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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the  
Covenant, in accordance with Council resolution 1988 (LX),  
concerning rights covered by articles 10 to 12

FEDERAL REPUBLIC OF GERMANY \*/

[18 September 1986]

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\*/ The initial report concerning rights covered by articles 10 to 12 of the Covenant submitted by the Government of the Federal Republic of Germany (E/1980/6/Add.10) was considered by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at its 1981 session (see E/1981/WG.1/SR.10).

Federal Republic of Germany  
Basic data on social policy (with particular reference to the family,  
the standard of living and protection of health)  
(in thousands, per cent and deutsche mark, respectively)

Area: 248,700 km<sup>2</sup>

	1979	1985
Resident population	61 566	61 020
of whom: foreigners	4 144	4 366
Men	29 253	29 193
Women	32 106	31 830
Population density (inhabitants per km <sup>2</sup> )	247	245
Live births	582.0	586.2 <u>a/</u>
Mortality	711.7	704.3 <u>a/</u>
Balance	-129.7	-118.1 <u>a/</u>
Economically active population/activity rate	26 915/43.9	27 835/45 <u>a/</u>
Men	16 798/57.4	17 064/58 <u>a/</u>
Women	10 117/31.5	10 771/34 <u>a/</u>
Unemployed/unemployment rate (annual average)	876/3.8	2 304/9.3
Men	417/2.9	1 289/8.6
Women	459/5.2	1 014/10.4
Young people under 20 years of age	71/3.3	159/8.1
Average gross weekly wages of industrial workers	526	667
Men	563	705
Women	381	494
Average gross monthly wages of industrial and handicrafts employees	2 686	3 589
Men	3 140	4 156
Women	1 982	2 648
Average monthly old-age pensions paid by the disability and old-age insurance scheme for workers and employees		
After 40 years of insurance	1 053	1 285
After 45 years of insurance	1 185	1 446
Social welfare recipients	2 095	2 570 <u>b/</u>
Gross social welfare expenditures (in millions of DM)	12 129	18 745.5 <u>b/</u>
Mortality by cause of death (number of cases per 100 000 inhabitants)		
Circulatory diseases	577.6	587.9 <u>a/</u>
Malignant growths	238.4	249.6 <u>a/</u>
Wounds and intoxication	70.8	57.9 <u>a/</u>
Glandular, metabolic or nutritional disorders and malfunctioning of the immunity system	26.6	20.7 <u>a/</u>
Cirrhosis of the liver	25.2	22.2 <u>a/</u>

	1979	1985
Declared industrial accidents and occupational diseases	2 184	1 711 <u>b/</u>
Industrial accidents	1 902	1 517 <u>b/</u>
Travel accidents	234	158 <u>b/</u>
Occupational diseases	45	35 <u>b/</u>
Marriages	344.8	364.1 <u>b/</u>
Divorces	79.5	130.7 <u>b/</u>
Number of married couples with children	9 278	9 193 <u>c/</u>
One-parent families	1 538	1 658 <u>c/</u>

a/ Provisional.

b/ 1984.

c/ 1982.

#### Preliminary comments

1. The initial report (E/1980/6/Add.10) covered the period up to about June 1979. The present report deals only with the changes which occurred in law and in practice between that date and about May 1986. Like the initial report, its layout conforms to the guidelines for reporting on all the rights recognized in articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights.

#### Article 10: Protection of the family, mothers and children

##### A. Protection of the family

2. In substance, article 10, paragraph 1 largely corresponds to article 23, paragraphs 1 and 3 of the International Covenant on Civil and Political Rights. It is therefore appropriate to refer to the second report submitted under the latter Covenant by the Federal Government (CCPR/C/28/Add.6). That document mentions the special protection which the State provides to the family and the guarantee of freedom to contract marriage, as provided for in article 6 of the Basic Law.

#### Family allowances

3. Monthly family allowance rates have evolved as follows:

	Monthly family allowances in respect of			
	First child	Second child	Third child	Fourth and each subsequent child
	DM	DM	DM	DM
With effect from 1 February 1981	50	120	240	240
1 January 1982	50	100	220	240

4. In view of federal budget constraints, the rules concerning family allowances have been modified: since 1 January 1983, the family allowance granted in respect of a second child and subsequent children has been income-related. In the case of more well-to-do beneficiaries, family allowances are progressively reduced to an amount of DM 70 per month in respect of a second child and DM 140 per month in respect of a third child and subsequent children. These basic amounts are granted irrespective of income level and constitute the minimum family-allowance payment. In the case of married couples with two children, this reduction becomes applicable above a net income of DM 42,000 per annum (DM 45,480 as from 1986) and, in the case of lone parents with two children, above an income of DM 34,200 per annum (DM 37,880). For each subsequent child, this threshold is raised by DM 7,800 (DM 9,200). This reduction of family allowances on the basis of income provides a guarantee that the necessary savings in the area of family allowances are not made to the detriment of low-income parents who can ill afford such reductions.

5. The dependency equalization system, which since 1 January 1975 had consisted only of family allowances, was replaced from 1 January 1983 by the system existing prior to 1975, whereby family allowances are accompanied by tax deductions for dependent children applied in calculating the income tax or the salary tax; details of these tax rebates for dependent children provided for under tax law are given later on in the section entitled "Tax concessions for families".

6. During the 1985 budget exercise, spending on family allowances amounted to DM 14.46 billion. This figure includes an amount of approximately DM 100 million to cover the cost of reintroducing, as from 1 January 1985, family allowances in respect of young persons below the age of 21 who are not employed or undergoing training. Payment of such allowances had been discontinued as from 1 January 1982 for young people in this category who had reached full age.

7. The 1986 budget includes an allotment of DM 14.59 billion for family allowances. This amount takes account of the introduction of the following as from 1 January 1986:

(a) A supplementary family allowance of up to DM 46 per month in respect of each child, granted to parents who, because of their low income, cannot take advantage of or fully benefit from the tax deduction for dependent children to which they would be entitled under the Income Tax Act;

(b) A personal right to family allowances of DM 50 per month for orphans without parents and children who do not know their parents' whereabouts, unless they are in the care of someone else who would consequently be entitled to family allowances or comparable benefits.

8. The Federal Family Allowances Act (Bundeskindergeldgesetz), in its revised version of 21 January 1986, is appended to this report (annex, No. 1).

#### Tax concessions for families

9. Because of their reduced taxpaying capacity, persons with dependent children have, since 1983, not only received family allowances but have been granted a tax deduction for dependent children in connection with the payment

of income tax. This deduction, for which one of the parents is eligible, was DM 432 until 1985 and has been increased to DM 2,484 per child as from 1986. In line with the new definition applicable as from 1986, children who are related to the taxpayer in the first degree and foster children are considered as children for this purpose.

10. To benefit from this tax deduction for dependent children, it is normally necessary for the child to reside in the territory of the Federal Republic of Germany. (In the case of children residing abroad, maintenance payments may in some circumstances be tax deductible as "special expenses"). The tax deduction is granted automatically in respect of children who have not yet turned 16. In the case of children over the age of 16, certain additional requirements must be met - for instance, they must be engaged in vocational training, not be in apprenticeship, or be performing their military or civilian service. A priori, children above the age of 27 can no longer be taken into account unless they are handicapped and therefore unable to provide for their needs.

11. One-parent families receiving a tax deduction in respect of a child forming part of the household are granted a supplementary tax deduction for household expenses. This supplementary deduction was DM 4,212 for the calendar years 1982-1985 and was increased to DM 4,536 from 1986.

12. A taxpayer with children undergoing vocational training who is receiving a tax deduction for dependent children is also granted a tax deduction for the training, on the following terms:

In the case of a child over 18 years of age who lives in the home of the taxpayer, this deduction is DM 1,800 per calendar year (in 1985 it was DM 1,200);

In the case of a child over 18 years of age who lives outside the home of the taxpayer, this deduction is DM 3,000 per calendar year (in 1985 it was DM 2,100); and

In the case of a child below 18 years of age who lives outside the home of the taxpayer, the deduction is DM 1,200 per calendar year (DM 900 in 1985).

13. The child's own earnings and any revenue he receives to enable him to provide for his needs are set off against the tax deduction granted for training where such earnings or revenue exceed DM 2,400 per calendar year. In the case of a permanently divided household or divorced parents or parents of natural children, the amount of the relevant tax deduction to be taken into account for income tax purposes is shared equally between the mother and the father.

14. A parent with a maintenance obligation towards a child in respect of whom the other parent has the right of custody and is receiving a tax deduction for dependent children is granted a supplementary tax deduction for expenses incurred in order to maintain his or her ties with the child.

15. In the case of a lone parent engaging in professional activity and taking care of a child living in the territory of the Federal Republic of Germany who forms part of his or her household and has not turned 16 by the beginning of the calendar year, expenses incurred in having the child minded have been tax

deductible since the 1984 calendar year (to a lesser extent, this was also generally possible for the calendar years 1980-1982), these costs being deducted from income as special expenses within certain limits (amounts of up to DM 4,000 for the first child and up to DM 2,000 for each subsequent child are generally considered acceptable). This arrangement, which was also in some circumstances applicable in previous years, has been broadened from 1986. It is now possible to claim as special expenses the costs incurred by a lone mother or father or by the two spouses in having the child or children minded, when such costs result from a disability or long illness affecting the lone mother or father or one of the spouses. In the case of a married couple, one further condition must be met, namely that the other spouse must have a job or also be sick or disabled.

#### Parental allowance

16. The Parental Allowance and Parental Leave Act (Bundeserziehungsgeldgesetz) entered into force on 1 January 1986. It recognizes the work of parents who bring up their children and seeks to improve their financial position, particularly in the case of young households.

17. A parental allowance of DM 600 per month is granted until the child is 10 months old (from 1988 on, 12 months old), to any mother (provided that she is not receiving a maternity allowance - see section B below) or to the father, the choice being left to the parents, or to some other individual looking after the child, as long as the mother/father or such other individual personally minds and brings up the child. Until the child reaches the age of six months, this allowance is granted irrespective of the parents' income; thereafter, the amount varies according to income.

18. Men or women who were engaging in professional activity before the birth of a child are also entitled to parental leave during the period when the parental allowance applies. Members of the statutory sickness and unemployment insurance scheme continue to be insured without having to make any contributions.

19. Persons benefiting from parental leave (including fathers) are protected against dismissal while taking such leave in the same way as women are during pregnancy and for the period laid down by the Mothers Protection Act; in other words, the employer does not have the right to terminate the contract of employment for the duration of parental leave, other than in very exceptional cases where the authorities have given their consent. The person benefiting from parental leave may, while taking that leave, hold a part-time job with his employer for not more than 19 hours per week.

20. There are special provisions for civil servants which, in terms of substance, largely correspond to the provisions described above.

21. The Parental Allowance and Parental Leave Act, as well as the General Administrative Provisions concerning protection against dismissal during parental leave, are attached to this report (annex, No. 2).

#### Sickness insurance

22. Since 1 July 1982, the statutes of sickness insurance schemes have made provision for home help, which is a step forward from the arrangements

previously in force: in future, home help will be available not only in case of hospitalization or childbirth in a hospital establishment or while following a course of treatment at a resort, but also in other cases. The other conditions pertaining to home help facilities have not been modified.

#### Accident insurance

23. Since 1 November 1977, the unborn child (nasciturus) has been covered by the protection guarantees extended by the statutory accident insurance scheme (art. II, para. 4, Nos. 12, 14 and 15, para. 38 of the Social Code (administrative procedures) of 18 August 1980/BGBl, I, pp. 1469, 2218).<sup>1/</sup>

#### Disability and old-age insurance

24. Since 1 January 1984, the increased allowance for dependent children granted by the statutory disability and old-age insurance scheme and the supplement for dependent children granted by the statutory accident insurance scheme have been replaced by the family allowances provided for in the Federal Family Allowances Act, which are now granted in the event that the risk materializes (see paras. 3-8 above regarding family allowances). Rights to benefits payable in respect of a dependent child acquired before 1 January 1984 are maintained (Act of 22 December 1983 on measures to strengthen the public finances and ensure financial stabilization of the disability and old-age insurance scheme and on the continuation of taxes designed to encourage investment (Haushaltsbegleitgesetz) (BGBl, I, p. 1532)).

#### Validation of the years spent bringing up a child for the purposes of the disability and old-age insurance

25. Mothers and fathers born after 1921 who are receiving a pension from the disability and old-age insurance scheme because of the materialization, from 1986 on, of one of the risks covered are allowed one year's insurance for each child whom they have brought up in the territory of the Federal Republic of Germany. In general, this year spent bringing up a child is taken into account for the purpose of calculating the mother's pension; however, the mother and father can, by agreement, declare that the period concerned should be taken into account for the purpose of the father's pension. Adoptive parents, foster parents and stepmothers or stepfathers (in the case of a child from an earlier marriage) can also have the period concerned taken into account if they have taken care of, or in future take care of, the child during his first year of life. In the case of a person simultaneously bringing up several children of less than one year old (for example, twins), one year's insurance is allowed for each child.

26. In the case of mothers and fathers who, at the date of entry into force of the Parental Allowance and Parental Leave Act, are already receiving a disability pension or an early-retirement pension, the time they have spent bringing up their children is taken into account if some other risk covered materializes before they reach the age of 65.

27. Thanks to a special rule introduced for mothers and fathers who are approaching the age of 65 at the date of entry into force of the above-mentioned Act, such persons have the option of making voluntary retroactive contributions in order to complete the five-year period needed to qualify for a retirement pension.

28. On 1 January 1984, the qualifying period for receipt of a retirement pension, which had previously been 15 years' insurance, was reduced to five years. Women who, for example, have engaged in professional activity for two years only and have brought up three children thereby complete the necessary five-year qualifying period and acquire a personal right to a pension.

29. This means that, because the time spent bringing up children is validated, women - and, as appropriate, men too - receive a bigger pension than the one to which they would have been entitled without the above-mentioned Act or even receive a pension to which they would not have been entitled at all without validation of the time spent bringing up children. A person who has reared at least five children acquires pension rights solely by dint of the time spent bringing up children being taken into account, even if no contributions have been paid to the disability and old-age pension scheme.

#### Assistance to old farmers

##### (Altershilfe für Landwirte)

30. As from 1 July 1980, a farmer's widow or widower who is relatively youthful has been entitled to a home help and a farm help or transitional allowance if she or he continues to run the late spouse's business as a farmer with an obligation to pay contributions. One of the requirements to be met to qualify for the transitional allowance is that the surviving spouse should have a child to look after in the household.

31. A surviving spouse who decides not to go on running the farming business receives a survivor's grant (Hinterbliebenengeld) to provide partial protection; to qualify for this grant, it is necessary, inter alia, to have a child to look after or to be of advanced age (over 45). The survivor's grant and the transitional allowance amount to the same as the farmer's pension (Altersgeld) received by an unmarried beneficiary.

32. Family workers on agricultural or forestry holdings who are over 50 but under 65 years old on 1 May 1980 may, in certain circumstances, also be covered by the old farmers assistance scheme. Younger family workers who had not yet turned 50 by 1 May 1980 benefit from the old farmers assistance scheme from the age of 25.

#### Foundation for Mothers and Children - Protection of Unborn Children

33. An Act of 13 July 1984 set up a public foundation with legal capacity known as the Foundation for Mothers and Children - Protection of Unborn Children and endowed with an annual budget of DM 60 million.

34. The aim of this Foundation is to channel funds to assist future mothers in financial difficulties who apply to a consultative service recognized under paragraph 218 (b) of the Penal Code. Supplementary assistance is then given to such future mothers, or granted to them during the post-natal period, to make it easier for them to continue the pregnancy.

35. The funds available to the Foundation can be earmarked for assistance in meeting expenses incurred by reason of the pregnancy and birth or in



connection with the care and upbringing of babies. Such assistance is granted, in particular, for baby clothes, household maintenance, accommodation and furniture, and baby-minding.

36. By the end of 1985, some 30,000 pregnant women in financial difficulties had approached a consultative service and had thus benefited from effective assistance facilitating their decision in favour of the child.

37. The Act establishing the Foundation for Mothers and Children - Protection of Unborn Children, as well as the law amending that Act, are attached to this report (annex, No. 3).

#### Maintenance Advances Act (Unterhaltsvorschussgesetz)

38. Under this Act, one-parent families receive benefits of up to DM 228 for a maximum of three years in respect of children of theirs below the age of 6, if the other parent does not pay maintenance at least equal to that sum. These benefits are paid by the State (total expenditures of DM 175 million in 1985) and shared equally by the Federal Government and the Länder.

#### Research projects, pilot projects

39. In 1985, funding for pilot projects such as family planning projects under the Federal Government's programme for the protection of unborn children and for other important measures of family protection amounted to a total of DM 11.85 million.

40. The majority of today's young women wish to combine family responsibilities with professional responsibilities. In 1985, the federal budget included appropriations in the order of DM 3.8 million for measures under the policy for the advancement of women, particularly for pilot projects and research projects related to the family and occupation.

41. An appropriation of DM 4 million was included in the budget for measures connected with leisure and recreational activity; of this, DM 3 million was earmarked for construction and modernization of family vacation centres. Thanks to these centres, low-income families also have an opportunity to spend vacations on reasonable terms in surroundings equipped to meet family requirements.

42. In this connection, another priority activity was the organization of a nation-wide competition entitled "Family vacations in Germany". Prizes were awarded to holiday resorts and firms offering special and particularly attractive terms to families.

#### B. Protection of mothers

43. The provisions in force concerning the protection of mothers in the Federal Republic of Germany were described in detail in the previous report. The current text of the Protection of Working Mothers Act (Mutterschutzgesetz) of 18 April 1968 as amended by the Parental Allowance Act of 12 December 1985 (see paras. 16-21) is appended to the present report (annex, No. 4).

C. Protection of children and young people

Protection of Young Workers Act

44. The Protection of Young Workers Act (Jugendarbeitsschutzgesetz) of 12 April 1976 (BGBl, I, p. 965) was amended by the Act of 15 October 1984 embodying the first amendment of the Protection of Young Workers Act (BGBl, I, p. 1277).

45. Ever since they entered into force in 1976, the provisions of the Protection of Young Workers Act governing working hours caused practical difficulties for undertakings, primarily because of the excessively rigid regulations they imposed, which, *inter alia*, affected young people's vocational training and employment opportunities. The amendment to the Act of 12 April 1976 ensures that there is sufficient time for the vocational training of young people within undertakings, and gears the commencement of the working day to the needs of vocational training and co-operation between young people and adult workers. The introduction of a clause giving both employers and employees a margin of discretion constitutes a fundamental innovation: by means of this clause, employers and employees may, on their own initiative and within the limits established by law, adapt working hours to the practical needs entailed by the training and employment of young people. In this connection, employers and employees may take account of the needs inherent in a particular employment sector, and of specific regional characteristics. Responsible action on their part ensures that appropriate and balanced arrangements are made. The essential protection of young people's health is still guaranteed.

46. As before, young people's working hours may not in general exceed 40 hours per week. Hitherto, the 40 hours could only be distributed over five days, on the basis of a maximum of eight hours a day. The new amendment enables the legally established working hours to be distributed differently. If young people's working hours are reduced to less than eight hours on certain days, their working day may be increased to eight and a half hours on other days of the same week. The principal effects of this new distribution of work time are the four-and-a-half day week and flexible working hours.

47. The regulations in force since 1976, which generally speaking set the start of the working day at 7 a.m., have been amended by the new Act, which again permits work to begin at 6 a.m.; undertakings in which work begins at this time are thus given the opportunity of also providing training and employment for young people from 6 a.m. onwards and effectively familiarizing them with the realities of working life. The numerous exceptions to the statutory commencement of the working day at 7 a.m. have been eliminated by this new provision, which re-establishes the beginning of the working day at 6 a.m. The end of the working day, which has generally speaking been set at 8 p.m., has remained unchanged since 1960.

48. The provision previously in force stipulating that there should be special rooms for young people, and the related provision concerning fines for non-observance, have been abolished in the light of paragraph 29 (1), of the Work Places Regulations (Arbeitsstättenverordnung), under which the employer is required to make available to all workers covered by the Regulations, including young workers and young trainees, an easily accessible room outside

the work place proper if the undertaking has more than 10 employees or if such a room is necessary for health reasons or because of the nature of the activity performed.

49. The present text of the Protection of Young Workers Act, which has been in force since 21 October 1984, is appended to the present report (annex, No. 5).

#### Protection of Minors Act (Jugendschutzgesetz)

50. The new Protection of Minors Act entered into force on 1 April 1985, thereby superseding the Act dating from 1951 and amended in 1957.

51. The new Act lays most emphasis on the increased protection of minors against video programmes comprising films which idealize horror, warfare and violence or pornographic films and on the intensification of efforts to combat alcohol abuse among young people. The sale of beer and wine from automatic vending machines in public places, which was not previously prohibited, is now strictly forbidden.

52. On the basis of the legal provision relating to the authorization of cinematographic films for young people, the possibility of control has now also been created for video cassettes and video discs prior to enforcement of the provisions of the Penal Code and the Act concerning the dissemination of publications which are dangerous for young people. Thus protection is ensured for children and young people against performances which are dangerous for them. The enforcement of the ban on the production, introduction and dissemination of scenes of excessive violence, which is provided for in the Penal Code, has been simplified. Restrictions have been imposed on the rental of appliances producing images which are dangerous for young people. The installation of electronic games appliances which show scenes idealizing warfare or are oriented towards violence in public places accessible to children and young people is prohibited, and the installation in public places of other video games appliances is now authorized only within commercial premises. The provisions relating to the admission of young people to catering establishments and their admittance to public dances and film performances have been adapted to modern needs. Young people are now allowed to attend variety performances and reviews and are admitted to night clubs. The fines established under the new legislation for offences by organizers, owners of commercial premises or other adult persons have been considerably increased in relation to those provided for under the previous legislation.

53. The text of the Act is appended to the present report (annex, No. 6).

#### Action taken under the youth policy

54. Expenditure under the Federal Youth Plan (Bundesjugendplan), which constitutes the Federal Government's most important instrument in youth policy, amounted to DM 135.5 million in 1985 (as compared with DM 131.3 million in 1984). This figure includes, inter alia, funds allocated for the voluntary work year in social institutions (freiwilliges soziales Jahr), namely DM 6 million, from which more than 13,000 young people benefited.

55. The Federal Youth Plan also provides for the financing of short courses in the social departments of hospitals, old people's homes and centres for handicapped persons; these courses are attended by approximately 100,000 young people every year.

56. Particular importance is also attached to the social pedagogy \*/ schemes set up for young people without a job or apprenticeship position; in 1985, approximately DM 9 million was made available for this purpose. In addition, consideration is being given to the adoption, within the context of the Federal Youth Plan, of a more open attitude to unorthodox methods and patterns of assistance to young people. These comprise, for example, independent mutual-aid groups composed of young people who are out of work and socio-pedagogical activities in this area.

57. In 1985, the Federal Government allocated approximately DM 9 million to the promotion of activities in the social sector.

58. Young people's exchanges at the international level received the support of the Federal Government through the allocation of approximately DM 25 million. Appropriations for youth assistance training centres amounted to DM 2.9 million during the financial year 1985.

#### Education and training of handicapped children

59. In the Federal Republic of Germany, schooling is compulsory for handicapped children as it is for able-bodied children. They are educated either in specialized establishments which are equipped to meet the specific needs of handicapped children or in normal educational establishments attended by both healthy and able-bodied children. The way in which these establishments are organized varies according to place and type of handicap. There are, on the one hand, special classes for handicapped children in normal educational establishments and, on the other, special schools where the children study all day or part time, and boarding schools.

60. As a result of the sustained efforts of the Länder and the Federal Government since the late 1960s, there has been a considerable improvement in training opportunities for handicapped children and young people. The concern of the Federal Government and the Länder has been to resist the tendency unnecessarily to create protected areas and special conditions isolating handicapped children from other children, and to give practical effect to the principle that as much special assistance as necessary and as much joint education as possible should be provided. Since the early 1970s, the Federal Government and the Länder have undertaken pilot projects aimed at promoting the education of handicapped children in the most efficient manner possible within the education system. The experience gained in these pilot projects has shown, among other things, that many handicapped children can be perfectly well accepted and educated in ordinary schools, provided that they receive additional assistance from qualified teaching staff trained in special education, that appropriate additional training is given, that the facilities

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\*/ Note: In the Federal Republic of Germany, social pedagogy is a specialized sector of general pedagogy relating to the education and training of children and young people outside the school system.

of the school in question are adapted to the needs of handicapped children and that a certain ratio of handicapped children per class is not exceeded.

61. The knowledge gained through these pilot projects by the Federal Government and the Länder further shows that it is often sufficient to give a child early individual stimulation in one of the regional early stimulation centres staffed by mobile interdisciplinary teams, which also provide early stimulation at home, in nursery schools and in primary schools, in order to avoid having to send handicapped children to a special school.

62. The greatest progress has been made in the integration of children suffering from a physical handicap; this integration also comprises joint activities outside school. On the other hand, the integration of children with visual or auditory deficiencies is still posing a number of unsolved problems. For example, an answer has yet to be found to the question of the extent to which it is possible to compensate for specific handicap-related disabilities through modification of school curricula, working and learning techniques, and educational materials, without thereby lowering the standard of ordinary schools. Such modification may, on the other hand, enhance social integration outside the classroom.

#### Special activities relating to the education and training of juvenile delinquents

63. Since 1979, there has been no change in legislation relating to the education and training of juvenile delinquents. It should be noted that, during the past few years, public prosecutor's departments and the courts have made increasing use of the possibility of replacing custodial sentences for young delinquents by peripatetic educational programmes or imposing a penalty accompanied by participation in such a programme.

#### Young people's entitlement to annual leave

64. Today, most collective labour agreements establish for young workers the same leave entitlement as that established for adult workers. Over the years, the leave entitlement of 62 per cent of all workers has risen to six weeks; other workers are entitled to between four and six weeks' leave.

#### Statistics concerning young people who are gainfully employed

65. The annex (No. 7) contains a table on the working population between 15 and 20 years of age by economic sector and socio-vocational category.

#### Article 11: The right to an adequate standard of living

##### A. Measures to improve the standard of living and living conditions

##### General

66. The financial situation of workers and the way in which they spend their earnings may serve as a guide to the standard of living and quality of living conditions. The table below reflects the increase in average monthly wages and salaries per employed worker.

	1982	1983	1984	1985
	DM	DM	DM	DM
Gross earnings	2 729	2 818	2 901	2 985
Income tax	452	479	509	543
Social security	380	398	419	438
Net earnings	1 897	1 941	1 973	2 004

67. The estimates of expenditure on everyday consumption do not take account of the behaviour of the individual wage-earner but are based on a household of four persons in receipt of an average income. For 1983 and 1984 (data for 1985 are not yet available), this expenditure, on a monthly average, was distributed as follows:

	1983	1984
	DM	DM
Food (including meals in restaurants)	634.13	634.43
Luxury articles	105.57	105.75
Clothing, footwear	228.73	230.16
Housing (rent, including the notional rent paid by owner-occupiers, the cost of subletting and similar expenditure)	491.55	526.66
Electricity, gas, fuel, etc.	188.80	189.44
Other household products and equipment (including floor coverings, heating and cooking appliances, household and other electrical appliances, cleaning and maintenance products, gardening products)	288.76	240.88
Transport and communications	449.92	464.66
Toiletries and health care products	96.54	89.79
Education and entertainment	274.44	245.86
Personal articles and needs, other products (including watches, jewellery, hotels, organized tours, etc.)	105.45	121.12
Total monthly expenditure on private consumption	2 836.88	2 848.76

Social assistance (as a last resort in the social-security system)

68. In 1984, some 2,570,000 persons within the territory of the Federal Republic (4.2 per cent of the resident population) received social assistance benefits. This figure was 132,800 (5.5 per cent) higher than the comparable figure for the previous year. Of every 1,000 inhabitants comprising equal numbers of either sex, 38 men and 46 women were in receipt of social assistance in different forms and for different periods. Almost four fifths of needy persons (2,032,000 persons) were living outside an institution. In 1984, the number of persons receiving normal maintenance assistance was 1.8 million, and the number receiving assistance in special circumstances was approximately 1 million.

69. In 1984, the number of foreigners receiving social assistance continued to increase appreciably (by 7.6 per cent) and amounted to 235,000. In other words, 1 out of every 11 beneficiaries (9.15 per cent) was of foreign nationality. Out of every 1,000 foreigners living in the Federal Republic, 52 were in receipt of social assistance, whereas the comparable figure for German beneficiaries was 41.

70. The number of foreign beneficiaries of ordinary maintenance assistance increased by 7.1 per cent in 1984.

71. The importance of social assistance is steadily increasing. Whereas in 1970 expenditure on social assistance represented 2 per cent of the overall cost of public social benefits or 0.5 per cent of the gross social product, in 1984 it represented 3.7 per cent and 1.2 per cent respectively. Responsible for this situation were several factors which existed in varying degrees. They included the broadening of categories of persons eligible for such assistance in specific economic and social circumstances, increases in benefits resulting from amendments to the Federal Social Assistance Act (Bundessozialhilfegesetz - BSHG), and increased recourse by eligible persons to social assistance.

72. In 1984, the organs administering social assistance - at the lower level (city and district councils) and at the higher level (organs designated by the Länder of the Federal State) - spent a total of DM 18.7 billion on assistance under the BSHG. Total expenditure thus increased by DM 1.2 billion (6.7 per cent) in relation to the previous year. This represented a lower rate of increase than in previous years: 36 per cent of total expenditure went towards maintenance assistance and 64 per cent was devoted to assistance in specific circumstances. The organs administering social assistance spent DM 11.5 billion (61.2 per cent of their total expenditure) on beneficiaries in an institution. More than half institution-related expenditure was allocated to assistance to persons requiring treatment and care, and one third to rehabilitation of handicapped persons.

73. In order to supplement the information given in the initial report and to take account of amendments to the social assistance legislation, the following observations should be made.

74. In the case of expenditure on social assistance in the form of maintenance assistance, there has been a considerable increase since the beginning of the present decade; this would appear to be due in part to the continuing rise in long-term unemployment. In order to curb the increase in

costs and to ensure the future financing of social assistance, certain restrictions have been imposed on entitlement to benefits by laying greater stress on the principle of subsidiarity and the principle of self-help. However, the task entrusted to social assistance, namely enabling beneficiaries to lead a decent existence, has not been affected by these restrictions. As the Federal Government has succeeded - since the previous report - in improving the overall economic situation through appropriate measures and helping to place public budgets on a sounder footing, it has been possible to make a further substantial improvement (as from 1 July 1985) in ordinary maintenance assistance (by increasing standard rates by approximately 8 per cent and introducing increases for additional needs in the case of single parents with a dependent child under the age of 7 and persons over the age of 60). On 1 July 1986, the standard rates were again increased, this time by 2.1 per cent.

75. The programmes undertaken for a number of years to encourage asylum-seekers and refugees to return to their country of origin or to continue their migration on a voluntary basis are being pursued by offering advisory and transport services financed from public funds, in co-operation with the Intergovernmental Committee for Migration (ICM) in Geneva.

#### B. The right to adequate food

##### Development of agrarian systems

76. In the context of the improvement of agrarian structures under the Act relating to the joint task of the Federal Government and the Länder in strengthening agrarian structures and protection of the coasts (Gesetz über die Gemeinschaftsaufgabe: Verbesserung der Agrarstruktur und des Küstenschutzes), during the period in question particular emphasis has been placed on the enhancement or security of earnings derived from small and medium-sized farms, and on the improvement of working conditions and productivity on such farms. With a view to improving living conditions in rural areas, the financial resources made available under the above-mentioned Act have, since 1984, also been used for village sanitation and modernization, and forestry measures to combat the recent damage suffered by forests.

##### Protection of plants

77. The use of pesticides containing particularly stable agents (such as chlorinated hydrocarbons, mercury, and compounds of arsenic, lead and cadmium) has been prohibited, primarily for health protection reasons, and the products in question have been included in the tables in the plant protection regulations (Pflanzenschutzanwendungsverordnung).

##### Animal health

78. Generally speaking, the animal health situation in the Federal Republic of Germany continues to cause little concern. Certain infectious diseases are nevertheless causing considerable harm; these include, in particular, swine-fever and Aujeszky's disease, which are still creating problems.

79. As regards changes in vocational training and further education in the agricultural and horticultural sectors, reference is made to the observations on vocational education and training in the second report submitted by the



Federal Republic of Germany concerning articles 6-9 of the Covenant (E/1984/7/Add.24, para. 6), in which the general review covers questions of this nature.

80. On the question of advisory activities in the agricultural sector as described in the previous report, it should be noted that, in the light of the change in the overall situation since the submission of that report, priorities have moved further towards information on less costly procedures, increasing awareness of questions concerning protection of the environment, soil and water, and soil fertilization and pesticide application in accordance with criteria geared to specific cases.

#### Measures taken to combat the adulteration of foodstuffs

81. Legislation on foodstuffs in the Federal Republic of Germany, which is intended to protect the consumer against possible hazards to health and against fraud and deception and to ensure that consumers are properly informed, has been steadily improved since 1979.

82. Among the measures adopted in the area of health protection, reference should be made, first of all, to the December 1980 regulations concerning the authorization of nitrite and nitrate as permissible food additives; among other things, these regulations have, in the light of newly acquired scientific knowledge, imposed restrictions on the use of these substances for the salting of meat and meat-based products.

83. In the Federal Republic of Germany, particular attention is devoted to the various problems created by residues in foodstuffs. The regulations specifying maximum amounts of pesticides (Pflanzenschutzmittel-Höchstmengenverordnung), which were amended in June 1982, set the maximum amounts for more than 400 substances which may be used for plant protection. It should, however, be noted that these substances are not all authorized in the Federal Republic of Germany. The regulatory authority nevertheless took the opportunity afforded by the law governing trade in foodstuffs, tobacco, cigarettes, cosmetics and other everyday products (Lebensmittel- und Bedarfsgegenstandegesetz) to open up the market - establishing maximum levels for pesticides not authorized in the Federal Republic of Germany - to imported foodstuffs containing residues of these substances provided that the substances are not harmful to health. It thus took account of the plant protection standards set in other countries, to the extent that such action proved acceptable from the health standpoint.

84. The purpose of the first Act amending the Pharmaceutical Products Act, dating from February 1983, is to eliminate the abuse of pharmaceutical products administered to livestock which are intended for human consumption and to create the necessary conditions for more effective supervision of foodstuff production with a view to ensuring that any residues the foodstuffs may contain are harmless. The amendment in substance subordinates the authorization of pharmaceutical products intended for use in the breeding of livestock for human consumption to the existence of practicable residue-detection tests. This will improve monitoring, firstly, of observance of the time-limits set for the authorization of pharmaceutical products intended for veterinary medicine, and secondly, of the safety - as regards residues contained - of foodstuffs of animal origin. The provisions governing

the use of food additives, which have always been subject to very strict regulations in the Federal Republic of Germany, have also been updated and supplemented.

85. Among the measures adopted to protect consumers against fraud and deception in relation to trade in foodstuffs, mention should be made of the December 1981 regulations amending the legislation on the labelling of foodstuffs (Verordnung zur Neuordnung lebensmittelrechtlicher Kennzeichnungsvorschriften), which have converted into domestic law the European Communities Directive on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer. The obligation to list the constituent products conforms to the requirement that the consumer should receive detailed information.

86. Among the regulations adopted for certain specific foodstuffs (Produktverordnungen), mention should be made of the new regulations of August 1984 concerning mineral waters and table waters which update the provisions applicable to the manufacture, treatment, bottling and labelling of these products.

#### Measures intended to increase knowledge of nutritional principles

87. The German Food Society (Deutsche Gesellschaft für Ernährung, DGE), which was referred to in the previous report, has received subsidies of some DM 2.1 million for institutional promotion in the performance of its tasks; in this context, the Evaluation and Information Service for Food, Agriculture and Forestry (AID, e.V.) received approximately DM 3,750,000 in 1985 for education, information and guidance in the food sector.

#### Participation in international co-operation

88. Regardless of the commitments which it has undertaken in ratifying the Covenant in respect of persons subject to its jurisdiction and persons within the limits of its national territory and whose execution is the subject of this report, the Federal Republic of Germany, on a voluntary basis and in the context of development assistance, grants food assistance to developing countries, and participates in technical and financial co-operation projects and activities in the agricultural sector which are geared to the promotion of rural development and consolidation of the food base in those countries. It undertakes similar co-operation within the context of development assistance policy, with a view to meeting essential needs other than adequate clothing and housing.

89. In its previous report (E/1980/6/Add.10), the Federal Government observed that, in addition to this action in the context of bilateral and Community co-operation, it is participating on a different legal basis - also voluntarily - by making a considerable financial contribution to international action programmes executed, for example, under the auspices of the World Bank and the regional development banks, the International Development Association (IDA), the United Nations Development Programme (UNDP), the Food and Agriculture Organization of the United Nations (FAO), and the International Fund for Agricultural Development (IFAD).

C. Right to housing

90. A more recent description of the Federal Republic of Germany's housing policy appears in the "Monograph on the Human Settlements Situation and Related Trends and Policies" which it submitted to the Economic Commission for Europe in 1982 (see annex No. 8, in English).

Housing construction

91. Given the level of housing supply reached in the mean time, assistance for housing construction has now been reinforced in favour of specific target groups such as low-income households, the elderly or seriously handicapped, young families and large families. Increasing importance is attached to encouraging access to home ownership, in the framework of the policy to promote the family, and out of a concern to extend home ownership as widely as possible. Moreover, in the area of low-income-housing construction the Federal Government's aim is to emphasize home ownership by less-well-off large families rather than the building of housing for rental purposes.

92. The regulations governing the housing allowance paid to low-income persons who, as tenants or owners, have to pay a high and disproportionate cost for their housing, have been adjusted in line with housing costs and incomes: the version of 27 December 1982, applicable until 31 December 1985, was replaced as from January 1986 by the version of 11 July 1985. In 1985, the Federal Government and the Länder together devoted some DM 2.4 billion to housing allowances, of which the Federal Government accounted for DM 1,482 million.

93. Family size, family income and threshold rent levels for entitlement to a benefit are the criteria used to decide if and when such an entitlement exists. Thus, a family of four having to pay high housing costs can claim a housing allowance if its gross earnings from wages (not including family allowances) is less than about DM 3,370.

94. The Federal Government also encourages elderly persons who wish to remain independent as much and as long as possible to continue their own chosen way of life and remain in their familiar social environment; and this can best be done in a family context. With a view to encouraging several generations to live together under the same roof, where those concerned so wish, many amendments have been made to the housing benefit regulations, such as an annual deduction of DM 2,400 for parents which is taken into account for the purpose of calculating the housing allowance.

95. The vast majority of the 2 million elderly persons who need outside help are cared for at home; only 260,000 of them are in hospitals or institutions. This reflects the desire of the persons concerned to remain as independent as possible in their familiar environment, and also the widespread desire of families to care for their members who need help.

96. In this connection, a pilot programme of "mobile services for those in need of assistance" (Ambulante Dienste für Pflegebedürftige) has been set up. Sixteen social service centres covering an area of about 500,000 inhabitants participate in this pilot programme, which was launched in 1984 for a four-year period at a cost of nearly DM 10 million.

97. The Federal Government considers that the number of elderly persons needing permanent care in an institution could decline steadily if all the possibilities of rehabilitation are fully used. It has therefore taken the step of preparing an information booklet for all those concerned, providing detailed information on the medical and remedial programmes and actions available for elderly ill persons with a view to rehabilitation.

98. Broadly speaking, the housing market in the Federal Republic of Germany is more or less in balance, in terms of both quantity and quality.

#### Protection of tenants

99. The provisions for the protection of tenants against unjustified rent increases were expanded as from 1 January 1983, with the adoption of the following.

100. Under article 541 (b) of the German Civil Code (BGB), tenants are no longer obliged to agree to the modernization of their rented premises if such modernization would cause them unjustified hardship as a result of, inter alia, the rent increase consequent upon the completion of the work involved. Thus, a tenant may oppose so-called luxury modernization. On the other hand, he cannot oppose modernization work aimed at improving the premises to what is generally considered a normal standard.

101. If the owner requires the tenant to provide a deposit as security that he will fulfil his obligations, that deposit cannot exceed three times the monthly rent, under article 550 (b) of the German Civil Code. The tenant may provide the deposit in the form of three equal monthly payments. The owner must place the tenant's deposit in an interest-bearing account with a bank or savings institution, separate from his other property.

102. Finally, it should be noted that the supply of rental accommodation has been increased by the authorization, to a greater extent than in the past, of fixed-term leases. It has thus become possible to lease for a specified period housing which would otherwise have remained unoccupied if the owner could not grant a short-term lease.

#### Article 12: Right to physical and mental health

103. Together with the independent medical practitioners and the hospital establishments, the public health service is one of the three pillars on which the organized health system rests in the Federal Republic of Germany. It is responsible for applying a large amount of health legislation enacted by the Federal authorities and the Länder, such as the Federal Act on Communicable Diseases (Bundes-Seuchengesetz), as well as for giving advice to the general public on special health problems and supervising the exercise of the health professions; it is the body responsible for the school health service and the dental service for children and adolescents.

104. In co-operation with the Länder responsible for the organization of the public health service, the Federal Government seeks to ensure that the tasks entrusted to it by the law are carried out in a uniform way as far as possible throughout the country, and encourages the exchange of experience with other countries. The existence of a modern and efficient public health service is one of the necessary preconditions for the Federal Republic of Germany's co-operation with the various international health organizations.

105. Every year the Federal Government provides large sums to ensure the uniform development of public health services throughout the federal territory. For many years these funds have been devoted, inter alia, to setting up, on an experimental basis, a pilot public health service in Marburg as a model for all public health services in the Federal Republic of Germany. This pilot service was jointly funded with the Land of Hesse for 10 years, and in 1982 it submitted a voluminous report on its experience. In addition, federal funds are provided on a regular basis for a modern training centre for public health service doctors and other health professionals in the public service, such as the Public Health Academy (Akademie für öffentliches Gesundheitswesen) at Düsseldorf, which is also responsible for liaison with international organizations in the public health field. Finally, its funds also go to associations which undertake training activities at the federal level, namely the federal associations of public health service doctors and dentists, which ensure that their members are all trained in accordance with uniform criteria throughout the country on a continuing basis by means of annual meetings and congresses.

106. The schedule of children's vaccinations established by the Standing Committee on Vaccination of the Federal Health Office (Bundesgesundheitsamt) has been revised in the light of recent scientific discoveries.

107. In view of the decline in the number of cases of tuberculosis and the smaller risk of children being infected with tuberculosis by teaching staff, the Fifth Act amending the Federal Act on Communicable Diseases has abolished the annual periodic check-ups that were hitherto compulsory for teaching staff who had to provide evidence that they were not suffering from tuberculosis. In future, as a rule teaching staff will only have to undergo a single, thorough examination prior to entering the teaching profession, and subsequent examinations will take place only if there is reason to believe that someone has been infected with tuberculosis.

108. The regulations governing dangerous substances (Verordnung über gefährliche Stoffe) will come into force on 1 October 1986. They will govern the sale to the public and the handling of dangerous chemical substances and preparations, and are aimed at further improving the protection both of workers and of consumers against the risks created by dangerous chemical substances. They will replace the regulations governing dangerous substances (Arbeitsstoffverordnung) currently in force, as well as the 27 regulations laid down under the legislation on toxic substances and pesticides and the 8 regulations on work at home, and will bring 14 European Communities Directives in this area into force in German law. This will represent a considerable simplification and a less bureaucratic application in comparison with existing regulations, and at the same time strengthen European harmonization. Standard labelling systems in the Community will in future apply to about 1,200 substances and specific preparations, including pesticides, and to all asbestos-based products. The sale to the public of some asbestos, formaldehyde and dioxine products will be forbidden. It will become compulsory to obtain authorization for the supply of toxic substances, and the regulations on such substances, hitherto within the competence of the Länder, will at the same time be simplified. In future, self-service will no longer be allowed in the case of the sale of some dangerous products.

109. By derogation from the existing regulations, the provisions of the regulation governing dangerous substances and concerning the handling of such

substances will apply to all workers. In the framework of the obligation imposed on all employers to take protective measures for workers handling dangerous substances, it is compulsory to determine concentrations of dangerous substances at places of work, not to use certain dangerous substances, and to make use of the least dangerous substances as a matter of principle. New machinery for consultation with and information of workers or works committees are provided for in some cases. A list of nearly 60 carcinogenic substances is established (including benzene, asbestos and vinyl chloride) and their use is subjected to severe protective measures and amended restrictions. New provisions are established for pentachlorophenol, dioxine and formaldehyde.

#### Environmental policy

110. The existence and spread of forest degradation has led the Federal Government to make a major effort in recent years to determine the causes and reduce the damage. Air pollutants play an essential role among the factors responsible for such damage. In its environment policy, the Federal Government has therefore attached priority to air pollution abatement not only in order to protect human health but also to protect forests and other ecosystems, as well as monuments and sites. All these objectives have been taken into account in the second Act, adopted on 4 October 1985, amending the Federal Act on Air and Noise Pollution Control (Bundes-Immissionsschutzgesetz), the regulation of 27 June 1983 on large heating installations (Grossfeuerungsanlagenverordnung), the new general regulations of 27 February 1986 on air pollution control (Technische Anleitung zur Reinhaltung der Luft), and many measures for the abatement of pollution caused by motor vehicles.

111. In tabling an amendment to the Federal Nature Conservation Act, the Federal Government has proposed effective arrangements for the protection of biotopes. This improved protection of biotopes is also based on the respect for the principles laid down in the international conventions on nature conservation, as many problems can only be resolved at the international level. Land protection also requires special attention, particularly in highly industrialized countries with a high population density, where there are large sources of emissions and a widespread use of chemical substances in a great variety of sectors. In its concern to preserve the natural functions of the land and strike a balance among the various forms of land use, the Federal Government has taken an overall view of land protection. Particularly important aspects of land protection include the abatement and control of inputs of man-made substances into the soil, the limitation of erosion and the reduction of land use.

112. Another essential task of environmental policy is to prevent water pollution, particularly in order to safeguard natural systems and the supply of drinking water. This applies both to surface water and to groundwater.

113. In recent years, a major effort has been made for water protection. As a result of the construction of many biological treatment plants at the local community level and the intensive treatment of waste water, together with additional measures taken by many industrial undertakings, the discharge of pollutants into water has been considerably reduced. Currently, more than 90 per cent of the population are connected to the mains sewage systems, and the waste water of about 80 per cent of the population is treated biologically.

114. These measures have brought about a fundamental improvement in water quality. In particular, the oxygen-absorbing organic substances in waste water have been greatly reduced. Nevertheless, the situation is not yet satisfactory. At present, one of the crucial problems remains water pollution by dangerous substances such as organic substances with poor biodegradability, and heavy metals. The bills introduced by the Federal Government to amend three major Acts relating to water - the Water Regime Act (Wasserhaushaltsgesetz), the Waste Water Dues Act (Abwasserabgabengesetz) and the Detergents Act (Waschmittelgesetz) will create the necessary preconditions for resolving this problem in the coming years.

115. Another priority objective that should be mentioned is marine pollution control, especially in the case of the North Sea and the Baltic. The first international conference on the protection of the North Sea, held at Bremen in 1984, promoted decisive measures for the protection of the North Sea ecosystem. It is planned to hold an international conference at the ministerial level in 1987 to consider the follow-up to be given to the decisions taken at Bremen and, where necessary, adopt even broader measures.

116. Thus, the Federal Government has implemented or launched many measures aimed at improving water quality, both in order to protect the health of the country's inhabitants and also in the interests of neighbouring States.

#### National development policy

117. The Federal Republic of Germany's national development policy is also designed to maintain and establish equal and healthy living and working conditions for all the population in all parts of the country. In this connection, it is important to guarantee, in terms of both quality and quantity, satisfactory infrastructure and a sufficient supply of jobs, goods and services, as well as healthy environmental conditions. The priority objectives are essentially as follows:

(a) Promotion of employment in disadvantaged, especially peripheral, rural areas where there is a clear shortage of jobs in general and of high-level jobs in particular, as well as in heavily-populated and long-industrialized regions facing disproportionate growth problems; and

(b) Improvement of the quality of the environment in highly-polluted areas which require such improvement, and preservation of natural conditions in ecologically vulnerable areas.

118. In recent years, a major effort has been made to correct regional imbalances. The social infrastructure, as well as the general infrastructure that favours the development of economic activity, have reached a high level in all areas, which must be maintained. Regional structural policy is aimed at reducing regional disparities in economic growth and labour-market trends. Thus, in their joint efforts under the heading "Improvement of regional economic structures", between 1978 and 1984 the Federal Government and Länder subsidized, private investment projects for a total of nearly DM 77 billion in the country's disadvantaged regions, thus guaranteeing the safety of about 320,000 jobs.

119. Broadly speaking, the national development policy over the last few years has brought further improvements by a careful development of towns and

villages, while taking account of existing social structures and largely preserving the nation's building heritage.

#### Anti-cancer programme

120. In view of the depressing situation with regard to cancer, a few years ago the Federal Government organized a major cancer conference (Grosse krebs konferenz) and, in co-operation with all those concerned in the areas of science, medical care, health policy and social policy, drew up a programme entitled "General Anti-Cancer Programme" (Gesamtprogramm zur Krebsbekämpfung). Thirteen working parties are tackling virtually all aspects of the problems raised by cancer, and this programme has been hailed internationally as exemplary. It pursues the following objectives:

(a) Creation of the necessary basic conditions for improving research on cause-and-effect relationships concerning the onset of cancer, such as the recording of cancer cases and use of existing data;

(b) Precise evaluation of cancer risks, connected with the environment, for example, the link between air pollution and lung cancer;

(c) Design and elaboration of appropriate models and/or programmes needed for cancer prevention and treatment;

(d) Review of the cancer detection programme, including the prospects for the development of the programme;

(e) Improvement of hospital care for adults as well as children suffering from cancer through the promotion of specialized centres for the treatment of tumours, hospitals specializing in oncology and oncological paediatric services;

(f) Development of out-patient care for cancer patients and psycho-social help for children suffering from cancer;

(g) Promotion of cancer research in all major areas, especially taking into account non-traditional methods of fighting cancer;

(h) Initiation of cancer research co-ordination in the Federal Republic of Germany, through appropriate arrangements.

#### Action on occupational diseases

121. In order to further improve the prevention and early detection of occupational diseases, the regulation relating to accident prevention and entitled "Works Doctors", based on the Act on Industrial Medicine, Safety Engineers and Other Work Safety Specialists (Arbeitssicherheitsgesetz), has been modified (see annex, No. 9). Under the new regulation, any employer employing 50 workers or more on average must appoint doctors specializing in industrial medicine for the medical supervision of the employees. Consequently, about 11,000 doctors are currently responsible for the medical supervision of some 11 million workers in enterprises.

122. The programme entitled "Research on the humanization of work" (Forschung zur Humanisierung des Arbeitslebens) also helps to combat occupational health



risks. For example, mention may be made in this connection of the priority projects adopted in March and December 1985 on, respectively, "Working conditions and health" and "Cancer risks at the work place".

#### Health services

123. At the end of 1983 (more recent data are not available at the time of writing this report), in the Federal Republic of Germany (excluding the Saar) there were a total of 3,119 hospital establishments with a total capacity of 682,747 beds (111.4 beds per 10,000 inhabitants); medical attention was provided by:

147,467 doctors (1 doctor per 409 inhabitants, or 24.5 doctors per 10,000 inhabitants);

33,713 dentists (1 dentist per 1,787 inhabitants, or 5.6 dentists per 10,000 inhabitants);

5,726 midwives (1 midwife per 10,523 inhabitants, or 0.95 midwife per 10,000 inhabitants);

210,143 nurses (1 nurse per 287 inhabitants, or 34.9 nurses per 10,000 inhabitants).

124. Health information activities are essential to promote and guarantee the right of everyone to the best possible standard of physical and mental health he is capable of achieving; the Federal Centre for Health Education (Bundeszentrale für gesundheitliche Aufklärung) is responsible for such activities. Many health education activities are aimed at parents to help them in their efforts to ensure proper development of their children. Such lifelong health education includes measures to promote health during pregnancy and infancy, which is when the foundations are laid for the normal development of the child, by encouraging awareness and consciousness-raising as regards prevention and health. It is primarily parents who provide the model for their children for a healthy way of life. Health education is aimed not only at parents but also at children and teenagers themselves as they grow older, in order to prevent alcohol and cigarette abuse and bad food habits, for example. These activities are supplemented by the promotion of parents' mutual aid associations. DM 11,475 million were spent on health information and education activities in 1985.

#### Financing of the medical care system

125. Taking into account some changes made since the first report, the statutory sickness insurance system is financed as follows:

(a) Benefits under the statutory sickness insurance system are paid for out of contributions of employees, employers, pensioners and annuitants and the Federal Employment Office;

(b) The premiums to be paid by insured employees are in principle shared equally by the employee and his employer. They are calculated as a percentage of wages and salaries;

(c) Persons insured on their own account must pay the full premium themselves. Persons benefiting from a pension or annuity receive from the insurance institution concerned a contribution towards the premiums they have to pay. In the case of recipients of unemployment benefit or assistance, the Federal Employment Office pays the premiums to the sickness insurance fund;

(d) The sickness insurance system for farmers is financed through premiums paid by farmers and Federal Government subsidies.

126. With regard to hygiene in connection with communicable diseases, the Federal Communicable Disease Act, as amended on 18 August 1980, mentioned in the first report, is attached herewith in English (see annex, No. 10). The fifth Act Amending the Federal Communicable Disease Act of 27 June 1985 is also attached in German (see annex, No. 11). The infant mortality table attached to the first report has been updated and is likewise attached (see annex, No. 12).

Annex

Reference documents \*/

1. Federal Family Allowances Act (Bundeskindergeldgesetz), revised version of 21 January 1986.
2. Parental Allowance and Parental Leave Act (Gesetz über die Gewährung von Erziehungsgeld und Erziehungsurlaub) and General Administrative Provisions concerning protection against dismissal during parental leave (Allgemeine Verwaltungsvorschriften zum Kündigungsschutz bei Erziehungsurlaub).
3. Act establishing the Foundation for Mothers and Children (Gesetz über die Errichtung der Stiftung Mutter und Kind).
4. Protection of Working Mothers Act (Mutterschutzgesetz), as amended on 12 December 1985.
5. Protection of Young Workers Act (Jugendarbeitsschutzgesetz), as amended on 15 October 1984.
6. Protection of Minors Act (Jugendschutzgesetz), as amended on 25 February 1984.
7. Table on the working population between 15 and 20 years of age by economic sector and socio-vocational category (15-20 jährige Erwerbstätige nach Wirtschaftsbereichen und Stellung im Beruf).
8. Report submitted by the Federal Republic of Germany to the Economic Commission for Europe (in English).
9. Regulation on accident prevention entitled "Industrial Medicine".
10. Federal Communicable Disease Act (Bundesseuchengesetz), as amended on 18 October 1980 (in English).
11. Fifth Act Amending the Federal Communicable Disease Act.
12. Infant mortality table.

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\*/ These documents submitted by the Government of the Federal Republic of Germany in German, or in English (Nos. 8 and 10), may be consulted in the United Nations Centre for Human Rights.

Note

1/ "BGBI" signifies the Official Gazette of the Federal Republic of Germany.