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2000 Annual Report on International Religious Freedom: Germany

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GERMANY

The Basic Law (Constitution) provides for religious freedom, and the Government generally respects this right in practice.

There was no change in the status of respect for religious freedom during the period covered by this report.

Relations between the various religious communities are amicable. The Government does not recognize Scientology as a religion and views it as an economic enterprise. Concerns that Scientology's ideology is opposed to a democratic state have led to the screening of firms and individuals in some sectors of business and employment.

The U.S. Government discusses religious freedom with the Government in the context of its overall dialog and policy of promoting human rights. The status of Scientology was the subject of many discussions. The U.S. Government has maintained consistently that the determination that any organization is religious is for the organization itself. The U.S. Government has expressed 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 affiliation with Scientology.

Many religions and denominations have been granted public corporation status. Among them are the Lutheran and Catholic Churches and Judaism, as well as the Mormons, Seventh-Day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army. The Berlin state government has denied Jehovah's Witnesses public corporation status.

Section I. Government Policies on Freedom of Religion

Legal/Policy Framework

The Basic Law (Constitution) provides for religious freedom, and the Government generally respects this right in practice.

Religious organizations need not be registered. Most religious organizations are registered and treated as nonprofit associations and, therefore, enjoy tax-exempt status. State level authorities review these submissions and routinely grant this 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.

Church 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 permanency, size of the organization, and an indispensable loyalty to the State, organizations may request that they be granted "public corporation" status, which, among other things, entitles them to levy taxes on their members that are collected for them by the State. Organizations pay a fee to the Government for this service. Not all public corporations avail themselves of this privilege. The decision to grant public corporation status is made at the state level. State governments also subsidize various institutions affiliated with public corporations, such as church-run schools and hospitals.

State subsidies also are provided 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 with which they earned money to repair their buildings, the State recognized an obligation to cover the cost of those repairs. Subsidies are paid only to those buildings affected by the 1803 reforms. Newer buildings do not receive subsidies for upkeep.

Religious Demography

No census that could provide official statistics on religions and creeds has been conducted since 1987. However, unofficial estimates and figures provided by the organizations give an approximate breakdown of the current membership of the country's denominations. The Evangelical Church, which includes Lutheran, Uniate, and Reformed Protestant Churches, has 27.4 million members, who constitute 33.4 percent of the population. Statistical offices in the Church estimate that 1.1 million church members (or 4 percent) attend weekly religious services. The Catholic Church has a membership of 27.4 million or 33.4 percent of the population. According to the Church's statistics, 4.8 million Catholics (or 17.5 percent) actively participate in weekly services. Muslims make up approximately 3.7 percent of the population, or about 3 million persons.

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. 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 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 in Germany with 7,200 members, Jehovah's Witnesses with 165,000 members, Menonites 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 75,000 members and make up 0.1 percent of the population. According to press reports, the country's Jewish population is growing rapidly, and more than 100,000 Jews from the former Soviet Union have joined the country's 30,000 Jews since 1990. Authorities in the Cologne-based Federal Administrative Office note that the pace of Jewish emigration from Russia has increased in recent months.

The Unification Church has 850 members; the Church of Scientology has 8,000 members; the Hare Krishna society 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 smaller religious organizations.

Governmental Restrictions on Religious Freedom

Federal and state governments do not restrict the right to worship. Difficulties sometimes arise between churches and state over tax matters.

Jehovah's Witnesses are appealing to the Constitutional Court an April 1993 decision of the Berlin state government that denied the church public corporation status. In 1997 the Federal Administrative Court in Berlin upheld the Berlin state government's decision. The court concluded that the group did not offer the "indispensable loyalty" toward the democratic state "essential for lasting cooperation" because, for example, it forbade its members from participating in public elections. The group does enjoy the basic tax-exempt status afforded to most religious organizations.

In March 2000, the Stuttgart administrative court dismissed a suit filed by a Muslim woman who was denied a teaching position in Baden-Wuerttemberg because she insisted on wearing a traditional headscarf in the classroom. The Baden-Wuerttemberg Minister of Education took the position that the scarf was a political symbol of female submission rather than a religious practice prescribed by Islam, and that the political act of donning a headscarf was unacceptable for a teacher as a role model. The minister permitted the woman to conduct the practice teaching required for her degree, but argued that allowing a teacher to wear a headscarf on the job would violate the religious and political neutrality legally required of all civil servants, including teachers. The court's decision emphasized the need for teachers to maintain religious neutrality and viewed the woman's insistence on wearing the headscarf as an indication that she was unsuited for teaching in Baden-Wuerttemberg public schools. The woman appealed the ruling; she is now a teacher at a public school for Muslims in Berlin, where she is allowed to wear a headscarf. In September 1999, the Lower Saxony Ministry of Education barred a teacher in Lower Saxony from wearing a headscarf in the classroom. She filed suit against the ruling. The case continued at mid-2000. Nonetheless, Muslim students are free to wear headscarves to school.

Several states have published pamphlets detailing the ideology and practices of nonmainstream 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, others may harm the reputations of some groups through innuendo and inclusion in a report covering known dangerous cults or movements. Scientology is the focus of many such pamphlets, some of which warn of alleged dangers posed by Scientology to the political and economic system, and to the mental and financial well being of individuals. For example, the Hamburg Office for the Protection of the Constitution 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 Church of Scientology remained under scrutiny by both federal and state officials who contend that its ideology is opposed to democracy. Since 1997 Scientology has been under observation by the federal and state Offices for the Protection of the Constitution (OPC), "watchdog" agencies tasked with monitoring groups whose ideologies are deemed to be counter to the democratic order. (One state, Schleswig-Holstein, did not implement observation, since its constitution does not permit such activity.) 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 envisioned. Observation is not an investigation into criminal wrongdoing, and no criminal charges have been brought against Scientology by the Government.

In April 1998, an OPC agent was arrested by Swiss police after interviewing a contact in Basel while gathering information on Scientologists living in Baden-Wuerttemberg. The Government apologized, and in November 1999, he was convicted and sentenced to a 30-day suspended jail sentence for carrying out "illegal business of a foreign state."

In November 1998, the federal OPC concluded that although there was no imminent danger for the political system or the economy of infiltration by Scientology, there were nevertheless indications of tendencies within Scientology, supported by its ideology and programmatic goals, which could be seen as directed against the country's free and democratic order. The June 1998 report to Parliament of the commission established in 1996 to investigate "so-called sects and psycho-groups," including Scientology, concluded that the Government should inform the public about dangers to health and property posed by psycho-cults and groups. The report did not classify Scientology as a religion, but as a profit-oriented psycho-group with totalitarian internal structures and undemocratic goals and recommended that observation of Scientology continue.

The interministerial group of mid-level federal and state officials that exchanges information on Scientology-related issues continued its periodic meetings. The group published no report or policy compendium during the period covered by this report and remains purely consultative in purpose.

In April 2000, the federal OPC concluded in its 250-page annual report for 1999 that the reasons for initiating observation of Scientology in 1997 were still valid. The six pages covering Scientology described the organization's political ideology that is deemed to be antidemocratic. Employing quotes from the writings of Scientology founder L. Ron Hubbard and Scientology pamphlets and books to justify its conclusions, the OPC asserted that Scientology's goal was the establishment of a civilization where basic rights

would be granted only to "non-aberrant" individuals (those who are "cleared" by means of Scientology's technologies). Only "non-aberrant" persons would be allowed to marry and bring children into the world. In the Scientology social system, there would be no human or basic rights that could be used as a defense against the State, nor would there be an independent judiciary. An intelligence organization, not bound by law, would conduct inquiries and take preventive and repressive measures.

Government authorities contend that Scientology is not a religion but an economic enterprise and, therefore, sometimes have sought to deregister Scientology organizations previously registered as nonprofit associations and require them to register as commercial enterprises. In December 1999, the Stuttgart administrative court ruled that the state of Baden-Wuerttemberg could not deregister the Church of Scientology as an ideological nonprofit organization, stating that Scientology's economic activities could not be classified as commercial if such activities were used to accomplish the organization's ideological purposes. The state appealed the decision. In August 1999, the city of Munich revoked the nonprofit status of the local Scientology organization. In June 1999, the Munich administrative court rejected an appeal by Scientology and upheld the November 1995 decision by the city of Munich to deprive the Scientology-affiliated Celebrity Center Munich of its status as a nonprofit organization. With the exception of the Church of Scientology in Baden-Wuerttemberg, no Scientology organization in Germany has tax-exempt status.

Scientologists continued to report discrimination because of their beliefs. A number of state and local offices share information on individuals known to be Scientologists. Some local, state, and federal agencies, businesses (including major international corporations), and other organizations require job applicants and bidders on contracts to sign a declaration, commonly referred to as a "sect-filter," stating that they are not affiliated with the teachings of L. Ron Hubbard or used the technologies of L. Ron Hubbard. (However, the term "sect filter" is misleading because the declarations are Scientology specific and in practice do not refer to any other group; they could more accurately be described as "Scientology filters.") The Government imposed the use of such declarations on companies bidding on contracts to provide training courses. In April 2000, the Hamburg administrative court dismissed the suit of two Scientology members against the city-state of Hamburg for its use of "sect filters." Some state governments also screen companies bidding contracts relating to training and the handling and processing of personal data. The private sector has followed the example set by the federal government and on occasion has required foreign firms that wish to do business in the country to declare any affiliation that they or their employees may have with Scientology. The Federal Property Office has barred the sale of some real estate to Scientologists, noting that the federal Finance Ministry has urged that such sales be avoided, if possible. Scientologists reported employment difficulties, and, in the state of Bavaria, applicants for state civil service positions must complete questionnaires detailing any relationship that they may have with Scientology. Bavaria identified some state employees as Scientologists and has required them to complete the questionnaire. The questionnaire specifically states that the failure to complete the form will result in the employment application not being considered. Some of these employees have refused, and at least one has filed suit in the local administrative court. The case is pending. However, according to Bavarian and federal officials, no state employees in Bavaria lost a job or was denied employment solely because of association with Scientology; Scientology officials confirm this statement.

In a well-publicized court case, a higher social court in Rheinland-Pfalz ruled in January 1999 that a Scientologist was allowed to run her au pair agency, for which the state labor ministry had refused to renew her license in 1994, solely based on her Scientology membership. The judge ruled that the question of a person's reliability hinges on the

person and not on membership in the Church of Scientology. The ruling is under appeal by the state labor office. No damages had been awarded as of June 30, 2000.

Scientologists have taken grievances to the courts. Legal rulings have been mixed. Some individuals who had been fired because they are Scientologists sued their employers for "unfair dismissal." Several have reached out of court settlements with employers.

In 1998 the Church of Scientology filed a suit in Berlin to enjoin the Berlin interior ministry from the alleged practice of bribing members of Scientology to "spy" on other members. The case is pending.

At the end of 1999 and continuing into early 2000, Hamburg's Sect Commissioner expressed public concern about Microsoft's Windows 2000, because one of its software functions was developed by a firm whose chief executive officer is a Scientologist. Although the federal Office for Security in Information Technology (BSI) has not yet made an investigation of the software, some Federal government offices are procuring Windows 2000.

Scientology held exhibitions in a number of cities to explain the church to citizens and encountered serious difficulties. In Frankfurt in February 2000, a Scientology exhibit in the cafe of a well-known, city-owned museum sparked significant criticism, with city officials speaking out against Scientology and the exhibit. However, Scientology's recently-established information office in Frankfurt has generated little or no public controversy. In March 2000, a Scientology exhibit at the Leipzig book fair provoked complaints about what some visitors considered aggressive marketing tactics in the hall, and Leipzig authorities are reviewing whether to allow the exhibitors to return next year. In April 2000, Scientology was able to rent the public congress center in Hannover for a 2-day exhibition, after a hotel withdrew its reservation upon learning it was a booking for a Scientology event.

The Federal Press and Information Office's Visitor's Bureau intervened in April 2000 with a Berlin hotel, forcing the hotel to cancel Scientology's reservations for rooms for an exhibit titled "What is Scientology?" The hotel claimed that the Visitor's Bureau threatened to cancel several hundred thousand dollars worth of reservations if Scientology were allowed to exhibit in the hotel.

Most major political parties continued to exclude Scientologists from membership, arguing that Scientology is not a religion but a for-profit organization whose goals and principles are antidemocratic and thus incompatible with those of the political parties. However, there has been only one known instance of enforcement of this ban. A Bonn state court upheld the practice in 1997, ruling that a political party had the right to exclude from its organization those persons who do not identify themselves with the party's basic goals.

The right to provide religious chaplaincies in the military, hospitals, and prisons is not dependent on the public corporation status of a religious community. The Ministry of Defense currently is reviewing 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.

The right to provide religious instruction at public schools also is no longer confined to religious communities with public corporation status. In November 1998, the Berlin Higher Regional Court ruled that the Islamic Federation had to be given the opportunity to provide religious instruction in the Berlin public schools even though it was not a

corporation under public law. The decision drew criticism from the many Islamic organizations not represented by the Islamic Federation. The state of Berlin appealed the ruling on the grounds that the Islamic Federation is not a religious organization. The state has expressed its concerns about the Islamic Federation's alleged links to Milli Gorus, a radical Turkish organization classified as an extremist organization by the Office for the Protection of the Constitution. The court ruled against Berlin in February 2000. Berlin authorities are now reviewing applications submitted by the Islamic Federation to begin classes for Islamic religious education in Berlin public schools.

There were no reports of religious detainees or prisoners.

Forced Religious Conversion of Minor U.S. Citizens

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

Section II. Societal Attitudes

Germany is becoming an increasingly secular state. Regular attendance at religious services is decreasing. After over four decades of Communist rule, Eastern Germans had become far more secular than their Western cousins. Church representatives note that only 5 to 10 percent of Eastern Germans belong to a religious organization.

Relations between the various religious communities are amicable. Several major political parties generally hold ecumenical religious services prior to beginning their national conventions. Religious organizations and political and educational foundations hold seminars and discussion panels to promote interreligious understanding.

Religious broadcasters have access to the media. For example, television carries many programs produced by mainstream and minority religious groups.

Anti-Semitic acts decreased 28 percent, with 433 incidents reported in the first 9 months of 1999, compared with 522 during the same period in 1998. These incidents included, in part, 314 cases involving distribution of anti-Semitic materials or the display of symbols of banned organizations, 27 cases of desecration of cemeteries, and 12 cases of bodily injury.

Holocaust Memorial Day wreaths to commemorate Holocaust victims in Leipzig were burned shortly before midnight on January 27, 2000. (Five wreaths and several flower bouquets had been placed in a ceremony presided over by Leipzig's lord mayor and attended by a number of local officials.) Two days later, approximately 150 demonstrators peaceably gathered to express their outrage over what happened. Local authorities criticized the burning but have not determined who ignited the fire. In April 2000, a young man affiliated with a radical rightwing political party was arrested for throwing a Molotov cocktail at the synagogue in Erfurt the week before. No one was injured and the damage was minor. The overwhelming majority of the perpetrators of anti-Semitic acts were frustrated, largely apolitical youths and a small core of rightwing extremists.

There was no progress as of mid-2000 in the investigation of the 1998 bombing of the grave of Heinz Galinski, chairman of the Jewish Community of Berlin until his death in 1992.

Scientologists continued to report instances of societal discrimination (see Section I). In

Stuttgart in March 2000, the efforts of Scientology members to promote an exhibit in the city's pedestrian shopping zone led to complaints from individual citizens who were offended by the Scientologists' efforts to talk to them.

Section III. 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. The status of Scientology was the subject of many discussions. The U.S. Government has expressed its concerns over of 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. U.S. Government officials have discussed with state and federal authorities U.S. concerns about the violation of individual rights posed by the use of declarations of Scientology affiliation. U.S. officials frequently have made the point that the use of such "filters" to prevent persons from practicing their professions, solely based on their beliefs, is an abuse of their rights, as well as a discriminatory business practice.

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