**A) Exploitation of currently incarcerated people**

**1. Please provide the details of labour programme(s) implemented in your country for incarcerated individuals, including:**

a) Legislative/regulatory frameworks

Since the federalism reform of 2006, the 16 federal states have been responsible for legislation regarding the penal system. The relevant statutory provisions regarding work measures are therefore found in the penal laws of each respective federal state. In some federal states, there are accompanying state regulations, such as those concerning remuneration levels in the penal system, as well as additional administrative provisions and circulars. In most – but not all – federal states, there is an obligation for prisoners to work, provided they are physically and mentally capable of doing so. Furthermore, for pregnant and breastfeeding prisoners, the provisions of the Maternity Protection Act regarding employment bans and workplace design are applied.

The responses to the following questions in Part A) are based on an assumption of an obligation to work, unless otherwise stated.

b) Types of work performed (choices available, appropriateness in terms of age, gender, religion, indigenous status, disability, and other relevant factors, types of work available depending on the lengths of sentences, and difference(s), if any, between public and privately contracted correctional facilities)

In principle, prisoners should be assigned work considering their abilities, skills, and inclinations. At the beginning of their incarceration, a work assignment is therefore assessed as part of the individual correctional planning, which captures the prisoners' existing vocational competencies, potentials, resources, and interests, while also considering gender, age, origin, disability, and sexual identity. If prisoners are not capable of work, they should be assigned to work therapy or vocational training. Alternatively, prisoners have the opportunity to participate in educational and vocational qualification measures.

The range of work opportunities includes, among others, auxiliary tasks within the institution (e.g., in the chamber, kitchen, or laundry), employment in in-house operations (e.g., carpentry, locksmithery, tailoring, upholstery), and external business operations (e.g., recycling work, assembly work for the packaging and electronics industries). Prisoners in open detention may, if suitable, enter into regular employment or self-employment outside the prison facility.

c) Working environment/conditions, including wages, working hours, and provisions for health & safety

With the exception of prisoners engaged in regular employment based on a contract with third parties, prisoners receive a legally prescribed remuneration when participating in employment or educational activities. The current remuneration is uniformly determined nationwide at 9% of the reference amount according to § 18 of the Fourth Social Code (SGB IV) and forms the basic remuneration. The reference amount is a calculation parameter in the German social security system and is determined annually by regulation of the Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales) as of January 1st each year. Based on the basic remuneration, the base wage is staggered in five remuneration levels (I to V) as a percentage according to the requirements of the respective activity and the knowledge and skills of the prisoners. The reference amount for the year 2024 is € 42,420. Therefore, the basic remuneration for prisoners amounts to € 3,817.80 per year (9% of the reference amount). Accordingly, the following daily or hourly rates result for the individual remuneration levels:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Remuneration level | percentage of the basic remuneration | basic wage per year | daily rate (=1/250) | hourly rate (=1/250/7,2) |
| I | 75 | € 2.863,35 | € 11,45 | € 1,59 |
| II | 88 | € 3.359,66 | € 13,44 | € 1,87 |
| III | 100 | € 3.817,80 | € 15,27 | € 2,12 |
| IV | 112 | € 4.275,94 | € 17,10 | € 2,38 |
| V | 125 | € 4.772,25 | € 19,09 | € 2,65 |

The regulations concerning wages are currently being fundamentally reformed in the individual federal states on the occasion of a decision by the Federal Constitutional Court dated June 20, 2023. The Federal Constitutional Court has set a deadline for this until June 30, 2025.

The correctional facilities take the necessary measures in the field of occupational health and safety, workplace safety, occupational medicine, occupational hygiene, infection control, accident prevention, and environmental protection. Furthermore, as outlined under 1. a), the provisions of the Maternity Protection Act regarding employment bans and workplace design are applied to pregnant and breastfeeding prisoners.

d) Alternatives to labour programme(s)

Measures in the correctional system are tailored to the individual needs of the female inmates. Accordingly, alternatives to work measures also depend on the specific case. These may include:

* Placement in a sociotherapeutic unit and participation in its treatment program,
* Participation in individual or group therapy measures, especially psychotherapy,
* Participation in psychiatric treatment measures,
* Participation in measures for the treatment of substance addiction,
* Participation in training measures to improve social competence,
* Participation in educational and vocational qualification measures,
* Participation in work therapy measures or vocational training.

e) Performance of labour before criminal conviction (e.g. during pre-trial detention)

Pre-trial detainees are not obligated to work. There is no statutory reintegration mandate, as they are presumed innocent. However, within the scope of the various conditions available to correctional facilities, pre-trial detainees are allowed to voluntarily take on work.

f) The nature and extent of the involvement of private businesses/employers, including working conditions and arrangements for supervision by public authorities.

In external business operations within correctional facilities, tasks for private clients can be carried out. Equipment and materials are typically provided by the client, who is responsible for ensuring their technical condition within this framework. During training and work, prisoners are exclusively trained, instructed, and supervised by staff members of the correctional facility.

The correctional facility generally enters into written contracts with the client. The tariff wages to be negotiated with the client are to be based on general tariff wages.

**2. Is there evidence of labour practices which may amount to exploitation (e.g. excessive working hours, extremely low/no wages, unhealthy/dangerous working environment, discriminatory treatments against certain groups of individuals, and lack of access to medical facilities)? If so, please provide details.**

There are no indications of labor practices that could resemble exploitation.

**3. What arrangements exist with regard to educational and vocational support for incarcerated individuals in your country? Are they adequately tailored to meet individual needs and to promote their successful economic and social reintegration? Are there examples of good practice, including collaboration with non-State actors like civil society and businesses, employers’ organisations and trade unions in this regard?**

Each assignment to an employment or educational measure is made individually based on the needs of the respective prisoner for their rehabilitation, considering their individual physical and psychological abilities. Examples of such measures include:

* Educational Qualification Measures
	+ Literacy course
	+ German course
	+ Basic education course
	+ Remedial instruction
	+ Acquisition of vocational basic qualification
	+ Acquisition of various educational qualifications
	+ High school diploma through distance learning
	+ Distance learning at a university
* Vocational Qualification Measures
	+ Skills training
	+ Vocational preparation
	+ Pre-vocational qualification
	+ Vocational retraining
	+ Vocational training

During the execution of the custodial sentence, close cooperation is maintained with the authorities and institutions responsible for post-release and offender assistance, probation services, supervisory authorities for probation, employment agencies, vocational training facilities, social insurance and welfare agencies, health, foreigner, and police authorities, addiction and debt counseling centers, foreigner and integration officers, as well as assistance facilities of other authorities, the associations of social welfare, as well as with chambers of commerce and crafts.

**4. Is there evidence of sexual exploitation among incarcerated individuals? If so, please provide details.**

No.

**5. Are victims of labour and sexual exploitation able to seek justice and remedies? Please provide details, including legislative frameworks and complaint mechanisms.**

Access to justice is fundamentally a core component of the rule of law and fundamental rights, including for incarcerated individuals. In addition to the right to address complaints to the correctional facility or the supervisory authority, prisoners can assert their rights through an application for judicial proceedings under §§ 109 ff. of the Penal Enforcement Act (StVollzG) before the enforcement chamber of the competent regional court during the execution of their sentence. They have the possibility to appeal against its decision under § 116 of the Penal Enforcement Act (StVollzG). This appeal is decided by the locally competent Higher Regional Court. After exhausting the judicial remedy, if the admissibility requirements are met, a review can be initiated by the Federal Constitutional Court or the European Court of Human Rights.

If there are indications of a criminal offense, a criminal complaint can be filed with the competent law enforcement authorities. In any criminal proceedings, the affected person can exercise their procedural rights as victims. Furthermore, civil claims for damages can be pursued through the civil court system.

Additionally, there is the option of lodging complaints regarding custodial measures with the competent supervisory authority or petitioning the respective state parliament.

**6. What are the main challenges in eliminating labour and sexual exploitation among incarcerated individuals, and what recommendations would you make to address them effectively?**

Reference is made initially to the response to Question 4. Moreover, no statement can be made regarding the requested challenges and recommendations.

**B) Exploitation of formerly incarcerated people**

**7. Is there evidence of formally incarcerated individuals experiencing labour or sexual exploitation in your country? If so, please provide details with regard to:**

No.

a. Profiles of victims (age, gender identity/sexual orientation, race, ethnicity, indigenous, migration, socio-economic and other status)

b. Employment sectors where they experience exploitation.

**8. Does your government provide tailored support to formerly incarcerated individuals which effectively meets their needs? Please provide details particularly in relation to access to temporary/long term accommodation, education/training, decent work, finance and pension, and other essential services.**

There is no information available on this matter.

**9. What is the role of other stakeholders, including educational institutions, jobs/training centres, housing providers, businesses/employers’ oganisations, financial institutions, trade unions and civil society organisations, in providing support to formally incarcerated individuals? Does your government actively coordinate or cooperate with them?**

The Federal Employment Agency offers counselling and placement services to prisoners that are provided by reintegration counsellors. To this end, regional cooperation agreements have been concluded between the Federal Employment Agency and the individual federal states of the Federal Republic of Germany. They regulate the schedules for the provision of counselling in penal institutions.

The public employment services support all job seekers, including prisoners (day-release prisoners) and discharged prisoners in their active job search. For this purpose, various active labour market policy instruments are used. For example, help may be provided to promote vocational integration. The relevant instruments of support include skills development, activation and placement measures (job-experience schemes) and integration grants to facilitate taking up employment. The volume and intensity of counselling and the necessary benefits and services depend on the individual need for support. Under the law in force, the Federal Employment Agency is required to ensure that increased placement efforts are made to help unemployed persons whose vocational integration is expected to be particularly difficult.

Former prisoners receiving citizen's benefits can turn to the job centres to receive this special help and also specific support services in accordance with Book Two of the German Social Code (SGB II). These specific support services may include work opportunities (section 16d of SGB II) or all-around support (in accordance with section 16k of SGB II) to help persons who are far from the labour market to structure their daily life and to become familiar with work. This is achieved with the help of practical work and targeted coaching and support.

**10. What are ongoing challenges in promoting successful economic and social reintegration formally incarcerated individuals in your country, which may include discrimination (including intersecting forms based on age, gender identity/sexual orientation, race, ethnicity, indigenous, migration, socio-economic and other status), corruption, lack of opportunities and support?**

Former prisoners who do not have income or assets to provide for themselves, may be entitled to citizen's benefits, also known as basic income support for job seekers. This is a welfare state benefit for persons capable of work. The relevant provisions are laid down in Book II of the German Social Code (SGB II). Citizen's benefits secure recipients’ economic subsistence level and allow their participation in cultural life and society. Persons who are capable of work and entitled to citizen's benefits also receive comprehensive support from the job centres when seeking work or skills development opportunities (see reply to question 9). The cause of a person’s need for assistance, their age, gender identity/sexual orientation, ethnicity, indigenous or migration background are not relevant to the provision of benefits.

**11. What recommendations would you make to overcome the existing obstacles and prevent formally incarcerated individuals from being subjected to labour and sexual exploitation?**

No statement can be made on this matter.