE THAT WOMEN SUFFER
DISPROPORTIONATELY FROM UNEMPLOYMENT IN THE EAST.

-- PARA 9. WE ACCEPT SUBSTITUTION OF "HIGHEST OFFICIALS"
FOR "LEADING REPRESENTATIVES."

-- PARA 10. INSERT THE FOLLOWING LANGUAGE AFTER FIRST
SENTENCE. "A 16-YEAR-OLD KURD WAS KILLED IN HANNOVER BY
POLICE WHILE BEING ARRESTED FOR PUTTING UP POSTERS OF THE
BANNED KURDISH WORKERS PARTY. POLICE CLAIMED THE SHOOTING
WAS ACCIDENTAL, BUT THE FAMILY'S LAWYER INSISTED THE
POLICE WERE NEGLIGENT."

-- PARA 21. ADD THE FOLLOWING AFTER THE FIRST SENTENCE:
"THE COURT'S DECISION IS STILL PENDING." UPDATE SENTENCE
AS FOLLOWS: "THE BFV REPORTED THAT 42,000 PEOPLE BELONGED
TO FAR-RIGHT ORGANIZATIONS IN 1994, OF WHOM SOME 5,600
WERE CONSIDERED VIOLENCE-PRONE."

-- PARA 23, WE PREFER TO STICK TO A MODIFIED FORM OF LAST
YEAR'S LANGUAGE: "MEMBERS OF THE CHURCH OF SCIENTOLOGY
CONTINUE TO COMPLAIN OF HARASSMENT, INCLUDING BEING FIRED
FROM JOBS AND BEING EXPELLED FROM (OR NOT PERMITTED TO

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E.O. 13526

Department of State Guidelines, September 11, 2006
By VZ NARA, Date 6/14/09

2017-0361-M

JOIN) POLITICAL PARTIES. SCIENTOLOGISTS CONTINUE TO TAKE SUCH GRIEVANCES TO COURT." LOCAL GOVERNMENTS IN HESSE AND BADEN-WUERTTEMBERG HAVE BLOCKED APPEARANCES BY SCIENTOLOGY MEMBER CHICK COREA IN GOVERNMENT-SUBSIDIZED CONCERTS OR CONCERT HALLS. COREA WAS ALLOWED TO APPEAR IN HESSE ONLY AFTER HE PROMISED NOT TO PROSELYTIZE DURING THE CONCERT. THE RULING CHRISTIAN DEMOCRATIC UNION DOES NOT ALLOW SCIENTOLOGISTS TO JOIN THE PARTY. THE LABOR MINISTER RECENTLY SAID THAT SCIENTOLOGISTS COULD NOT BE LICENSED TO OPEN EMPLOYMENT AGENCIES, ARGUING THAT THE SCIENTOLOGISTS ILLEGALLY USED SUCH AGENCIES TO FURTHER THEIR OWN ENDS. WE ARE NOT AWARE OF ANY OTHER " GOVERNMENT RESTRICTIONS" PER SE. A SOCIAL DEMOCRATIC PARLIAMENTARIAN HAS CALLED FOR A BAN ON THE ORGANIZATION, BUT NO ACTION HAS BEEN TAKEN. GERMAN OFFICIALS CLAIM THE CHURCH OF SCIENTOLOGY IS A MONEY-MAKING ORGANIZATION, RATHER THAN A RELIGION, AND IS THUS NOT ELIGIBLE FOR THE PROTECTIONS ACCORDED A RELIGION. THE ISSUE IS CURRENTLY BEING WORKED OUT IN THE GERMAN COURTS.

-- PARA 27. WE SUGGEST, "SUCH APPLICANTS WOULD, HOWEVER, HAVE THE RIGHT TO REQUEST AN ADMINISTRATIVE REVIEW OF THEIR APPLICATIONS WHILE STILL IN GERMANY."

-- PARA 31. THE FINAL RESULT OF THE VOTE IS NOT 100 PERCENT CLEAR UNTIL THE PARLIAMENT ACTUALLY VOTES ON A NEW CHANCELLOR, PROBABLY ON OR AROUND NOVEMBER 15. WE WILL PROVIDE APPROPRIATE LANGUAGE AS SOON AS POSSIBLE. AT THAT TIME WE WILL ALSO UPDATE PARA 38 ON THE NUMBER OF WOMEN IN THE CABINET AND PARLIAMENT.

-- PARA 36. ADD THE FOLLOWING SENTENCES: "THE "SECOND LAW ON THE IMPLEMENTATION OF EQUAL RIGHTS FOR WOMEN AND MEN" WENT INTO EFFECT SEPTEMBER 1. IT RECONFIRMED AND IMPLEMENTED THE CONSTITUTIONAL PRINCIPLES LAID DOWN IN ARTICLE 3 OF THE BASIC LAW STIPULATING EQUAL RIGHTS FOR MEN AND WOMEN, E.G., BY MAKING IT MANDATORY FOR GOVERNMENT AGENCIES TO ESTABLISH PROMOTION PLANS FOR WOMEN AND APPOINT OFFICIALS FOR WOMEN'S ISSUES. IT ALSO PROVIDES MORE STRINGENT SANCTIONS AGAINST SEXUAL HARASSMENT IN THE WORK PLACE."

~~C O N F I D E N T I A L~~

LIMITED OFFICIAL USE SECTION 02 OF 02 BONN 27545

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPR, GM
SUBJECT: GERMANY: RESPONSE TO INITIAL EDIT OF THE 1994
COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

-- PARA 41. WE HAVE NO INFORMATION ON TYPICAL PENALTIES FOR VIOLENCE AGAINST WOMEN EITHER IN THE U.S. OR IN OTHER EUROPEAN COUNTRIES, SO WE CANNOT COMPARE GERMAN PENALTIES. THERE ARE NO APPARENT STANDARD EXAMPLES OF LENIENT SENTENCES IN GERMANY.

-- PARA 47. A BILL GUARANTEEING EQUAL TREATMENT OF

LEGITIMATE AND ILLEGITIMATE CHILDREN UNDER THE INHERITANCE LAW WAS INTRODUCED BY THE GOVERNMENT LAST SPRING. IT HAD ITS FIRST READING IN JUNE BUT WENT NO FURTHER BEFORE THE OCTOBER ELECTIONS. SINCE THERE IS A NEW BUNDESTAG, THE BILL WILL HAVE TO BE RE-INTRODUCED, WITH QUICK ACTION UNLIKELY. WE RECOMMEND NO MENTION AT THIS POINT.

-- PARA 52.

A) THE SOLINGEN TRIAL IS UNDER WAY, AND NO VERDICT IS EXPECTED BEFORE FEBRUARY 1995 AT THE EARLIEST.

B) THERE HAVE BEEN NO ARRESTS IN THE TURKISH FIREBOMBINGS, AND THERE IS STILL NO EVIDENCE THAT THE MOTIVE WAS RIGHT-EXTREMISM OR ANTI-FOREIGNER SENTIMENT. IT IS STILL POSSIBLE THAT RIVAL TURKISH GROUPS MAY HAVE BEEN RESPONSIBLE FOR THE FIREBOMBINGS.

C) SEVEN BUNDESWEHR SOLDIERS WERE INVOLVED IN AN INCIDENT ON MAY 18 IN A PUBLIC BUS. IN JULY AUTHORITIES ANNOUNCED NO CHARGES WOULD BE FILED BECAUSE OF LACK OF EVIDENCE OF "INCITEMENT TO RACIAL HATRED." NONE OF THE WITNESSES COULD IDENTIFY THE SOURCE OF THE ALLEGED RACIST REMARKS, AND THE RACIST REMARKS WERE "MUMBLED" SO SOFTLY THAT IT WAS NOT CLEAR TO THE COURT THEY WERE INTENDED TO BE OVERHEARD. ON NOVEMBER 4, THE PROSECUTOR'S OFFICE ANNOUNCED IT WAS RE-OPENING THE INVESTIGATION IN THE CASE OF ONE OF THE SOLDIERS, BUT NO CHARGES HAVE BEEN FILED. WE DO NOT THINK THE INCIDENT IS WORTH MENTIONING IN OUR REPORT.

-- PARA 54. DELETE SENTENCE: "THERE WERE STILL PROBLEMS, HOWEVER." THIS SHOULD HAVE BEEN DELETED IN THE EDITING PROCESS AND ORIGINALLY REFERRED TO SOMETHING ELSE.

-- PARA 59. THERE HAS BEEN NO NEW DEVELOPMENT ON THE RE-TRIAL OF THE YOUTHS CHARGED IN THE SACHSENHAUSEN INCIDENT. REPUBLIKANER LEADER SCHOENHUBER WAS NOT CHARGED WITH ANY CRIME FOR HIS REMARKS CRITICAL OF A GERMAN JEWISH LEADER.

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SECT: SECTION: 01 OF 02
<^SECT>SECTION: 02 OF 02
SSN: 7545
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TOR: 941109184807 M1353714
<^TOR>941109184807 M1353715

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SIT: LEBOURGEOIS NSC VAX VERSHBOW

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re: German Chancellor Kohl's Visit to Washington (5 pages)	02/06/1995	P1/b(1)
002. cable	re: The Ads are Back. (4 pages)	10/18/1996	P1/b(1)
003. cable	re: Germany's CDU United Behind Kohl. (7 pages)	10/25/1996	P1/b(1)
004. cable	re: Guidance on Scientology. (2 pages)	12/13/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Cables
 Jan 1995-Dec 1996 ([Scientology and Germany])
 OA/Box Number: 510000

FOLDER TITLE:

[01/30/1995-12/13/1996]

2017-0301-M

vz5758

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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Cable

PREC: IMMEDIATE
 CLASS: ~~CONFIDENTIAL~~
 LINE1: OAACZYUW RUEHCAA3799 0302124-CCCC--RHEHAAX.
 LINE2: ZNY CCCCC ZZH
 LINE3: O R 302117Z JAN 95
 LINE4: FM SECSTATE WASHDC
 OSRI: RUEHC
 DTG: 302117Z JAN 95
 ORIG: SECSTATE WASHDC
 TO: RUEHOL/AMEMBASSY BONN IMMEDIATE 0000
 INFO: RUEHRL/USOFFICE BERLIN 0000
 RUEHFT/AMCONSUL FRANKFURT 0000
 RUEHMZ/AMCONSUL MUNICH 0000
 RUEHVEN/USMISSION USVIENNA 0000
 SUBJ: RELEASE OF 1994 REPORT ON HUMAN RIGHTS PRACTICES -
 GERMANY
 TEXT:

////////////////// INCOMPLETE MESSAGE //////////////////

~~CONFIDENTIAL~~

LIMITED OFFICIAL USE STATE 023799

BONN BERLIN ALSO FOR CONSULATES; USVIENNA FOR USDEL OSCE

E.O. 12356: N/A

TAGS: PHUM ELAB SOCI PGOV AMGT KSPR GM

SUBJECT: RELEASE OF 1994 REPORT ON HUMAN RIGHTS PRACTICES -
GERMANY

REF: (A) 95 STATE 22554

1. LIMITED OFFICIAL USE/NOFORN. DECONTROL FEBRUARY 2,
1995.

2. THE FINAL VERSION (V-4) OF THE 1994 REPORT ON HUMAN
RIGHTS PRACTICES IN THE FEDERAL REPUBLIC OF GERMANY
FOLLOWS AT PARA 3. EMBASSY MAY SHARE THIS TEXT WITH THE
FRG UNDER THE EMBARGO INSTRUCTIONS CONTAINED IN PARA 5 OF
REFTEL. DEPARTMENT REPEATS ITS APPRECIATION TO EMBASSY
BONN FOR ITS ROLE IN PRODUCING THIS REPORT.

3. BEGIN TEXT:

THE FEDERAL REPUBLIC OF GERMANY IS A CONSTITUTIONAL,
PARLIAMENTARY DEMOCRACY. 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 (GERMANY'S
CONSTITUTION). THE 16 STATES ENJOY SIGNIFICANT AUTONOMY,
ESPECIALLY AS CONCERNS LAW ENFORCEMENT AND THE COURTS,

DECLASSIFIED
 E.O. 13526
 Department of State Guidelines, September 11, 2006
 By W NARA, Date 6/14/96
 2517-0301-M

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 ARE WELL TRAINED, DISCIPLINED, AND MINDFUL OF CITIZENS' RIGHTS. HOWEVER, THERE WERE ISOLATED INSTANCES OF POLICE ABUSE OF PRISONERS, PARTICULARLY FOREIGNERS, IN SEVERAL CITIES, INCLUDING BERLIN, HAMBURG, AND LEIPZIG.

GERMANY'S HIGHLY ADVANCED ECONOMY AFFORDS ITS RESIDENTS A HIGH STANDARD OF LIVING. DURING 1994 THE ECONOMIC SITUATION IN EASTERN GERMANY IMPROVED SIGNIFICANTLY AS ADJUSTMENT TO THE MARKET ECONOMY QUICKENED. WHILE THERE CONTINUED TO BE SUBSTANTIAL NUMBERS OF WORKERS IN THE EAST WHO WERE UNEMPLOYED, UNDEREMPLOYED, TEMPORARILY EMPLOYED OR IN TRAINING PROGRAMS, OR RETIRING EARLY, EACH OF THESE CATEGORIES DECREASED. UNEMPLOYMENT IN THE EAST CONTINUED TO AFFECT WOMEN DISPROPORTIONATELY MORE THAN MEN. UNEMPLOYMENT IN THE WEST EASED NOTABLY DURING THE LATTER HALF OF THE YEAR.

THE BASIC LAW PROVIDES EXTENSIVELY FOR THE FREE EXERCISE OF INDIVIDUAL RIGHTS, AND VARIOUS LAWS PROVIDE RECOURSE AGAINST RACIAL AND ETHNIC INTOLERANCE. THE GOVERNMENT ENFORCES THESE PROVISIONS. HOWEVER, VIOLENCE OR HARASSMENT DIRECTED AT FOREIGNERS CONTINUED TO OCCUR. OFFICIAL DATA SHOW THAT THE NUMBER OF VIOLENT OFFENSES BY RIGHTWING EXTREMISTS DECREASED BY OVER ONE-THIRD IN THE FIRST 11 MONTHS OF 1994 COMPARED WITH THE SAME PERIOD IN 1993. RIGHTWING EXTREMIST VIOLENCE, HAVING RISEN SHARPLY IN 1991 AFTER GERMAN UNIFICATION, PEAKED IN 1992 AND HAS SINCE BEEN DECLINING. STILL, ATTACKS ON PROPERTY OR PERSONS NUMBERED ABOUT FIVE TIMES HIGHER IN 1994 THAN IN 1989, AND FOREIGNERS WERE THE VICTIMS SOMEWHAT MORE OFTEN THAN NOT.

ANTI-SEMITIC INCIDENTS INCREASED BUT REMAINED LOW IN ABSOLUTE NUMBER. MOST INVOLVED GRAFFITI OR DISTRIBUTION OF ANTI-SEMITIC MATERIALS. ESPECIALLY NOTORIOUS WAS A FIREBOMBING WHICH SIGNIFICANTLY DAMAGED THE LUEBECK SYNAGOGUE; THIS WAS THE FIRST ATTACK ON A SYNAGOGUE IN GERMANY SINCE THE END OF WORLD WAR II.

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, AS DID HUNDREDS OF THOUSANDS OF CITIZENS IN PUBLIC DEMONSTRATIONS.

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 EXTRAJUDICIAL KILLING BY AGENTS OF THE GOVERNMENT. POLICE CLAIMED THAT THEIR SHOOTING AND KILLING OF A 16-YEAR-OLD KURD IN HANNOVER, IN THE COURSE OF ARRESTING HIM FOR PUTTING UP POSTERS OF THE BANNED KURDISH WORKERS PARTY, WAS ACCIDENTAL; BUT THE FAMILY'S LAWYER INSISTED THE POLICE WERE NEGLIGENT. 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.

B. DISAPPEARANCE

THERE WERE NO REPORTS OF ABDUCTIONS OR SECRET ARRESTS BY GOVERNMENTAL OR POLICE AUTHORITIES.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

POLICE IN HAMBURG, LEIPZIG, BERLIN, AND SEVERAL SMALLER CITIES WERE ACCUSED OF MISTREATING FOREIGNERS. IN HAMBURG, THE STATE INTERIOR MINISTER RESIGNED, AND 27 POLICEMEN WERE UNDER SUSPENSION PENDING FURTHER INVESTIGATION OF SUCH CHARGES. DURING 1994 AS MANY AS 51 BERLIN POLICE WERE SUSPENDED; AND COURTS SENTENCED ONE POLICEMAN TO A 3-YEAR PRISON TERM, FINED ANOTHER, AND PLACED TWO ON PROBATION, FOR MISTREATING A VIETNAMESE ASYLUM-SEEKER. SOME FOREIGN RESIDENTS CHARGED THAT BERLIN AUTHORITIES ARE RELUCTANT TO INVESTIGATE FULLY SUCH CHARGES OF ABUSE.

GENERALLY, HOWEVER, AUTHORITIES THROUGHOUT GERMANY RESPONDED SWIFTLY TO ACCUSATIONS OF POLICE BRUTALITY, AND PUNISHED OFFICERS FOUND GUILTY OF IT. BERLIN'S CHIEF OF POLICE COMPLAINED PUBLICLY ABOUT THE OVERCROWDING AND OTHER POOR CONDITIONS UNDER WHICH REJECTED ASYLUM-SEEKERS ARE BEING HELD IN DETENTION AWAITING DEPORTATION (SEE SECTION 2.D.).

D. ARBITRARY ARREST, DETENTION, OR EXILE

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 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 EXILE.

E. DENIAL OF FAIR PUBLIC TRIAL

TRIALS ARE PUBLIC. THE BASIC LAW ASSURES DUE PROCESS AND PROHIBITS DOUBLE JEOPARDY. THE JUDICIARY IS FREE OF GOVERNMENT INTERFERENCE. THERE ARE NO POLITICAL PRISONERS.

IN THE TRIAL OF A NEO-NAZI LEADER CHARGED WITH INCITING VIOLENCE BECAUSE OF HIS DENIAL OF THE HOLOCAUST, THE COURT'S DECISION PROVOKED WIDESPREAD CRITICISM FOR ITS APPARENT SYMPATHY FOR THE ACCUSED'S IDEOLOGY. IN EXPLAINING WHY IT HANDED DOWN ONLY A SUSPENDED SENTENCE, THE COURT EXTOLLED THE ACCUSED'S INTEGRITY AND SHOWED UNDERSTANDING FOR HIS MOTIVATIONS. THE PRESIDING JUDGE WAS TEMPORARILY REMOVED FROM HIS SEAT "FOR CONTINUOUS HEALTH PROBLEMS."

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE BASIC LAW PROVIDES FOR INVIOABILITY OF THE HOME, AND THE AUTHORITIES RESPECT THESE PROVISIONS. PRIOR TO FORCIBLY ENTERING A HOME, POLICE MUST OBTAIN A WARRANT FROM A JUDGE OR, IN AN EMERGENCY, A PUBLIC PROSECUTOR. FOR ELECTRONIC SURVEILLANCE OF TELEPHONE LINES OR MONITORING OF MAIL, POLICE MUST OBTAIN A COURT ORDER.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE BASIC LAW, AN INDEPENDENT PRESS, AN EFFECTIVE JUDICIARY, AND A FUNCTIONING DEMOCRATIC POLITICAL SYSTEM COMBINE TO ENSURE FREEDOM OF SPEECH AND THE PRESS. THERE IS NO OFFICIAL CENSORSHIP. HOWEVER, NAZI PROPAGANDA AND THAT OF OTHER PROSCRIBED ORGANIZATIONS ARE ILLEGAL. STATEMENTS ENDORSING NAZISM ARE ALSO ILLEGAL.

NEWSPAPERS AND MAGAZINES ARE PRIVATELY OWNED, WITH SOME COMPANIES CONTROLLING A SIGNIFICANT PART OF THE MARKET. THE MAJOR RADIO AND TELEVISION NETWORKS AND STATIONS FUNCTION AS CORPORATIONS UNDER SPECIAL PUBLIC LAWS; THEY ARE GOVERNED BY INDEPENDENT BOARDS MADE UP OF REPRESENTATIVES OF CHURCHES, POLITICAL PARTIES, AND OTHER ORGANIZATIONS. ALONGSIDE THIS SYSTEM, COMMERCIAL TELEVISION AND RADIO HAVE BECOME INCREASINGLY IMPORTANT SINCE THE LATE 1980'S. THE FORMER EAST GERMAN BROADCASTING OUTLETS HAVE BEEN INTEGRATED INTO AN ALL-GERMAN SYSTEM.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE LAW PROVIDES FOR FREE EXERCISE OF THE RIGHTS OF ASSEMBLY AND ASSOCIATION, AND THE AUTHORITIES RESPECT THESE PROVISIONS. ORGANIZERS OF DEMONSTRATIONS MUST FIRST OBTAIN POLICE PERMITS, AND MAY BE ASKED TO PAY A DEPOSIT TO COVER REPAIR OF ANY DAMAGE TO PUBLIC FACILITIES. PERMITS ARE ROUTINELY GRANTED. WHEN DEMONSTRATORS HAVE NOT OBTAINED PERMITS, POLICE HAVE EXERCISED RESTRAINT, SHOWING CONCERN PRIMARILY FOR THE FUNCTIONING OF PUBLIC FACILITIES AND FOR PUBLIC SAFETY.

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 KURDISH 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 IS STILL PENDING. SEVERAL EXTREMIST PARTIES ARE CURRENTLY UNDER OBSERVATION BY THE OFFICE FOR THE PROTECTION OF THE CONSTITUTION (BFV, THE INTERNAL SECURITY SERVICE), ALTHOUGH SUCH MONITORING MAY NOT BY LAW INTERFERE WITH THE ORGANIZATIONS' CONTINUED ACTIVITIES. THE BFV REPORTED THAT 42,000 PEOPLE BELONGED TO FAR-RIGHT ORGANIZATIONS IN 1994, OF WHOM SOME 5,600 WERE CONSIDERED VIOLENCE-PRONE.

C. FREEDOM OF RELIGION

THE GOVERNMENT FULLY SUPPORTS RELIGIOUS FREEDOM. MOST OF THE POPULATION BELONGS TO THE CATHOLIC OR PROTESTANT CHURCHES. THESE DENOMINATIONS AND THE SMALL 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. THE GOVERNMENT SUBSIDIZES CHURCH-AFFILIATED SCHOOLS AND PROVIDES RELIGIOUS INSTRUCTION IN SCHOOLS AND UNIVERSITIES FOR THOSE BELONGING TO THE PROTESTANT, CATHOLIC, OR JEWISH FAITH.

MEMBERS OF THE CHURCH OF SCIENTOLOGY CONTINUE TO COMPLAIN OF HARASSMENT SUCH AS BEING FIRED FROM A JOB OR EXPELLED FROM (OR NOT PERMITTED TO JOIN) A POLITICAL PARTY. SCIENTOLOGISTS CONTINUED TO TAKE SUCH GRIEVANCES TO COURT. MUSICIAN CHICK COREA, A SCIENTOLOGIST, WAS PERMITTED TO APPEAR IN A GOVERNMENT-SUBSIDIZED CONCERT HALL IN THE STATE OF HESSE ONLY AFTER AN AGREEMENT WITH LOCAL OFFICIALS THAT HE WOULD NOT PROSELYTIZE DURING HIS PERFORMANCE.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

GERMAN 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 IN GERMANY FOR AT LEAST 10 YEARS (5 IF MARRIED TO A GERMAN), RENUNCIATION OF ALL OTHER CITIZENSHIPS, AND A BASIC COMMAND OF THE GERMAN 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 IN PARTICULAR GERMANY'S POLICY AGAINST DUAL NATIONALITY.

THE BASIC LAW PROVIDES FOR THE RIGHT OF FOREIGN VICTIMS OF POLITICAL PERSECUTION TO ATTAIN ASYLUM IN GERMANY. HOWEVER, SINCE AN AMENDMENT OF THE ASYLUM LAW TOOK EFFECT JULY 1, 1993, TIGHTENING THE CRITERIA FOR GRANTING ASYLUM, APPLICATIONS HAVE DROPPED SHARPLY. INDICATIONS ARE THAT APPLICATIONS IN 1994 WERE FEWER THAN IN ANY YEAR SINCE 1989.

UNDER THE TIGHTENED CRITERIA, PERSONS COMING DIRECTLY FROM ANY COUNTRY THAT GERMAN OFFICIALS DESIGNATE AS A "SAFE COUNTRY OF ORIGIN" CANNOT NORMALLY CLAIM POLITICAL ASYLUM, BUT CAN REQUEST AN ADMINISTRATIVE REVIEW OF THEIR APPLICATIONS WHILE IN GERMANY. PERSONS ENTERING GERMANY 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 ARGUED 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 PROTESTED THAT THE 48-HOUR PERIOD ALLOTTED FOR HEARINGS IS TOO BRIEF.

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.

HOWEVER, APPLICANTS WHO HAVE BEEN CONCLUSIVELY DENIED ASYLUM ARE PLACED IN DETENTION PENDING DEPORTATION; AND SOME POLICE LOCKUPS, PARTICULARLY IN BERLIN, ARE OVERCROWDED AND/OR OTHERWISE SERIOUSLY SUBSTANDARD. SEVEN ASYLUM-SEEKERS IN THE CAPITAL WERE HELD FOR SEVERAL MONTHS IN CELLS INTENDED ONLY FOR VERY BRIEF DETENTIONS. TO IMPROVE CONDITIONS FOR DETAINEES, BERLIN AUTHORITIES BEGAN TO USE NONPRISON FACILITIES VACATED BY DEPARTING U.S. MILITARY UNITS, AND PROCEEDED WITH CONSTRUCTION OF A NEW DETENTION CENTER SCHEDULED FOR COMPLETION IN 1995.

DEPORTATION BECAME RATHER MORE COMMON, HOWEVER, DUE NOT ONLY TO THE AMENDED ASYLUM CRITERIA BUT ALSO TO AN AGREEMENT WITH ROMANIA IN LATE 1992 ON THE RETURN OF REJECTED ROMANIAN ASYLUM-SEEKERS, PRIMARILY ROMA. UNDER THE AGREEMENT, GERMANY PAYS ALL TRANSPORTATION COSTS AND PROVIDES FINANCIAL ASSISTANCE TO ROMANIA TO HELP REINTEGRATE THOSE RETURNING.

VIETNAMESE ASYLUM-SEEKERS POSE A SPECIAL PROBLEM. SINCE THE 1993 AMENDMENTS OF THE ASYLUM CRITERIA, ONLY 2 PERCENT OF VIETNAMESE APPLICANTS HAVE BEEN GRANTED ASYLUM; BUT THE GOVERNMENT HAS BEEN UNABLE TO REPATRIATE THE REJECTED VIETNAMESE, BECAUSE VIETNAM REQUIRES ITS RETURNING CITIZENS TO HOLD RE-ENTRY VISAS BUT HAS REFUSED TO ISSUE SUCH VISAS TO THOSE IN GERMANY.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

UNDER THE BASIC LAW, 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 BASIC LAW AND THE STATE CONSTITUTIONS STIPULATE THAT PARTIES MUST RECEIVE AT LEAST 5 PERCENT OF THE VOTE (OR 3 DIRECTLY ELECTED SEATS IN FEDERAL ELECTIONS) IN ORDER TO BE REPRESENTED IN THE FEDERAL OR STATE PARLIAMENTS.

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 SUBSTANTIALLY 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 REQUIRE 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

PRIVATE NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATE FREELY IN ALL OF GERMANY, AS DO INTERNATIONAL ORGANIZATIONS.

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.

WOMEN

THE LAW GENERALLY TREATS WOMEN'S RIGHTS AS EQUAL TO MEN'S, INCLUDING PROPERTY AND INHERITANCE RIGHTS. WOMEN ARE BESET BY INSTITUTIONAL AND ATTITUDINAL BARRIERS IN SOME TRADITIONALLY MALE FIELDS, BUT RECENT COURT RULINGS AND GOVERNMENT PROGRAMS HAVE HELPED BREAK DOWN SOME OF THE BARRIERS. ON SEPTEMBER 1 THE "SECOND LAW ON THE IMPLEMENTATION OF EQUAL RIGHTS FOR WOMEN AND MEN" TOOK FORCE, MANDATING THAT GOVERNMENT AGENCIES ESTABLISH PROMOTION PLANS FOR WOMEN, APPOINT OFFICIALS FOR WOMEN'S ISSUES, AND TAKE VARIOUS OTHER SUCH MEASURES; IT ALSO PROVIDES MORE STRINGENT SANCTIONS AGAINST SEXUAL HARASSMENT IN THE WORKPLACE.

SALARIES FOR WOMEN IN THE PRIVATE SECTOR TEND TO BE LOWER THAN FOR MEN IN SIMILAR JOBS. THE LABOR MINISTRY HAS ACKNOWLEDGED THAT UNEQUAL, SEX-DIFFERENTIATED PAY SCALES IN THE PRIVATE SECTOR VIOLATE THE BASIC LAW'S BAN ON GENDER-BASED DISCRIMINATION. SEVERAL DECISIONS BY THE NATIONAL LABOR COURT IN RECENT YEARS HAVE BEEN IN FAVOR OF WOMEN WHO INITIATED LITIGATION TO REDRESS PAY INEQUITIES. SUCH INEQUITIES ARE ALSO THRASHED OUT IN COLLECTIVE BARGAINING BETWEEN UNIONS AND FIRMS.

IN 1994 THE UNEMPLOYMENT RATE FOR WOMEN IN THE EASTERN STATES CONTINUED TO CLIMB FASTER THAN THE RATE FOR MEN. IN THAT REGION WOMEN NOW COMPRISE OVER TWO-THIRDS OF ALL UNEMPLOYED WORKERS, AND AS OF MIDYEAR (LATEST DATA) THE RATE OF UNEMPLOYMENT IN THE FEMALE WORK FORCE WAS OVER 21 PERCENT WHILE THE FIGURE WAS 10 PERCENT FOR THE MALE WORK FORCE.

IN 1993 THE FEDERAL CONSTITUTIONAL COURT DECLARED THAT ABORTION VIOLATES THE BASIC LAW'S PROVISION REGARDING RIGHT TO LIFE. THE COURT RULED THAT FIRST-TRIMESTER ABORTIONS WOULD NOT BE PROSECUTABLE, PROVIDED THAT THE WOMEN RECEIVED COUNSELING BEFOREHAND AND THAT DOCTORS PERFORMED THE ABORTION. IT ALSO RULED THAT THE GOVERNMENT COULD PROVIDE ASSISTANCE FOR ABORTION ONLY IN CASES OF RAPE, MORTAL DANGER TO THE MOTHER, OR GRAVE DEFORMATION OF THE FETUS. THE RULING STRUCK DOWN 1992 LEGISLATION WHICH ATTEMPTED TO RECONCILE THE FORMER EAST GERMANY'S LIBERAL ABORTION LAWS WITH THE FEDERAL GOVERNMENT'S STRICT POLICIES. IN 1994 THE PARTIES IN THE

PARLIAMENT WERE UNABLE TO AGREE ON AN AMENDED LAW.

NEITHER THE LAW NOR THE AUTHORITIES CONDONE WIFE BEATING OR OTHER VIOLENCE AGAINST WOMEN. 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. POLICE STATISTICS ON RAPE SHOWED A SLIGHT DECREASE TO 5,527 CASES IN 1993 (LATEST DATA) FROM 5,568 IN THE PREVIOUS YEAR.

CHILDREN

THERE IS NO CULTURALLY BASED PATTERN OF ABUSE OF HUMAN RIGHTS OF CHILDREN IN GERMANY. THE GOVERNMENT NEVERTHELESS RECOGNIZES THAT VIOLENCE AGAINST CHILDREN IS A PROBLEM REQUIRING ITS ATTENTION. THE MINISTRY FOR WOMEN AND YOUTH RELEASED DATA IN AUGUST 1993 (LATEST AVAILABLE) CITING 16,442 REPORTED INCIDENTS OF SEXUAL ABUSE AND 1,732 REPORTS OF OTHER PHYSICAL ABUSE OF CHILDREN IN THE PREVIOUS YEAR. OFFICIALS BELIEVE THAT THE NUMBERS OF UNREPORTED CASES MAY BE 10 TO 20 TIMES HIGHER. THEY ESTIMATE THAT IN ABOUT THREE-FOURTHS OF THE CASES OF SEXUAL ABUSE AGAINST CHILDREN, THE PERPETRATOR IS A FAMILY MEMBER--IN ONE-THIRD, THE CHILD'S BIOLOGICAL FATHER.

IN LIGHT OF THESE FIGURES, THE MINISTRY FOR WOMEN AND YOUTH PLEDGED TO CONTINUE A CAMPAIGN INITIATED IN 1992 TO FOSTER PUBLIC AWARENESS OF THE SCALE OF THE PROBLEM AND OF ITS SYMPTOMS. THE CHILD AND YOUTH PROTECTION LAW STRESSES THE NEED FOR PREVENTIVE MEASURES, AND THE MINISTRY HAS TAKEN ACCOUNT OF THIS IN STEPPING UP ITS COUNSELING AND OTHER ASSISTANCE.

THE GERMAN 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; FOR DISTRIBUTION, 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.

NATIONAL/RACIAL/ETHNIC MINORITIES

POLICE DATA SHOW THE NUMBER OF VIOLENT OFFENSES BY RIGHTWING EXTREMISTS DECREASED BY ALMOST ONE-THIRD IN THE FIRST HALF OF 1994 COMPARED WITH THE SAME PERIOD IN 1993, CONTINUING A DOWNTREND SINCE 1992. AS IN PREVIOUS YEARS, MOST OF THESE OFFENSES (OVER 56 PERCENT) WERE DIRECTED AGAINST FOREIGN RESIDENTS, BUT SINCE 1993 THERE HAS BEEN A SHARPER DECLINE IN XENOPHOBIC OFFENSES (SUCH AS BEATINGS OF FOREIGNERS OR ARSON ATTACKS ON ASYLUM HOMES) THAN IN OTHER KINDS OF MANIFESTATIONS OF RIGHTWING EXTREMIST VIOLENCE; THE NUMBER DECREASED BY 29 PERCENT IN 1993 AND BY 53 PERCENT IN THE FIRST HALF OF 1994 COMPARED WITH THE FIRST HALF OF 1993.

SINCE LATE 1993 OFFICIALS AND COURTS HAVE GENERALLY DEALT WITH EXTREMIST CRIMES MORE VIGOROUSLY THAN PREVIOUSLY. IN D014PRECEDENCE = 0038CLASS = C O N F I D E N T I A L FATAL ATTACK IN MOELLN AND GAVE THEM THE MAXIMUM SENTENCES--LIFE IMPRISONMENT FOR ONE, AND 10 YEARS FOR HIS JUVENILE ACCOMPLICE.

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AFTER THE MOST NOTORIOUS INCIDENT IN 1994, A RAMPAGE ON MAY 12 IN MAGDEBURG IN WHICH AT LEAST FIFTY YOUTHS CHASED FIVE AFRICANS THROUGH DOWNTOWN STREETS AND BEAT THEM WHILE BYSTANDERS DID LITTLE OR NOTHING, THE PERPETRATORS WERE ARRESTED, TRIED, AND SENTENCED TO EVEN LONGER PRISON TERMS THAN THE PROSECUTION HAD REQUESTED. ALSO IN MAGDEBURG, A COURT GAVE FOUR YOUTHS 9- TO 24-MONTH JAIL TERMS FOR 1991 ATTACKS ON FOREIGNERS AND POLITICAL ACTIVISTS.

A COURT SENTENCED TWO PARTICIPANTS IN THE 1993 ATTACK ON U.S. ATHLETES IN OBERHOF TO JAIL TERMS OF 32 AND 12 MONTHS, RESPECTIVELY, WITHOUT PAROLE; FOR FOUR OTHERS IT ORDERED PROBATION OR COMMUNITY SERVICE.

THREE OF THE FOUR SUSPECTS IN A BERLIN ASSAULT ON A GHANAIAI NATIONAL, WHO WAS STABBED AND THROWN FROM A MOVING STREETCAR, WERE RELEASED; ALTHOUGH THE REMAINING DETAINEE RETRACTED A CONFESSION, HE REMAINS JAILED.

IN ANOTHER CASE, THREE YOUNG MEN ACCUSED OF ASSAULTING A GHANAIAI IN A STREET CAR IN HALLE IN MARCH WERE GIVEN JAIL TERMS OF 2 TO 4 YEARS.

IN POTSDAM, IN A CASE OF ABUSE OF AN ANGOLAN WORKER AND DENIAL OF HIS LIBERTY, A COURT SENTENCED TWO OF THE THREE DEFENDANTS TO 4 AND 2 YEARS, RESPECTIVELY, THE LATTER WITH ADDED COMMUNITY SERVICE; THE THIRD, WHO WAS THE APPARENT INSTIGATOR OF THE OFFENSE, HANGED HIMSELF IN JAIL.

AT YEAR'S END, AUTHORITIES WERE STILL INVESTIGATING THE FIREBOMBINGS OF TWO PRIVATE TURKISH ORGANIZATIONS IN BADEN-WUERTEMBERG. ALSO CONTINUING WAS THE COURT TRIAL OF THE ALLEGED PERPETRATORS OF A FATAL 1993 ARSON ATTACK IN SOLINGEN.

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. ALSO AS IN THE PAST, THERE WAS EVIDENCE THAT NEO-NAZI GROUPS WERE MAKING EFFORTS FOR GREATER COORDINATION AMONG THEMSELVES.

IN ADDITION TO VOICING CONDEMNATION OF THE VIOLENCE, THE GOVERNMENT RECOMMENDED TOUGHER ANTICRIME LEGISLATION AND LAW-ENFORCEMENT MEASURES, AS WELL AS MEASURES AIMED AT THE SOCIETAL ROOTS OF EXTREMIST VIOLENCE AND OTHER CRIME. IN THE EASTERN STATES, GOVERNMENTS INTRODUCED SEVERAL MODEL SOCIAL AND EDUCATIONAL PROGRAMS DESIGNED TO

COUNTERACT THE ROOT CAUSES OF XENOPHOBIA AND INTOLERANCE, AND THEY UNDERTOOK 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.

ALTHOUGH POLICE IN THE EASTERN STATES CONTINUED TO BECOME BETTER VERSED IN THE FEDERAL LEGAL SYSTEM, BETTER TRAINED, AND MORE EXPERIENCED, BY YEAR'S END THEY HAD NOT YET ACHIEVED THE STANDARDS OF EFFECTIVENESS CHARACTERISTIC OF THE POLICE IN THE REST OF GERMANY. HOWEVER, THEY DID SCORE GREATER SUCCESS IN COMBATING RIGHTWING VIOLENCE, IN PART DUE TO SPECIAL TASK FORCES CREATED IN MANY STATES. FOR EXAMPLE, AFTER NEO-NAZIS IN MORE THAN 30 CITIES WERE DENIED PERMISSION TO HOLD GATHERINGS TO COMMEMORATE THE DEATH OF RUDOLF HESS, THERE WAS CONCERN THAT SOME NEO-NAZI GROUPS MIGHT NEVERTHELESS STAGE SUCH RALLIES, AS ONE HAD SUCCEEDED IN DOING IN FULDA IN 1993; BUT STATE AND FEDERAL AUTHORITIES COOPERATED CLOSELY, DEPLOYED POLICE IN FORCE, AND SUCCEEDED IN COMPLETELY PREVENTING DEMONSTRATIONS.

SINTI AND ROMA LEADERS ACCUSED THE GOVERNMENT OF DISCRIMINATORY BEHAVIOR IN FAILING TO DESIGNATE SINTI AND ROMA AS A NATIONAL MINORITY (SIMILAR TO THE STATUS ACCORDED ETHNIC DANES AND SORBS) AND OF A GENERALLY HOSTILE ATTITUDE TOWARD THEM.

RELIGIOUS MINORITIES

ANTI-SEMITIC ACTS INCREASED, WITH 937 INCIDENTS REPORTED IN THE FIRST 9 MONTHS OF 1994. THE WORST WAS THE FIREBOMBING OF THE 100-YEAR-OLD SYNAGOGUE IN LUEBECK ON MARCH 25. POLICE INVESTIGATION LED TO QUICK ARREST OF THE ALLEGED PERPETRATORS, WHO AT YEAR'S END WERE AWAITING TRIAL.

OVER 90 PERCENT OF ANTI-SEMITIC INCIDENTS INVOLVED GRAFFITI, THE DISTRIBUTION OF ANTI-SEMITIC MATERIALS OR THE DISPLAY OF SYMBOLS OF BANNED ORGANIZATIONS. THERE WERE THREE CASES OF BODILY INJURY AND 42 CASES OF MONUMENT DESECRATION. IN JULY, FOR EXAMPLE, 22 SKINHEADS VANDALIZED THE FORMER CONCENTRATION CAMP AT BUCHENWALD, BUT POLICE WERE ABLE TO APPREHEND ALL THE PERPETRATORS BEFORE THEY LEFT THE SCENE. A FEDERAL COURT ORDERED RETRIAL OF TWO YOUTHS WHO HAD BEEN ACQUITTED IN OCTOBER 1993 OF A CHARGE OF ARSON IN THE SEPTEMBER 1992 BURNING OF THE JEWISH BARRACKS AT THE FORMER SACHSENHAUSEN CONCENTRATION CAMP. THERE WERE FURTHER INCIDENTS OF VANDALISM AT THE SACHSENHAUSEN SITE IN 1994.

PEOPLE WITH DISABILITIES

BY LAW, ANYONE WHO IS PHYSICALLY OR MENTALLY DISABLED IS ENTITLED TO ASSISTANCE TO AVERT, ELIMINATE, OR IMPROVE THE DISABILITY, PREVENT A DETERIORATION OF IT, OR ALLEVIATE ITS CONSEQUENCES AND SECURE A PLACE IN SOCIETY (PARTICULARLY IN THE WORKPLACE) ACCORDING TO HIS OR HER

ABILITIES. THE AUTHORITIES RESPECT THE RIGHTS OF THE DISABLED. THE SOCIAL SYSTEM PROVIDES MEDICAL AND FINANCIAL BENEFITS FOR PERSONS WHO ARE OR BECOME DISABLED. THE GOVERNMENT OFFERS THEM VOCATIONAL TRAINING, AND IT OFFERS GRANTS FOR EMPLOYERS WHO HIRE THE HANDICAPPED. SEVERELY DISABLED PERSONS 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 DISABLED PERSONS. WHILE IT IS UP TO THE INDIVIDUAL STATES TO INCORPORATE THESE GUIDELINES INTO BUILDING CODES, ALL 16 STATES NOW HAVE ACCESS FACILITIES FOR THE HANDICAPPED.

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 39 PERCENT OF THE TOTAL ELIGIBLE LABOR FORCE BELONGS TO UNIONS. THE GERMAN TRADE UNION FEDERATION (DGB) REPRESENTS 85 PERCENT OF ORGANIZED WORKERS, AND PARTICIPATES IN VARIOUS INTERNATIONAL AND EUROPEAN TRADE UNION ORGANIZATIONS.

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. A COMBINATION OF PRIVATIZATION AND DECISIONS BY THE FEDERAL LABOR COURT MAY RESOLVE AT LEAST SOME OF THE SPECIFIC ISSUES IN A MANNER ACCEPTABLE TO THE ILO.

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, RESORT TO MEDIATORS IS UNCOMMON. BASIC WAGES AND WORKING CONDITIONS ARE NEGOTIATED AT THE INDUSTRY LEVEL AND THEN ARE ADAPTED, THROUGH LOCAL COLLECTIVE BARGAINING, TO PARTICULAR ENTERPRISES.

IN 1994 SOME FIRMS IN EASTERN GERMANY REFUSED TO JOIN EMPLOYER ASSOCIATIONS, OR WITHDREW 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 CENTRALIZED NEGOTIATING SYSTEM. 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.

GERMANY HAS 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 AGE 15, WITH A FEW EXCEPTIONS: THOSE AGED 13 OR 14 MAY DO FARM WORK FOR UP TO 3 HOURS PER DAY, OR MAY DELIVER NEWSPAPERS FOR UP TO 2 HOURS PER DAY; THOSE AGED 3 TO 14 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 INDUSTRIAL 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 36.9 HOURS IN WESTERN GERMANY AND ABOUT 40 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.

END TEXT.

4. BONN MINIMIZE CONSIDERED.
CHRISTOPHER
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SECT: SECTION: 01 OF 999

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re: German Chancellor Kohl's Visit to Washington (5 pages)	02/06/1995	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1995-Dec 1996 ([Scientology and Germany])
OA/Box Number: 510000

FOLDER TITLE:

[01/30/1995-12/13/1996]

2017-0301-M

vz5758

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. cable	re: The Ads are Back. (4 pages)	10/18/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1995-Dec 1996 ([Scientology and Germany])
OA/Box Number: 510000

FOLDER TITLE:

[01/30/1995-12/13/1996]

2017-0301-M

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. cable	re: Germany's CDU United Behind Kohl. (7 pages)	10/25/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1995-Dec 1996 ([Scientology and Germany])
OA/Box Number: 510000

FOLDER TITLE:

[01/30/1995-12/13/1996]

2017-0301-M

vz5758

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. cable	re: Guidance on Scientology. (2 pages)	12/13/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1995-Dec 1996 ([Scientology and Germany])
OA/Box Number: 510000

FOLDER TITLE:

[01/30/1995-12/13/1996]

2017-0301-M
vz5758

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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- b(1) National security classified information [(b)(1) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re: [State Department's Human Rights Report Concerning Scientology.] (2 pages)	02/04/1997	P1/b(1)
002. cable	re: [U.S. Human Rights.] (2 pages)	02/07/1997	P1/b(1)
003. cable	re: [Ambassador [has] Hopes.] (2 pages)	02/10/1997	P1/b(1)
004. cable	re: Germany: Kinkel Message on Scientology. (2 pages)	02/11/1997	P1/b(1)
005. cable	re: Scensetter for the Secretary's Visit to Bonn. (5 pages)	02/12/1997	P1/b(1)
006. cable	re: Secretary's Meeting with Klaus Kinkel, German Foreign Minister, February 17, 1997. (7 pages)	02/20/1997	P1/b(1)
007. cable	re: [Government's Position on Scientology] (2 pages)	03/03/1997	P1/b(1)
008. cable	re: Request for Information: Scientology Observation. (2 pages)	06/13/1997	P1/b(1)
009. cable	re: Scientology under Observation. (4 pages)	06/24/1997	P1/b(1)
010. cable	re: Ambassador's Discussion with National Security Advisor Bitterlich. (4 pages)	09/17/1997	P1/b(1)
011. cable	re: Secretary's Meeting with German FM Kinkel. (4 pages)	09/17/1997	P1/b(1)
012. cable	re: UNGA: Secretary's Bilat with FRG FM Kinkel. (4 pages)	09/22/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Cables
 Jan 1997-Dec 1998 ([Scientology and Germany])
 OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. cable	re: EUR Daily Activity Report 26 Sep 97. (5 pages)	09/27/1997	P1/b(1)
014. cable	re: [Scientology: FRG] (3 pages)	10/07/1997	P1/b(1)
015. cable	re: Secretary's November 5 Meeting with German Foreign Minister Kinkel. (10 pages)	11/29/1997	P1/b(1)
016. cable	re: Interior Minister Kanther on Schengen, MLAT, Scientology, "Third Force", and EU. (4 pages)	01/23/1998	P1/b(1)
017. cable	re: Fresh Start: FRG-U.S. Dialogue in Washington. (6 pages)	02/04/1998	P1/b(1)
018. cable	re: Fresh Start: FRG-U.S. Dialogue in Bonn. (7 pages)	02/17/1998	P1/b(1)
019. cable	re: Intelligence Information Report. (1 page)	04/27/1998	P1/b(1)
020. cable	re: Germany: PDS and Scientology. (4 pages)	11/30/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Cables
 Jan 1997-Dec 1998 ([Scientology and Germany])
 OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M
 vz5759

RESTRICTION CODES

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Freedom of Information Act - [5 U.S.C. 552(b)]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re: [State Department's Human Rights Report Concerning Scientology.] (2 pages)	02/04/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. cable	re: [U.S. Human Rights.] (2 pages)	02/07/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. cable	re: [Ambassador [has] Hopes.] (2 pages)	02/10/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. cable	re: Germany: Kinkel Message on Scientology. (2 pages)	02/11/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. cable	re: Scensetter for the Secretary's Visit to Bonn. (5 pages)	02/12/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. cable	re: Secretary's Meeting with Klaus Kinkel, German Foreign Minister, February 17, 1997. (7 pages)	02/20/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. cable	re: [Government's Position on Scientology] (2 pages)	03/03/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. cable	re: Request for Information: Scientology Observation. (2 pages)	06/13/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. cable	re: Scientology under Observation. (4 pages)	06/24/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M
vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. cable	re: Ambassador's Discussion with National Security Advisor Bitterlich. (4 pages)	09/17/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. cable	re: Secretary's Meeting with German FM Kinkel. (4 pages)	09/17/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012. cable	re: UNGA: Secretary's Bilat with FRG FM Kinkel. (4 pages)	09/22/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. cable	re: EUR Daily Activity Report 26 Sep 97. (5 pages)	09/27/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
O/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M
vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014. cable	re: [Scientology: FRG] (3 pages)	10/07/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
015. cable	re: Secretary's November 5 Meeting with German Foreign Minister Kinkel. (10 pages)	11/29/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
016. cable	re: Interior Minister Kanther on Schengen, MLAT, Scientology, "Third Force", and EU. (4 pages)	01/23/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
017. cable	re: Fresh Start: FRG-U.S. Dialogue in Washington. (6 pages)	02/04/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
018. cable	re: Fresh Start: FRG-U.S. Dialogue in Bonn. (7 pages)	02/17/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
019. cable	re: Intelligence Information Report. (1 page)	04/27/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
020. cable	re: Germany: PDS and Scientology. (4 pages)	11/30/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1997-Dec 1998 ([Scientology and Germany])
OA/Box Number: 520000

FOLDER TITLE:

[02/04/1997-11/30/1998]

2017-0301-M

vz5759

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re: Government Procurement and Scientology. (2 pages)	04/15/1999	P1/b(1)
002. cable	re: The Ambassador's 9/30 Meeting with German Interior Minister Schily. (2 pages)	10/05/1999	P1/b(1)
003. cable	re: Minor Changes Likely to German Sect Filter Language. (2 pages)	10/05/1999	P1/b(1)
004. cable	re: S/P Director Halperin's Discussions with MFA Policy Planning Staff. (3 pages)	10/27/1999	P1/b(1)
005. cable	re: Human Rights Committee Chairperson on Scientology. (3 pages)	12/16/1999	P1/b(1)
006. cable	re: German Interior Ministry on Windows 2000 Scientology Connections: Next Steps. (4 pages)	03/09/2000	P1/b(1)
007. cable	re: Interior Minister Seeks Enhanced U.S.-German Internet Security Cooperation. (3 pages)	06/22/2000	P1/b(1)
008. cable	re: [Terrorism Reviews] (11 pages)	09/19/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Cables
 Jan 1999-Dec 2000 ([Scientology and Germany])
 OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M

vz5760

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re: Government Procurement and Scientology. (2 pages)	04/15/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000 ([Scientology and Germany])
OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M

vz5760

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. cable	re: The Ambassador's 9/30 Meeting with German Interior Minister Schily. (2 pages)	10/05/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000 ([Scientology and Germany])
OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M

vz5760

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. cable	re: Minor Changes Likely to German Sect Filter Language. (2 pages)	10/05/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000 ([Scientology and Germany])
OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M

vz5760

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. cable	re: S/P Director Halperin's Discussions with MFA Policy Planning Staff. (3 pages)	10/27/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000 ([Scientology and Germany])
OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M

vz5760

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. cable	re: Human Rights Committee Chairperson on Scientology. (3 pages)	12/16/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000 ([Scientology and Germany])
OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M
vz5760

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. cable	re: German Interior Ministry on Windows 2000 Scientology Connections: Next Steps. (4 pages)	03/09/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000 ([Scientology and Germany])
OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M

vz5760

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. cable	re: Interior Minister Seeks Enhanced U.S.-German Internet Security Cooperation. (3 pages)	06/22/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000 ([Scientology and Germany])
OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. cable	re: [Terrorism Reviews] (11 pages)	09/19/2000	PI/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000 ([Scientology and Germany])
OA/Box Number: 530000

FOLDER TITLE:

[04/15/1999-09/19/2000]

2017-0301-M

vz5760

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