



## Germany

### International Religious Freedom Report

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. 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 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, have been "investigating" the Church of Scientology and Scientologists for approximately 4 years. During that time there have been no prosecutions or convictions of Scientology officials in the country, and the investigation has uncovered no concrete evidence that the Church is a "security" threat.

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. 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 Berlin State government has denied Jehovah's Witnesses public law corporation status (see Section II).

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

The U.S. Government discusses religious freedom issues 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.

### Section I. Religious Demography

The country has a total area of 137,821 square miles and its population is approximately 82 million. No census that could provide official statistics on religions 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 the Lutheran, Uniate, and Reformed Protestant Churches, has 27 million members, who constitute 33 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 27.2 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 (about 3.4 percent to 3.9 percent of the population.) Statistics on mosque attendance are 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. 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 or Latter-Day Saints (Mormons) with 39,000, the Evangelical Brotherhood in Germany 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 82,000 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. 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. Statistics on synagogue attendance are not available.

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 unrecorded religious organizations.

## **Section II. Status of Religious Freedom**

### *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 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 are collected by the State for them. Organizations pay a fee to the Government for this service. 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. On December 19, 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 catalogue of conditions imposed on religious organizations. State governments also subsidize various institutions affiliated with public law corporations, such as church-run schools and hospitals.

State subsidies are also 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.

In principle, the Central Council of Jews in Germany represents the majority of Jewish congregations in the country. However, since the founding of the first liberal congregations in the country in 1997, there are now 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. The UPJGAS is currently looking 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 currently 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 will 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 increasingly topical in several states. In February 2000, the Federal Administrative Court upheld previous court rulings that the Islamic Federation qualified as a religious community and thus 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 Islamic Federation. The Berlin State Government has expressed its concerns about the Islamic Federation's alleged links to Milli Gorus, a Turkish group classified as extremist by the Federal OPC. In November 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 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.

#### *Restrictions on Religious Freedom*

Jehovah's Witnesses appealed to the Constitutional Court a 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 it forbade its members from participating in public elections. The group does enjoy the basic tax-exempt status afforded to most religious organizations. On December 19, 2000, the Constitutional Court found in favor of Jehovah's Witnesses, 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. The case had not been resolved by the end of the period covered by this report.

The Rheinland-Pfalz Superior Court (OVG) ruled in November 2000 that the German Unification Church (Moon Community) was permitted to contest an immigration order prohibiting its leader's entrance into the country. The court also left open an appeal by either the immigration authorities or the Unification Church to the Federal Administrative Court in Berlin because of the significance of the matter. The Unification Church was registered as an association in 2000.

A state's administrative court upheld on June 26, 2001 a 1998 ban in the southern state of Baden-Wuerttemberg on Muslim teachers wearing headscarves in the classroom. The case is expected to be appealed to the Federal Administrative Court.

On October 16, 2000, the Administrative Court in Lueneburg, Lower Saxony, ruled for the plaintiff. The court found that school authorities have to admit the teacher into probationary civil service status. This court found that wearing a headscarf does not constitute cause for denial of employment. An administrative court in Hamburg had already come to a similar finding in 1999. In Baden-Wuerttemberg, on the other hand, school authorities have won a case against a teacher who insists on wearing her headscarf. This case is now being appealed in a higher administrative court in Mannheim.

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 freemarket 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 federal and state offices. (One state, Schleswig-Holstein, does 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, to date, no criminal charges have been brought against the Church of Scientology by the Government.

In November 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 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 and that the public should be informed of these dangers.

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 remains purely consultative in purpose.

In April 2001, the Federal OPC concluded in a 265 page annual report for the year 2000 that its reasons for initiating observation of Scientology stated in 1997 were still valid. The 5 pages (down from 6 last year) covering Scientology described the organization's political ideology that is deemed to be antidemocratic, quoting from the writings of Scientology founder L. Ron Hubbard and Scientology pamphlets.

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 the Church of Scientology in Baden-Wuerttemberg, no Scientology organization in the country has tax-exempt status.

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. 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 was able to persuade 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. Some local and state government offices and businesses (including major international corporations) and other organizations also require job applicants and bidders on contracts to sign a "sect filter," stating that they are not affiliated with the teachings of L. Ron Hubbard and do not use the technologies of L. Ron Hubbard. (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.") 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 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 have filed suit in the local administrative court. The two cases have been decided, both in favor of Scientology. The first case was an employee who had been employed with the city of Munich since 1990, and who refused to complete the questionnaire. The Labor Court ruled in his favor in October 2000. The second case was that of a state employee (originally employed in 1992) who had filed suit against the Bavarian State. In April 2001, the Labor Court ruled in his favor. These were the only cases actually brought to court. Others refused to complete the questionnaire, but chose to await rulings in the two mentioned cases. The Bavarian Interior Ministry commented that these were "individual" decisions, but it withdrew the questionnaire for people already employed with the State of Bavaria or the City of Munich. However, the questionnaire is still in use for persons seeking new state or municipal employment. In one case, a person was not given civil service but only employee status (a distinction which involves important differences in levels of benefits); in another case, a person quit Scientology in order not to jeopardize his career. Two teachers who had also refused to comply with the questionnaire requirement meanwhile got word that due to the latest court ruling they no longer need comply. 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 confirm this fact. An antidrug exhibition on display in Munich in the spring of 2001 was hosted by Scientology. Neither state nor municipal authorities lodged any opposition to this exhibit. There were, however, counter-demonstrations and minor problems with the police.

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. The case is still in the appeals process.

The publisher "New Era", who had caused controversy during the Leipzig Book Fair of 2000, did not participate in the 2001 Fair. According to Fair organizers, no publishers associated with the Church of Scientology exhibited their books at this year's Fair.

There were no reports of religious detainees or prisoners.

#### *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 Government's refusal to allow such citizens to be returned to the United States.

### **Section III. Societal Attitudes**

The country is becoming increasingly secular. Regular attendance at religious services is decreasing. After over four 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 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.

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 a large number of other countries. This has, at times, led to societal discord, such as local resistance to the construction of mosques or disagreements over whether Muslims can use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remain areas where German law conflicts with Islamic practices or raises religious freedom issues. In November 2000, the Government published a comprehensive report on "Islam in Germany" which examined these issues in response to an inquiry from parliament.

Opposition to the construction of mosques was reported in various communities around the country. In August 2000, for instance, a protest movement in the Stuttgart suburb of Heselach tried to prevent the construction of a mosque, claiming that the planned building did not fit into the community. The city offered the Islamic organization an alternative location, which the group declined. Subsequently, the city denied a construction permit. The dispute remains unresolved.

There is also a case of a planned mosque in the Frankfurt suburb of Roedelheim. Neighbors have expressed concerns about an increase in traffic if visitors come to attend services at the mosque. 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 is still pending.

The right of Muslims ritually to slaughter animals was the subject of two court cases during the year. In November 2000, the Federal Administrative Court ruled that the Islamic Community of Hesse was not a religious community as provided for in Germany's animal protection laws and could not, therefore, receive a waiver of laws requiring an animal be stunned before slaughter. The Court did not rule on whether Islam prescribes the exclusive consumption of ritually slaughtered meat, noting that such decisions were beyond the scope of the courts. A similar case was heard by the Federal Constitutional Court and a decision was pending at the end of the period covered by this report.

A report of the Federal Office for the Protection of the Constitution, published during the period covered by this report, does not distinguish violent crimes by the religious affiliation of the victims. Specific mention is made of the desecration of Jewish graves or cemeteries. The report lists 56 such cases (up from 47 last year.)

On April 20, 2000 (the anniversary of Adolf Hitler's birthday), three young men affiliated with a radical rightwing organization threw a Molotov cocktail at the synagogue in Erfurt. No one was injured and the damage was minor. The perpetrators were rapidly apprehended. On July 13, 2000, they were convicted of aggravated arson. Two perpetrators were sentenced to juvenile detention of 3 months and 2 years respectively. The driver of the getaway car was sentenced to probation. The overwhelming majority of the perpetrators of anti-Semitic acts were socially marginalized, largely apolitical youths and a small core of rightwing extremists.

On July 27, 2000, an explosive device was detonated at a Düsseldorf train station, injuring ten persons, most of whom were Jewish refugees from the former Soviet Union. Despite intensive police investigation, as of June 30, 2001 the case, which authorities considered a possible hate crime, had not been solved.

In October 2000, Molotov cocktails thrown at the synagogue in Düsseldorf caused slight damage to the building. In December 2000, police charged two young men of Arab origin with the attack. Police found Nazi symbols and related items in the suspects' homes. The synagogue has remained under around-the-clock police protection since the incident.

#### **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.

The status of Scientology was the subject of many discussions. The U.S. Government has 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 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.

Released on October 26, 2001

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