

Germany - Sexual Harassment

Sexual Harassment is no separate criminal offense; it could be libel and slander:

Libel and slander

Art. 185 StGB

Insult: An insult shall be punished with imprisonment not exceeding one year or a fine and, if the insult is committed by means of an assault, with imprisonment not exceeding two years or a fine.

Art. 186 StGB

Defamation: Whosoever asserts or disseminates a fact related to another person which may defame him or negatively affect public opinion about him, shall, unless this fact can be proven to be true, be liable to imprisonment not exceeding one year or a fine and, if the offence was committed publicly or through the dissemination of written materials (section 11(3)), to imprisonment not exceeding two years or a fine.

Art. 187 StGB

Intentional defamation: Whosoever intentionally and knowingly asserts or disseminates an untrue fact related to another person, which may defame him or negatively affect public opinion about him or endanger his creditworthiness shall be liable to imprisonment not exceeding two years or a fine, and, if the act was committed publicly, in a meeting or through dissemination of written materials (section 11(3)) to imprisonment not exceeding five years or a fine.

The Antidiscrimination Law provides a legal definition for sexual harassment (in the context of harassment at the workplace):

“Sexual harassment shall be deemed to be discrimination in relation to Section 2(1) Nos 1 to 4, when an unwanted conduct of a sexual nature, including unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images, takes place with the purpose or effect of violating the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment.”

Legal Source

First legal prohibition in the “Protection of Employees Act”. An evaluation in 2002 found implementation was weak and uneven. As a consequence, the prohibition of harassment was included and expanded in the 2006 General Equal Treatment Act.