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Religious Discrimination and Related Violations of Helsinki Commitments

GERMANY

The German constitution provided for guarantees for freedom of religion. However, in practice religious groups enjoyed different privileges on the basis of whether they were registered as persons or not. This status allowed them, among other things, to levy taxes. Several minority groups have criticized the state for being reluctant to grant this status to some groups such as Jehovah's Witnesses even if they had fulfilled the requirements set by law.

Similarly to other western European states, a lively debate continued in Germany on "sects." The media often played an important role in labeling minority religions as dangerous and a network of information centers – established mainly by the majority Catholic and Evangelic churches but openly supported by authorities – were in operation to advise individuals about dangers of "sects." Federal states have issued booklets listing "dangerous" sects, with which they justify the right of the state to issue warnings.

In May 1996, an Enquete Commission was set up to carry out investigation into "sects and groups." Its task was to look neutrally into the problems and conflicts that arise in relation to groups, but not to put individual groups or their beliefs on the test-bad[13]. From the several European commissions, the German commission was the first one to approach the "sect" viewpoint that it was the state's responsibility to protect consumers of religion against illegal practices of cults and psycho groups.

However, the setup and the operation of the commission soon became a target of heavy criticism. Small independent evangelical churches charged that the methods of the commission amounted to harassment, vandalism and threats[14]. Moreover, the commission was criticized for consisting of sect-watchers and supporters of the two majority churches rather than objective experts; leaking information on witnesses' statements to boulevard media and courts; stripping the "sects" of the right to make statements to this body; ignoring reports compiled by experts; and, finally, not coming up with any evidence about real dangers of such groups.[15]

The Church of Scientology has been under strict scrutiny.

In June 1997, German officials put Scientology under surveillance by the Constitutional Protection Office, a domestic security agency, on grounds that the group's beliefs and aims were anti-democratic. The government charged that Scientology was a for-profit organization that aims to bilk its members. In late 1998, authorities prolonged surveillance although nothing illegal had been discovered. Given the negative publicity during its operation and the controversial interim report issued in 1997, the final report of the commission and the accompanying press release were less negative.

been feared. The commission even recommended to stop using the terms "cult" and "sect" their bad connotation and to replace them by more neutral terminology.[16]

Muslims have faced intolerant attitudes regarding the organization of Islamic classes (in Berlin) and building places of worship (in Munich).

In November 1998, local politicians protested the construction of a Turkish-Islamic Culture Center at the Catholic Church of Maria Schutz in Pasing, western Munich. The chairman of the local committee claimed that the chimneys - which, according to the builders are simple ventilators at the front of the building - are "minarets in disguise." The protest resulted in the interruption of construction of the chimneys and the planned two rosettes in the façade until the city planning committee had checked if the details had been approved in the original plan. The initial plan for a 36-meter high minaret was rejected by local authorities. In Munich, there are some 75,000 Muslims, but only one "real" mosque with a minaret and a dome-shaped roof. In addition, there are some 100,000 Muslims of prayer in normal houses.[17]

FOOTNOTES:

13 Press release of the German Parliament Enquete Commission "So-Called Sects and Pseduo-Groups," 29 May 1998.

14 "Religious Groups Challenge Growing Intolerance in Belgium," statement by Christophe De Weert, 19 May 1998.

15 Statement by Hans Apel, professor of economics at Rostock University and former federal member of parliament; Gerhard Besier, professor of contemporary church history at Heidelberg University; Niels Birbaumer, professor of medical psychology at Universities of Tübingen and Padua; Martin Kriele, professor of constitutional law at Cologne University; Hermann Lübke, professor of philosophy at Zurich University; Erwin K. Scheuch, professor of sociology at Cologne University, June 1998; and "Twenty-Five Years of Challenge to Religious Liberty in Europe," presentation by Norbert Kirsch at the Conference on Religious Liberty by the Rutherford Institute, Paris, 2-3 August 1997.

16 Intervention by Human Rights Without Frontiers at the OSCE Implementation Meeting in Vienna, 10 October 1998.

17 Article by Monika Mailer-Albang and Bodo-Klaus Eidman, Süddeutsche Zeitung, 17 November 1998. Translated and distributed by Human Rights Without Frontiers.