



Germany

International Religious Freedom Report 2003

Released by the Bureau of Democracy, Human Rights and Labor

The Basic Law (Constitution) provides for religious freedom, and the Government generally respects this right in practice; however, discrimination against minority religious groups remains an issue.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion. The Government does not recognize Scientology as a religion, viewing it instead as an economic enterprise; federal and state classification of Scientology as a potential threat to democratic order has led to employment and commercial discrimination against Scientologists in both the public and private sectors. The Government extended its immigration exclusion (refusal to issue a visitor visa) against the leaders of the Unification Church, Reverend and Mrs. Sun Myung Moon, based upon the Government's view of the Church as a "cult." A federal court upheld a ban on the wearing of Muslim headscarves by teachers in public schools.

The generally amicable relationships among religions in society contributed to religious freedom. Members of minority religions, including Scientologists, reported an improving climate of tolerance. Government officials have begun for the first time to talk directly with Scientologists and have granted the Church of Scientology partial tax-exempt status. However, the state governments of Bavaria and Hamburg have proposed new measures to limit Scientologists' activities, and the Lutheran Church has continued its information campaign against Scientology and other alleged "cults." These actions contributed to persistent negative public attitudes toward members of minority religions.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The country has a total area of 137,821 square miles, and its population is approximately 82 million. There are no official statistics on religions; however, unofficial estimates and figures provided by the organizations themselves give an approximate breakdown of the membership of the country's denominations. The Evangelical Church, which includes the Lutheran, Uniate, and Reformed Protestant Churches, has 27 million members, who constitute 33 percent of the population. Statistical offices in the Evangelical Church estimate that 1.1 million members (4 percent of the membership) attend weekly religious services. The Catholic Church has a membership of 27.2 million, or 33.4 percent of the population. According to the Church's statistics, 4.8 million Catholics (17.5 percent of the membership) actively participate in weekly services. According to government estimates, there are approximately 2.8 to 3.2 million Muslims living in the country (approximately 3.4 percent to 3.9 percent of the population). Statistics on mosque attendance were not available.

Orthodox churches have approximately 1.1 million members, or 1.3 percent of the population. The Greek Orthodox Church is the largest, with approximately 450,000 members; the Romanian Orthodox Church has 300,000 members; and the Serbian Orthodox Church has 200,000 members. The Russian Orthodox Church, Moscow Patriarchate has 50,000 members, while the Russian Orthodox Church Abroad has approximately 28,000 members. The Syrian Orthodox Church has 37,000 members, and the Armenian Apostolic Orthodox Church has an estimated 35,000 members.

Other Christian churches have approximately 1 million members, or 1.2 percent of the population. These include Adventists with 35,000 members, the Apostolate of Jesus Christ with 18,000 members, the Apostolate of Judah with 2,800 members, the Apostolic Community with 8,000 members, Baptists with 87,000 members, the Christian Congregation with 12,000 members, the Church of Jesus Christ of Latter-day Saints (Mormons) with 39,000 members, the Evangelical Brotherhood with 7,200 members, Jehovah's Witnesses with 165,000 members, Mennonites with 6,500 members, Methodists with 66,000 members, the New Apostolic Church with 430,000 members, Old Catholics with 25,000 members, the Salvation Army with 2,000 members, Seventh-day Adventists with 53,000 members, the Union of Free Evangelical Churches with 30,500 members, the Union of Free Pentecostal Communities with 16,000 members, the Temple Society with 250 members, and the Quakers with 335 members.

Jewish congregations have approximately 87,500 members and make up 0.1 percent of the population. According to press reports, the country's Jewish population is growing rapidly; more than 100,000 Jews from the former Soviet Union have come to the country since 1990, with smaller numbers arriving from other countries as well. Not all new arrivals join congregations, resulting in the discrepancy between population numbers and the number of congregation members.

The Unification Church has approximately 850 members; the Church of Scientology has 6,000 members; Hare Krishna has 5,000 members; the Johannish Church has 3,500 members; the International Grail Movement has 2,300 members; Ananda Marga has 3,000 members; and Sri Chinmoy has 300 members.

Approximately 21.8 million persons, or 26.6 percent of the population, either have no religious affiliation or belong to unrecorded religious organizations.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Basic Law (Constitution) provides for freedom of religion, and the Government generally respects this right in practice; however, discrimination against minority religious groups remains an issue.

Religion and State are separate, although historically a special partnership exists between the State and those religious communities that have the status of a "corporation under public law." If they fulfill certain requirements, including assurance of permanence, size of the organization, and no indication that the organization is not loyal to the State, religious organizations may request that they be granted "public law corporation" status, which among other things, entitles them to levy taxes on their members that the State collects for them. Organizations pay a fee to the Government for this service, and not all public law corporations avail themselves of this privilege. The decision to grant public law corporation status is made at the state level. In 2000 the Federal Constitutional Court passed a groundbreaking ruling in which it found the condition of "loyalty to the State" to be a violation of the constitutionally mandated separation of religion and State. Therefore this condition is inadmissible in the catalog of conditions imposed on religious organizations. Many religious groups have been granted public law corporation status. Among them are the Lutheran and Catholic Churches, as well as the Jewish community, Mormons, Seventh-day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army.

The State provides subsidies to some religious organizations for historical and cultural reasons. Some Jewish synagogues have been built with state financial assistance because of the State's role in the destruction of synagogues in 1938 and throughout the Nazi period. Repairs to and restoration of some Christian churches and monasteries are undertaken with state financial support because of the expropriation by the State of church lands in 1803 during the Napoleonic period. Having taken from the churches the means by which they earned money to repair their buildings, the State recognized an obligation to cover the cost of those repairs. Subsidies are paid out only to those buildings affected by the 1803 Napoleonic reforms. Newer buildings do not receive subsidies for maintenance. State governments also subsidize various institutions affiliated with public law corporations, such as religious schools and hospitals.

In January, the Government signed a "State Agreement on Cooperation" with the Central Council of Jews, allowing the Jewish community, along with Lutherans and Catholics, to have such an agreement for cooperation "in all areas that affect the public good and which fall under the authority of the Federal Government." Parliament later ratified the Agreement. According to the Agreement, approximately \$3,396,300 (3 million euros) will be provided annually to the Central Council of Jews, which in turn will provide the Government with an annual report on the use of the funds. The Agreement emphasizes that the Central Council of Jews is open to all branches of Judaism.

Religious organizations are not required to register. Most religious organizations are registered and treated as nonprofit associations, which enjoy tax-exempt status. State-level authorities review registration submissions and routinely grant tax-exempt status. Organizations must register at a local or municipal court and provide evidence, through their own statutes, that they are a religion and thus contribute socially, spiritually, or materially to society. Local tax offices occasionally conduct reviews of tax-exempt status. Following legal action by the Church of Scientology, which challenged the Government's refusal to grant the Church the tax-exempt status enjoyed by other religious communities, a Cologne court compelled the Finance Ministry to grant the Church an exemption from taxes on license fees paid to U.S.-based Church of Scientology organizations for copyrighted materials.

Most public schools offer religious instruction in cooperation with the Protestant and Catholic churches and offer instruction in Judaism if enough students express interest. A nonreligious ethics course or study hall generally is available for students not wishing to participate in religious instruction. The issue of Islamic education in public schools has become topical in several states. In 2000 the Federal Administrative Court upheld previous court rulings that the Berlin Islamic Federation qualified as a

religious community and as a result must be given the opportunity to provide religious instruction in Berlin schools. The decision drew criticism from the many Islamic organizations not represented by the Berlin Islamic Federation, and the Berlin State Government expressed its concerns about the Islamic Federation's alleged links to Milli Gorus, a Turkish group classified as extremist by the Federal Office for the Protection of the Constitution (OPC). However, after another court decision in favor of the Islamic Federation in August 2001, Berlin school authorities decided to allow the Islamic Federation to begin teaching Islamic religious classes in several Berlin schools starting in September 2001. In 2000 Bavaria announced that it intended to offer German-language Islamic education in its public schools starting in 2003.

In July, the Berlin State Government approved the offering of Buddhist religious education in public schools by the Berlin Buddhist Society, a member of the German Buddhist Union. Under Berlin's public education system, 90 percent of the cost of approved religious education, as well as provision of facilities, is publicly funded.

The right to provide religious chaplaincies in the military, in hospitals, and in prisons is not dependent on the public law corporation status of a religious community. The Ministry of Defense was considering the possibility of Islamic clergymen providing religious services in the military, although none of the many Islamic communities has the status of a corporation under public law.

Restrictions on Religious Freedom

Government policy continued to contribute to the generally free practice of religion.

In August 2002, the Federal Interior Ministry extended its immigration exclusion (refusal to issue a visitor visa) against the founder of the Unification Church, Reverend Sun Myung Moon, and his wife, Hak Ja Har Moon. The couple have been refused entry to the country (and through Schengen Treaty visa ineligibility, to other Schengen countries as well) since 1995, when the Chief Office for Border Security issued a notice of refusal of entry for an initial period of 3 years. The Government refused entry based on its characterization of Reverend Moon and his wife as leaders of a "cult" that endangers the personal and social development of young persons. Citing this original justification, the Government extended its refusal of entry for another 2 years in August 2002 and was the only Schengen country to do so. The Unification Church asserts that Reverend and Mrs. Moon's personal presence at certain ceremonies is a crucial part of the Church's doctrine and has sought legal remedies to the refusal of entry. However, federal courts have ruled that the exclusion does not infringe upon church members' freedom to practice their religion.

In 1997 the Federal Administrative Court in Berlin upheld the Berlin State Government's decision to deny Jehovah's Witnesses public law corporation status. The court concluded that the group did not offer the "indispensable loyalty" towards the democratic state "essential for lasting cooperation" because it forbade its members from participating in public elections. The group does enjoy the basic tax-exempt status afforded to most religious organizations. In 2000 members of Jehovah's Witnesses appealed, and the Constitutional Court found in their favor, remanding the case back to the Federal Administrative Court in Berlin. For the first time, the Constitutional Court had examined the conditions for granting the status of a public law corporation and found that for reasons of the separation of religion and State, "loyalty to the State" cannot be a condition imposed on religious communities. The Constitutional Court tempered the victory for Jehovah's Witnesses by instructing the Berlin Administrative Court to examine whether Jehovah's Witnesses use coercive methods to prevent their members from leaving the congregation and whether their child-rearing practices conform to the country's human rights standards. In May 2001, the Federal Administrative Court referred the case back down to the Higher Administrative Court in Berlin to address the open questions. The Higher Administrative Court had not yet decided the case at the end of the period covered by this report and gave no indication that it intends to take action to decide the case in the near future.

The Church of Scientology, which operates 18 churches and missions, remained under scrutiny by both federal and state officials, who contend that its ideology is opposed to the democratic constitutional order. Since 1997 Scientology has been under observation by the federal and state OPCs. In observing an organization, OPC officials seek to collect information, mostly from written materials and firsthand accounts, to assess whether a "threat" exists. More intrusive methods would be subject to legal checks and would require evidence of involvement in treasonous or terrorist activity. Federal OPC authorities stated that no requests had been made to employ more intrusive methods nor were any such requests expected.

Within the federal system, the states showed large differences with respect to their treatment of the Church of Scientology. Two states, Schleswig-Holstein and Mecklenburg-Vorpommern, did not monitor Scientology, stating that Scientology does not have an actively aggressive attitude towards the Constitution, the condition required by the states' laws to permit OPC observation. Bavaria, on the other hand, announced in November 2002 that it may seek to ban Scientology based on recommendations of a report and indicated that it would ask the Federal Interior Ministry to consider a federal ban. Bavaria has cited medical malpractice associated with Scientology's "auditing" techniques as one possible basis for the

ban. At a convention of state interior ministers in March, Bavaria found no support among other states, except for Hamburg, for the idea of a ban against Scientology. Other organizations under OPC observation are right-wing extremist, left-wing extremist, or foreign extremist and terrorist groups; Scientology is the only religious community under OPC observation, and Scientologists contend that inclusion in the list of totalitarian and terrorist groups is harmful to the Church's reputation.

The federal OPC's annual report for 2002 concluded that the original reasons for initiating observation of Scientology in 1997 remained valid but noted that Scientology had not been involved in any criminal activity. When the issue of OPC observation was discussed at the annual gathering of state interior ministers in Bremen in December 2002, the ministers also acknowledged that Scientology had not been involved in illegal activities.

Several states have published pamphlets detailing the ideology and practices of minority religions. States defend the practice by noting their responsibility to respond to citizens' requests for information about these groups. While many of the pamphlets are factual and relatively unbiased, some groups fear that inclusion in a report covering known dangerous cults or movements could harm their reputations. Scientology is the focus of many such pamphlets, some of which warn of alleged dangers posed by Scientology to the political order and free market economic system and to the mental and financial wellbeing of individuals. The Hamburg OPC published "The Intelligence Service of the Scientology Organization," which outlines its claim that Scientology tried to infiltrate governments, offices, and companies and that the Church spies on its opponents, defames them, and "destroys" them. The Bavarian State Government funded a report published in November 2002 that warned of alleged dangers posed by the religion and recommended further restriction of the Church's activities. The Hamburg State Parliament passed a resolution in April encouraging the State Government to back Bavaria's position.

In January, the Hamburg Administrative Court ruled for the Church of Scientology Germany and the Church of Scientology Hamburg against the City of Hamburg and the Hamburg Ministry of Interior. In a public decision, the court issued a preliminary injunction prohibiting the Interior Ministry from allowing Ursula Caberta, head of the Ministry's "Working Group Scientology," from repeating certain public statements of a false and derogatory character about the Church. The court criticized the Interior Ministry for its failure to reprimand Caberta for violating her duty of neutrality as a government employee by accepting a personal loan of \$75,000 (approximately 66,250 euros) with no terms of repayment from a private individual funding anti-Scientology litigation. An earlier criminal investigation into this matter resulted in Caberta being fined approximately \$8,490 (7,500 euros) in June 2002; however, the Hamburg Interior Ministry made no requirement that she pay back the \$75,000 loan.

Until 2001, the Government required firms bidding on government contracts to sign a declaration stating that neither the firm's management nor its employees were Scientologists. In March 2001, the Economics Ministry persuaded the federal and state interior ministries to accept new wording that would only prohibit use of the "technology of L. Ron Hubbard" in executing government contracts. Firms owned, managed by, or employing Scientologists could bid on these contracts. The private sector on occasion required foreign firms that wished to do business in the country to declare any affiliation that they or their employees may have with Scientology. Private sector firms that screen for Scientology affiliations frequently cited OPC observation of Scientology as a justification for discrimination. The Federal Property Office barred the sale of some real estate to Scientologists, noting that the Finance Ministry had urged that such sales be avoided if possible.

Since 1996 employment offices throughout the country have implemented an Economics and Labor Ministry administrative order directing them to enter an "S" notation next to the names of firms suspected of employing Scientologists. Employment counselors are supposed to warn their clients that they might encounter Scientologists in these workplaces. Scientologists have claimed that the "S" notations violate their right to privacy and interfere with their livelihood.

Scientologists continued to report instances of societal discrimination; however, there were fewer incidents during the period covered in this report than in previous reporting periods. Bavaria required applicants for state civil service positions to complete questionnaires detailing any relationship they may have with Scientology. Currently employed civil servants were not required to provide this information. The questionnaire specifically stated that the failure to complete the form would result in the employment application not being considered. However, previous court cases have ruled in favor of employees who have refused. According to Bavarian and federal officials, no one in Bavaria lost a job or was denied employment solely because of association with Scientology; Scientology officials confirmed this. A number of state and local offices shared information on individuals known to be Scientologists. There were numerous reports from Scientologists that they were denied banking services when the account was to be opened under the name of the Church of Scientology and that they were denied the right to rent facilities to hold meetings and seminars.

In April, after a year of legal proceedings, the Bavarian Supreme Administrative Court upheld Munich's refusal to issue a permit to the Church of Scientology to conduct a 1-day exhibition in the city's Odeonplatz. In their decision, the judges stated that they were not convinced that Scientology was a

religious community.

A July 2002 ruling by the Federal Constitutional Court clarified the Government's "warning" function with respect to nontraditional religions. In a case pending since the 1980s involving the "Bagwan/Osho Spiritual Movement," the Court ruled that the Government is allowed to characterize such nontraditional religions as "sects," "youth religions," and "youth sects" and is allowed to provide accurate information about them to the public; however, the Government is not allowed to defame them by using terms such as "destructive," "pseudo-religion," or "manipulative."

In June 2002, an administrative court upheld a 1998 ban in the southern state of Baden-Wuerttemberg on Muslim teachers wearing headscarves in the classroom. In July 2002, the Federal Administrative Court affirmed the lower court's ruling. A Muslim teacher affected by the ruling appealed the decision to the Federal Constitutional Court, which held its first reading of the case in May, the first time the country's highest court has considered this issue. A decision is expected by the end of 2003. Muslim students remain free to wear headscarves in the classroom.

The Government banned the Evangelical Christian DeMoss Foundation's television and radio broadcasts, as well as its billboards, based upon the official prohibition of broadcast advertising for religious, political, or ideological causes.

Difficulties sometimes arise between religious groups and the State over tax matters and zoning approval for building places of worship.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Section III. Societal Attitudes

The generally amicable relationship among religions in society continued to contribute to religious freedom.

The country is becoming increasingly secular. Regular attendance at religious services is decreasing. After more than 4 decades of Communist rule, the eastern part of the country had become far more secular than the western part. Representatives of religious groups note that only 5 to 10 percent of eastern inhabitants belong to a religious organization.

Following a rise in the incidence of anti-Semitic crimes and an increase in public criticism of the Israeli Government's actions in the Middle East, Jewish community leaders expressed disappointment in the leaders of other religious communities, as well as in some local and national politicians, for not speaking out more forcefully against anti-Semitism. In addition, several Jewish groups accused the print media of pro-Palestinian bias in their reporting of the situation in the Middle East and expressed concern that this alleged bias could increase anti-Semitic attitudes.

The Lutheran Church employs "sect commissioners" to investigate "sects, cults, and psycho-groups" and to publicize what they consider to be the dangers of these groups to the public. The Lutheran sect commissioners are especially active in their efforts to warn the public about supposed dangers posed by Scientology, as well as the Unification Church, Bhagwan-Osho, and Transcendental Meditation. The printed and Internet literature of the sect commissioners portrays these as "totalitarian," "pseudo-religious," and "fraudulent." The Church of Jesus Christ of Latter-day Saints (Mormons), the Jehovah's Witnesses, the Church of Christ, Christian Scientists, the New Apostolic Church, and the Johannish Church are characterized in less negative terms but nevertheless are singled out as "sects." The Catholic Church also employs sect commissioners, who generally restrict their activities to providing counsel to individuals who have questions about sects.

In the 1990s, three of the country's major political parties--the Christian Democratic Union and its Bavarian sister party the Christian Social Union (CDU/CSU), the Social Democratic Party (SPD), and the Free Democratic Party (FDP)--banned Scientologists from party membership. These bans, which have been challenged unsuccessfully in courts by excluded Scientologists, are still in effect.

With an estimated 4 million adherents, Islam is the third most commonly practiced religion in the country after Catholicism and Lutheranism. All branches of Islam are represented, with the vast majority of Muslims coming from other countries. At times this has led to societal discord, such as local resistance to the construction of mosques or disagreements over whether Muslims may use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remain areas where the law conflicts with Islamic

practices or raises religious freedom issues. In 2000 the Government published a comprehensive report on "Islam in Germany" that examined these issues in response to an inquiry from Parliament.

Reports continued of opposition to the construction of mosques in various communities around the country. The opposition generally centered on issues such as concern about increased traffic and noise that would result from new construction.

In October 2001, two young men of Arab origin were convicted of aggravated arson in association with an attack on a synagogue in Duesseldorf that month, which caused slight damage to the building. Police found Nazi symbols and related items in the suspects' homes. The synagogue remained under around-the-clock police protection at the end of the period covered by this report.

Authorities run a variety of tolerance-education programs, many focusing on anti-Semitism. The programs receive input and assistance from Jewish organizations. Participation in the June 2003 OSCE Special Conference on Anti-Semitism in the OSCE Region is expected to lead to new government initiatives in this area.

Recent anti-Semitic incidents indicate that Arab youths are increasingly behind attacks on and harassment of the country's Jews. In May, an American orthodox Jew in Berlin was attacked by a group of teenagers who appeared to be of Arab origin. The attack was the fourth in a series of similar incidents in which Arab youths would verbally harass, spit on, and physically assault a person who appeared Jewish. Authorities strongly condemned the attacks and devoted significant investigative resources to the cases.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government in the context of its overall dialog and policy of promoting human rights.

In response to anti-Semitic crimes, members of the U.S. Mission closely followed the Government's responses and officially expressed the U.S. Government's opposition to anti-Semitism. Mission officers maintained contacts with Jewish groups and continue to monitor closely the incidence of anti-Semitic activity.

The status of Scientology was the subject of many discussions during the period covered by this report. The U.S. Government expressed its concerns over infringement of individual rights because of religious affiliation and over the potential for discrimination in international trade posed by the screening of foreign firms for possible Scientology affiliation. Mission officers facilitated contacts between the country's Scientologists and government officials as they took the first steps toward a dialog and encouraged the Government to designate an ombudsman, or central point of contact, for Scientology matters with whom U.S. officials and Scientologists themselves can carry on a more intensive dialog on the status of Scientology. The U.S. Government consistently maintained that the determination of whether any organization is religious is for the organization itself to make.

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