



Germany

International Religious Freedom Report 2002

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The Basic Law (Constitution) provides for religious freedom and the Government generally respects this right in practice; however, there is some discrimination against minority religions.

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 and views it as an economic enterprise, and Scientologists continued to report discrimination based on their beliefs. Federal and state classification of Scientology as a potential threat to democratic order has led to occasional attempts to exclude individuals practicing Scientology from government employment and from some sectors of business.

The generally amicable relationship among religions in society contributed to religious freedom. However, 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 some of the country's political leaders for not speaking out more forcefully against anti-Semitism.

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 church members (or 4 percent) 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 (or 17.5 percent) 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, 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, and more than 100,000 Jews from the former Soviet Union have come to the country since 1990. The vast majority of newly arrived Jews come from countries of the former Soviet Union. Not all new arrivals join congregations, hence the discrepancy between population numbers and the number of congregation members.

The Unification Church has approximately 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 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.

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 permanence, size of the organization, and no indication that the organization is not loyal to the State, 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 all public law corporations do not 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 church and state. Therefore, this condition is inadmissible in the catalog of conditions imposed on religious organizations. Many religions and denominations have been granted public law 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 right of Muslims to slaughter animals ritually without the stunning required by the animal protection law was the subject of a court case that concluded in January 2002. In November 2000, the Federal Administrative Court ruled that the Islamic Community of Hessen was not a "religious community" as defined in the animal protection law, which allows religious communities to apply for waivers of animal slaughtering regulations. As a result, Muslims could not apply for a waiver; however, the Jewish Community was granted a waiver shortly after the animal protection law first went into effect in order to slaughter animals by kosher procedures. The Muslim Community appealed the ruling, and in January 2002, the Federal Constitutional Court ruled that Muslim butchers could apply for waivers.

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 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 upkeep. State governments also subsidize various institutions affiliated with public law corporations, such as church-run schools and hospitals.

Religious organizations do not need to register. 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.

In principle the Central Council of Jews represents the majority of Jewish congregations in the country. However, since the founding of the first liberal congregations in the country in 1997, there were 11 liberal/reform congregations that are represented by the Union of Progressive Jews in Germany, Austria, and Switzerland (UPJGAS), which is not represented on the Central Council, at the end of the period covered by this report. The UPJGAS was seeking to establish a dialog with the Central Council and the Government in order to secure access to federal and state funds allocated for the purpose of development, support, and stability of all German Jewish congregations. Such funds are managed through contracts between the 16 states and the state-level Jewish umbrella organizations, which constitute the Central Council.

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 is becoming topical in several states. In 2000 the Federal Administrative Court upheld previous court rulings that the 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 that were not represented by the 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 would offer German-language Islamic education in its public schools starting in 2003.

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 looking into 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

In 1997 the Federal Administrative Court in Berlin upheld a 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 church 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.

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 order and free market economic system, and to the mental and financial well-being of individuals. For example, 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. In 1998 the Federal OPC concluded that although there was no imminent danger of infiltration by Scientology into high levels of the political or economic power structures, there were 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 and that the public should be informed of these dangers.

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 democracy. Since 1997 Scientology has been under observation by the Federal and State OPC's. 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. One state, Schleswig-Holstein, does not implement observation; state officials have concluded that Scientology does not have an actively aggressive attitude towards the Constitution--the condition required by the state's law to permit the OPC observation.

In December 2001, the Berlin Regional Administrative Court held that the Berlin OPC could not employ undercover agents to continue the observation of Scientology's activities in the state of Berlin. The Court concluded that after 4 years of observation, the Berlin OPC had failed to uncover information that would justify the continued use of intrusive methods. However, the observation of Scientology activities through other means (e.g., open sources or electronic surveillance) was not affected by the ruling, which applies only to the city-state of Berlin. Observation is not an investigation into criminal wrongdoing, and, no criminal charges had been brought against the Church of Scientology by the Government at the end of the period covered by this report.

The Federal OPC's annual reports for 2000 and 2001 concluded that the original reasons for initiating observation of Scientology in 1997 still were valid. As in earlier reports, the OPC based its analysis and conclusions on the writings of Scientology founder L. Ron Hubbard and on Scientology books and pamphlets. The reports noted first that the ideas contained in Hubbard's writings are for Scientology practitioners "binding and unalterable." The reports claim that Scientology poses a threat to democratic constitutional order because it advocates replacement of parliamentary democracies by an undemocratic system of government based on principles of Scientology; it advocates a diminution of basic rights of the person for persons not judged "worthy" by Scientology's criteria; it employs an intelligence service that is not supposed to be constrained by existing laws; and it has the long-term goal of replacing the existing political system through the expansion of Scientology.

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. With the exception of Dianetik e.V., a Scientology-related organization in Baden-Wuerttemberg, no Scientology organization has tax-exempt status. Authorities in the state government have attempted to have the tax-exempt status of Dianetik e.V. revoked; however, in January 2002, the State Administrative Court ruled that the organization may retain its tax-exempt status. State officials may appeal the verdict.

Until March 2001, the Government required firms to sign a declaration (a "sect filter") in bidding on government contracts stating that neither the firm's management nor employees were Scientologists. The term "sect filter" is misleading because the declarations are Scientology-specific and in practice do not refer to any other group; they more accurately could be described as "Scientology filters." Firms that failed to submit a sect filter declaration were presumed "unreliable" and excluded from consideration. In response to concerns expressed by foreign governments and multinational firms unable to determine the religious affiliation of all their employees, the Economics Ministry limited the scope of the sect filter to consulting and training contracts in 2000. 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 or managed by or employing Scientologists could bid on these contracts.

Scientologists continued to report discrimination because of their beliefs. A number of state and local offices share information on individuals known to be Scientologists. In addition, to "sect filters" that some local and state government offices and businesses (including major international corporations) and other organizations require job applicants and bidders on contracts to sign, some state governments also screen companies bidding on contracts relating to training and the handling and processing of personal data. The private sector 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. Private sector firms that screen for Scientology affiliations frequently cited OPC observation of Scientology as a justification for discrimination. 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 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 two filed suit in the local administrative court. In November 2002, both cases were decided in favor of the employees. Others refused to complete the questionnaire and chose to wait for rulings in the two cases. The Bavarian Interior Ministry commented that these were individual decisions, but withdrew the questionnaire for persons already employed with the State of Bavaria or the City of Munich; however, the questionnaire still was in use for persons seeking new state or municipal government employment. In one case, a person was not given civil service but only employee status (a distinction that involves important differences in levels of benefits); in another case, a person quit Scientology in order not to jeopardize his career. 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 fact.

In a well-publicized court case in 1999, a higher social court in Rheinland-Pfalz ruled 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 herself and not on her membership in the Church of Scientology. However, the State Labor Office appealed the decision, and the National Social Court in Kassel overturned it. In September 2001, responding to an appeal by the Scientologist, the State Social Court upheld the Kassel court's finding, ruled out further appeals, and barred the woman from running the au pair agency.

In 2002 the Baden-Wuerttemberg Administrative Court ruled that members of the Scientology Organization are not permitted to sell books and brochures in pedestrian zones in the cities of Stuttgart and Freiburg. The court noted that such activity required a permit for which the Scientology Organization never applied. The Scientology Organization argued that this restriction violated the basic right of religious freedom, but this argument was rejected by the court.

The interministerial group of midlevel 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 remained purely consultative in purpose.

In June 2001, the Baden-Wuerttemberg State Administrative Court upheld a 1998 ban on Muslim teachers wearing headscarves in the classroom. An appeal was pending at the end of the period covered by this report. The Administrative Court in Lueneburg, Lower Saxony, found that school authorities have to admit the teacher into probationary civil service status, and that wearing a headscarf does not constitute cause for denial of employment. An administrative court in Hamburg had come to a similar finding in 1999. The woman appealed the ruling, and in June 2001, the State Administrative Court dismissed her appeal. It is not clear yet whether she plans to appeal the verdict at the federal level.

In March 2002, the DeMoss Foundation used celebrities to advertise an Evangelical Christian textbook, "Power for Living," which generated approximately 50,000 requests for the free publication. The Government banned the organization's television and radio broadcasts, as well as billboards, based upon its prohibition of

broadcast advertising for religious, political, or ideological causes.

Difficulties sometimes arise between churches and 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 country increasingly is becoming 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. Church representatives note that only 5 to 10 percent of eastern inhabitants belong to a religious organization.

Relations between the various religious communities are generally amicable. However, 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. In October 2001, the management of a commercial racing track in Oschersleben informed the foreign subsidiary of the California Superbike School--a private firm--that it could not rent the track to conduct a training session; they stated that the denial was based on the grounds that the founder of the School was a Scientologist, and that Scientology was under OPC observation.

With an estimated 4 million adherents, Islam is the 3rd 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 a large number of other countries. At times this 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. In June 2002, the Federal Interior Ministry organized the "Forum Islam" in Frankfurt in order to foster dialog among Muslim communities and between these communities and the federal Government.

In the past, opposition to the construction of mosques was reported in various communities around the country. There was no further discussion of the dispute in Heselach regarding the construction of a mosque.

There also was a case of a planned mosque in the Frankfurt suburb of Roedelheim. Neighbors expressed concerns about an increase in traffic if visitors come to attend services at the mosque. There were newspaper reports of open opposition to the project voiced at citizen meetings with the city administration. Leading city officials seem to support the construction of the mosque, but the case was pending at the end of the period covered by this report.

In October 2001, two young men of Arab origin were convicted of aggravated arson in association with an attack on a synagogue in Düsseldorf 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 since the incident at the end of the period covered by this report.

In July 2000, an explosive device was detonated at a Düsseldorf train station, injuring 10 persons, most of whom were Jewish refugees from the former Soviet Union. Despite intensive police investigation, the case, which authorities considered a possible hate crime, had not been solved by the end of the period covered by this report.

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. U.S. Government officials 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 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. 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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