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U.S. Department of State Annual Report on International Religious Freedom for 1999: Germany

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GERMANY

Section I. Freedom of Religion

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

Most religious organizations are 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 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 law corporation" status, which, among other things, entitles them to levy taxes on their members that are collected by the State for the church. 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. The Berlin state government has denied Jehovah's Witnesses public law corporation status. State governments also subsidize various institutions affiliated with public law corporations, such as church-run schools and hospitals. State subsidies also are provided to some religious organizations for historical and cultural reasons.

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 themselves 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 27.7 million members, who constitute 33.8 percent of the population. Statistical offices in the Church estimate that 1.4 million church members (or 5.1 percent) attend weekly religious services. The Catholic Church has a membership of 27.5 million or 33.6 percent of the population. According to the Church's statistics, 5 million Catholics (or 18.2 percent) actively participate in weekly services. Muslims make up approximately 3.4 percent of the population, or about 2.8 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 in Germany 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, 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, and the Union of Free Pentecostal Communities with 6,000 members.

Jewish congregations have approximately 68,000 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.

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.

Jehovah's Witnesses are appealing to the Constitutional Court an April 1993 decision of the Berlin state government that had denied the church public law corporation status. In 1997 the Federal Administrative Court in Berlin had upheld the Berlin state government's decision. The Court concluded that the group did not offer the "indispensable loyalty" towards 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.

According to the Christian Community in Cologne (CCK), no incidents of harassment, discrimination, or death threats have been directed at CCK members since 1992, with the exception of occasional letters from a particular individual, whom they describe as harmless. CCK representatives claimed that the Church's current tax difficulties were due to harassment by local tax authorities. However, they admitted that the Church's tax problem was based on errors made by the Church, although they questioned the motivation of the authorities for scrutinizing the Church's 1992 application for extension of tax-exempt status (which must be renewed every few years, depending on state law). The fact that the Church apparently violated tax law, and the authorities' voluntary reduction of the Church's tax liability, raise questions about the merit of the CCK's allegations of harassment.

In July 1998, the Baden-Wuerttemberg minister of education supported the decision of the Stuttgart school district not to hire a Muslim woman for a teaching position in a public school because she regularly wore a traditional headscarf. The minister took the position that the scarf was a political symbol of female submission rather than a religious practice prescribed by Islam. The minister permitted the woman to conduct the practice teaching required for her university 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 woman concerned announced her intention to appeal the decision in the court system. While the minister held that the political act of donning a headscarf was unacceptable for a teacher as a role model, thousands of Muslim students are free to wear headscarves in school.

There are numerous mosques throughout the country. However, in April 1998, in the Frankfurt suburb of Oberursel 100 Turkish families from a moderate Islamic group made inquiries about converting a building into a mosque. Local officials rebuffed the suggestion. At the time, the mayor commented to the press that no mosque would be built in Oberursel until a Christian church was permitted in Mecca. The refusal polarized the local Islamic community, and the Hesse Protestant Church's Ombudsman for foreigners was mediating the dispute. However, in the interim city officials made a room available to the local Turkish community for use as a community center. Oberursel authorities said that they objected to the plan to convert the building into a mosque because the area was zoned for industry, not religious buildings, and because a mosque was already being built in the neighboring community of Bad Homburg. For the latter reason, the Islamic Federation in the state of Hesse saw no need to press further for a mosque in Oberursel. Turkish groups in Stuttgart also failed to get a building permit for the construction of a new mosque at a particular site or to convert an existing building into one.

The Church of Scientology remained under scrutiny by both federal and state officials who contend that it is not a religion but an economic enterprise. Authorities sometimes sought to deregister Scientology organizations previously registered as nonprofit associations and require them to register as commercial enterprises. In 1997 the Federal Administrative Court in Berlin, in sending an appeal concerning the deregistration of a Scientology organization in the state of Baden-Wuerttemberg back to a lower level for further review, declared that a registered nonprofit association, religious or otherwise, could engage in entrepreneurial activities as long as these were only supplementary and collateral to its nonprofit goals. In May 1998, Baden-Wuerttemberg decided to withdraw its case. During a March 1999 visit to Germany by a lawyer for the Church of Scientology, officials in the Foreign Ministry refused to engage in a dialog with the Church and decided not to meet with the attorney. According to officials from the

Ministry of Foreign Affairs, the Charge of the German Embassy in Washington met with a Scientology representative in 1996, but no tangible progress resulted from the meeting. Therefore government officials concluded that it was not worthwhile to meet with Scientology representatives again, since they do not believe the Church has changed those practices that the Government finds unacceptable. Moreover, federal government officials believe that this issue is primarily one for the states to handle.

Some government officials allege that Scientology's goals and methods are antidemocratic and call for further restrictions on Scientology-affiliated organizations and individuals. For example, during a March 1999 meeting with a lawyer representing the Church of Scientology and members of the working group on Scientology in the Hamburg interior ministry, Hamburg state officials expressed their belief that the Church is a criminal organization with a totalitarian ideology. In 1997 authorities of the federal and state Offices for the Protection of the Constitution (OPC's) placed Scientology under observation for 1 year because of concerns raised by some offices that there were indications that Scientology may pose a threat to democracy. Under the observation decision, 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. In November 1998, federal and state OPC's agreed to continue the observation of Scientology, subject to another review in 1999. The decision was based on an OPC report that concluded that although there was no imminent danger for the political system or the economy of being infiltrated 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. One state, Schleswig-Holstein, did not agree to implement such observation, since its constitution does not permit such activity. 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 continued as of the end of June 1999.

In April 1998, officials in Baden-Wuerttemberg posted bail and apologized to Swiss authorities when one of their police investigators gathering information on Scientology's activities in Baden-Wuerttemberg was arrested by Swiss police after interviewing a contact in Basel. The investigator was charged with espionage and violating Swiss neutrality.

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. In a 1997 ruling, a Bonn state court upheld the expulsion of three Scientologists from a state-level organization of the Christian Democratic Union party, 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.

In June 1998, the commission established in 1996 to investigate "so-called sects and psycho-groups," including Scientology, presented its final report to Parliament. The report concluded that these groups did not pose a threat to society and state and underlined the constitutional principle of religious freedom and the State's obligation to observe strict neutrality in these matters. However, it called upon the Government to introduce legislation for consumer protection in the "psycho-market" and highlighted the need for the Government to inform the public about dangers to health and property posed

by psycho-cults and groups. The report placed particular emphasis on Scientology because it allegedly pursued policies of "misinformation and intimidation" of its critics. The report did not classify Scientology as a religion, but as a profit-oriented psycho-group with totalitarian internal structures and undemocratic goals. The commission contended that there were concrete indications that Scientology was a political extremist organization, i.e., a "combine with totalitarian tendencies." The commission recommended to Parliament that observation of Scientology continue. The report also recommended that because of its derogatory connotation the term "sect" should be avoided, and that instead the designation "new religious and ideological communities and psycho-groups" be used. The report referred to psycho-groups as "commercial cults" that offered their services in a fast-growing psycho-market.

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. Several states have published pamphlets warning of alleged dangers posed by Scientology.

On June 4, 1998, Bavarian Interior Minister Guenther Beckstein released two new brochures warning against the Church of Scientology. "The Scientology System" and "Scientology: An Anti-Constitutional Movement" warned about alleged hard-sell methods by the Church and asserted that Scientology was striving for world power. Beckstein asserted that the Church was even ordering the commission of criminal acts and compared its psychological methods to those of the former East German secret police. He added that due to government measures, membership in Germany had dropped to an estimated 10,000 persons. The states of Hamburg and Schleswig-Holstein have published brochures regarding Scientology. 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. Schleswig-Holstein published brochures detailing initiatives directed against Scientology, as well as what it sees as the legal basis for public action against the Church. Lower Saxony's Office of Youth Protection describes Scientology as a multinational combine rather than a religion and claims that Scientology has a rigid hierarchy and that it severely punishes its members if they violate its codes.

Scientologists continued to report discrimination, alleging both government-condoned and societal harassment because of their church affiliation. "Sect-filters," statements by individuals and companies that they are not affiliated with Scientology, are used by some state and federal agencies, businesses (including major international corporations), and other organizations to discriminate against Scientologists in business and social dealings. The Federal Ministry of Economics imposed the use of sect filters on companies bidding for contracts to provide training courses. Some state governments also screen companies bidding contracts relating to training and the handling and processing of personal data. Scientologists assert that business firms whose owners or executives are Scientologists, as well as artists who are church members, faced boycotts and discrimination, sometimes with state and local government approval. Other church members reported employment difficulties, and, in the state of Bavaria, applicants for state civil service positions are screened for Scientology membership. However, according to Bavarian and federal officials, no one in Bavaria lost a job, was denied employment, or suffered any infringement of rights by public officials or entities solely because of association with Scientology. Bavarian officials also contended that a Scientologist was teaching in a Munich public school and that another Scientologist was a member of the Bavarian Ministry of Culture. In June 1998, foreign professional tennis player Arnaud Boetsch's

contract with the Ruppener Tennis Club to represent the club in the German Championships League was canceled when the club learned that he was a Scientologist.

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 herself and not on her 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, 1999.

A United Nations report in April 1998 agreed that individuals were discriminated against because of their affiliation with Scientology. However, it rejected Scientology's comparison of the treatment of its members with that of Jews during the Nazi era.

In August 1998, officials in Frankfurt defended their decision to allow about 6,000 Scientology members and supporters to hold a demonstration in the city's Opera Square. Responding to criticism for issuing the demonstration permit, the officials defended Scientology's freedom of assembly.

Scientologists continued to take 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.

Historical and cultural reasons play a significant role in state subsidies to some religious organizations. In the case of Jewish synagogues, some 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. In the case of the 1803 reforms, subsidies are paid out only to those buildings affected by the reforms. Newer buildings do not receive subsidies for upkeep.

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 currently is 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.

The right to provide religious instruction at public schools also is no longer confined to religious communities with public law 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 that the Islamic Federation does not represent. The state of Berlin is appealing 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 Turkish Union of Berlin opposes instruction by the Islamic Federation and supports the state of Berlin's desire to provide Islamic instruction in public schools.

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

There were no reports of religious detainees or prisoners.

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

Relations between the various religious communities in the country 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.

Anti-Semitic acts decreased 14.7 percent, with 436 incidents reported in the first 6 months of 1998, compared with 511 during the same period in 1997. These incidents included, in part, 86 cases involving distribution of anti-Semitic materials or the display of symbols of banned organizations, 26 cases of desecration of cemeteries, and 7 cases of bodily injury. In a case that received international attention, on December 19, 1998, a bomb destroyed the gravestone of Heinz Galinski, chairman of the Jewish Community of Berlin until his death in 1992. This was the second instance of vandalism at this site during 1998. While cases of vandalism against Jewish graves have declined nationally, Berlin experienced an increase of approximately 20 percent in anti-Semitic incidents during 1998. The overwhelming majority of the perpetrators of anti-Semitic acts were frustrated, largely apolitical youths and a small core of rightwing extremists.

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

Section III. U.S. Government Policy

U.S. government officials have discussed with state and federal authorities U.S. concerns about the violation of individual rights posed by sect filters. U.S. officials made the point that the use of a sect filter to prevent persons from practicing their professions, solely based their beliefs, is an abuse of their rights, as well as a discriminatory domestic business practice. U.S. officials made this point clear at the Organization for Security and Cooperation in Europe Conference in Warsaw in 1998, during numerous meetings between U.S. embassy staff and federal and state officials, and during a visit to Germany in March 1999 by individuals from the State Department's Office of the Ambassador at Large for International Religious Freedom, the Congressional Helsinki Commission, and the U.S. Institute for Peace.

In an effort to promote a dialog between German authorities and representatives of the Church of Scientology, the U.S. Embassy set up appointments in March 1999 in Bonn and Hamburg for a lawyer for Scientology with two members of the Bundestag, a member of the Hamburg state parliament, and the head of the working group on Scientology in the Hamburg Interior Ministry. U.S. embassy staff at the minister-counselor level encouraged the Ministry of Foreign Affairs and other ministries to meet with the attorney for Scientology, and the Deputy Chief of Mission intervened with the head of the Ministry of Foreign Affairs policy planning office. However, the Ministry of Foreign Affairs as well as other Federal Ministries decided not to receive the lawyer.

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