



Germany

International Religious Freedom Report 2006

Released by the Bureau of Democracy, Human Rights, and Labor

The Basic Law (constitution) provides for religious freedom, and the Government generally respected this right in practice; however, discrimination against certain religious minorities remained an issue.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion.

Although the country's religious demography grew increasingly complex, the generally amicable relationships among religious groups in society contributed to religious freedom. Important religious concerns included the organization of Islamic religious instruction in schools; social and governmental (federal and state) treatment of certain religious minorities, notably Scientologists and Jehovah's Witnesses; and bans in certain states on the wearing of headscarves by female Muslim teachers in public schools.

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. government placed particular emphasis on support for direct dialogue between representatives of minority religious groups and relevant government officials.

Section I. Religious Demography

The country has an area of 137,847 square miles, and its population was approximately 82 million. There were no official statistics on religious groups; however, unofficial estimates and figures provided by religious organizations gave an approximate breakdown of the membership of the country's denominations. The data below were compiled from various sources and are for 2004, unless otherwise noted.

The Roman Catholic Church had a membership of approximately 26.2 million. The Evangelical Church, a confederation of the Lutheran, Uniate, and Reformed Protestant churches, had approximately 25.8 million members. Together, these two churches accounted for nearly two-thirds of the population.

The following list consists of other religious communities comprising more than 0.1 percent of the population. Protestant Christian denominations include: New Apostolic Church, 380,000; Ethnic German Baptists from the Former Soviet Union (FSU), 300-380,000; and Baptist, 85,000. Muslims number 3.3 million (2003), including Sunnis, 2.2 million (2001); Alawites, 340,000 (2000); and Shiites, 170,000 (2000). Orthodox Christians number 1.4 million, including Greek Orthodox/Constantinople Patriarchate, 450,000; Serbian Orthodox, 150,000; Romanian Orthodox, 80-100,000; and Russian Orthodox/Moscow Patriarchate, 50,000. Buddhists number 240,000, and Jehovah's Witnesses 166,000. Jews number 189,000, including Central Council Affiliated, 105,000; and nonaffiliated, 80,000. Hindus number 97,500.

Under a liberal immigration policy from 1990 to 2005, more than 199,000 Jews and their dependents from the countries of the former Soviet Union (FSU) came to the country. In mid-2005, the Government and Jewish organizations agreed to new, more restrictive procedures for Jewish immigration from the FSU, in order to better regulate the influx.

An estimated twenty-one million persons, or one-quarter of the population, either had no religious affiliation or belonged 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 respected this right in practice; however, discrimination against and unequal treatment of some minority religious groups remained an issue, in part because of the legal/constitutional structure of church-state relations. The structure for managing church-state relations, established in 1949, was gradually adapting to the country's increasingly diverse religious composition.

Religious organizations are not required to register with the state, and groups may organize themselves for private religious purposes without constraint. However, most religious organizations are registered and treated as nonprofit associations, which enjoy a degree of tax-exempt status. State-level authorities review registration submissions and routinely grant tax-exempt status. Their decisions are subject to judicial review. Organizations must provide evidence, through their own statutes, history, and activities, that they are a religion. Local tax offices occasionally conduct reviews of tax-exempt status.

Religion and state are separate, although a special partnership exists between the state and those religious communities that have the status of a "corporation under public law." Any religious organization may request that it be granted "public law corporation" status, which, among other things, entitles it to name prison, hospital and military chaplains, and to levy a tithe (averaging 9 percent

of income tax) on its members that the state collects. Public law corporations pay a fee to the Government for this tax service; not all avail themselves of it. The decision to grant public law corporation status is made at the state level based on certain requirements, including an assurance of permanence, the size of the organization, and an indication that the organization is not hostile to the constitutional order or fundamental rights. An estimated 180 religious groups have been granted public law corporation status, including the Evangelical and Catholic churches, the Jewish community, Mormons, Seventh-day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army.

The Muslim communities remained an exception. Few Muslim organizations had applied for public law corporation status and no state had granted the status, in part because of intra-Muslim disputes over whether any Muslim organization was representative of the community and/or met the criteria for the status. In principle, the federal Government is in favor of the states' granting public law corporation status to Muslim communities but would like Muslims to agree upon a single organization with which the state and federal governments could deal. Efforts to bring together at least several of the Muslim organizations providing religious services were ongoing.

The state provides subsidies to some religious organizations for historical and cultural reasons. In view of German culpability for the Holocaust, the states have accepted as a permanent duty the obligation to provide financial support to the Jewish community, including support for reconstruction of old and construction of new synagogues. Repairs to and restoration of some Christian churches and monasteries expropriated by the state in 1803 are financed by the Government. Newer church buildings and mosques do not generally receive subsidies for maintenance or construction. State governments also subsidize various institutions affiliated with public law corporations, such as religious schools and hospitals, which provide public services.

The 2003 "State Agreement on Cooperation" between the federal Government and the Central Council of Jews agrees to supplement the funding received by the Jewish community from the states. Approximately \$3.75 million (3 million euros) is provided annually to the Central Council to maintain Jewish cultural heritage, to build up the Jewish community, and to support integration and social work. The Central Council reports annually to the Government on the use of the funds. The agreement emphasizes that the Central Council of Jews is meant to support all branches of Judaism with the funds provided. In late 2005, the Central Council and the German branch of the World Union for Progressive Judaism (WUPJ) resolved differences over the role of the WUPJ and the use of Central Council funds to support WUPJ-affiliated communities and activities.

Most public schools offer Protestant and Catholic religious instruction in cooperation with those churches, as well as instruction in Judaism if enough students express interest. Depending on the state, a nonreligious ethics course or study hall may be available for students not wishing to participate in religious instruction. In early 2005, a dispute arose between the state of Berlin and the Evangelical and Catholic churches over proposals to establish a mandatory secular ethics course for all students in Berlin public schools. The state argued that, because of the low level of participation in religion classes and the relatively high proportion of Muslim students, such a course was needed. The churches argued that the state should not be responsible for transmitting ethical values and cannot properly teach about the ethical content of religions. Although confessional education would remain available in Berlin on a voluntary basis, the churches believed that their teaching would be undermined. As of April 2006, the state planned to introduce the new course into seventh grade classes in August 2006.

How to provide Islamic education in public schools was a controversial topic nationally. Education is a state responsibility and, in part because no nationally recognized Islamic organization exists that could assist in developing a curriculum or providing services, the form and content of Islamic instruction varies from state to state. Organizations providing Islamic instruction do not have public law corporation status.

Bavaria, in cooperation with the Turkish government, has offered Islamic religious instruction in Turkish in its public schools since the 1980s. Since 2001, in a separate state-initiated and much smaller program, Islamic instruction has been offered in German. In 2003-2004, a pilot Islamic education program in German in cooperation with the local Muslim community began at one public school.

Baden-Wuerttemberg was scheduled to offer Islamic religious courses in select public schools in 2006-2007. Local Islamic organizations were expected to be responsible for the religious classes, using a curriculum developed by the state.

Since 2001, the Islamic Federation of Berlin has provided Islamic instruction in several Berlin schools. The decision has drawn criticism from Muslim organizations not represented in the Federation, and from others concerned about the Federation's alleged links to a Turkish group classified as extremist by the Federal Office for the Protection of the Constitution (OPC). In June 2005, media reported that the state government was planning to establish a training program for teachers of Islam at the Free University to permit the development of a state-sponsored alternative to the Islamic Federation's program; however, no action had been taken by the end of the period covered by this report.

In 2003, Lower Saxony began a pilot Islamic instruction program in German in eight elementary schools. The program was developed by the state in collaboration with local Muslim communities and was expanded to seventeen elementary schools in 2005. In January 2006, the minister-president announced his intention to further expand the program to meet a surge in demand from parents.

In North Rhine-Westphalia, Islamic instruction began in Turkish in 1999. As of 2004, Islam was taught, through a state-developed curriculum in German, to more than 6,000 students. By 2006, 130 schools offered this curriculum. However, these courses seek to provide objective information about Islam rather than educate students in their faith, as is the case in Protestant and Catholic classes. Efforts are underway to develop such a course in cooperation with Islamic organizations.

One school in Bremen offers instruction in Islam. The government of Schleswig-Holstein has begun to consider how to introduce

Islamic instruction in German. In March 2006, the Saarland Parliament resolved to consider the possibility of Islamic instruction, should Muslim organizations request it. The state education minister declared that he favored Muslim participation in nondenominational ethics courses. No Islamic instruction was provided in Hamburg during the period covered by this report, but, in February 2006, the minister-president proposed that independent Islamic studies be offered in schools. The proposal was before the Hamburg Parliament at the end of the period covered by this report. The state of Hesse has not introduced Islamic instruction because of disputes over the curriculum and Islamic community representation. In a number of eastern states (Mecklenburg-Western Pomerania, Saxony, Thuringia, and Saxony-Anhalt), the number of Muslim students was too small and dispersed for Islamic instruction to be practicable.

Ministry of Defense efforts to develop a Muslim chaplaincy have failed because of an inability to reach agreement on a plan with the multiple Muslim groups. Independently, the ministry has developed a code of conduct to facilitate the practice of Islam by an estimated 3,000 Muslim soldiers.

Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion. In May 2006, the Government sent a draft anti-discrimination law to Parliament for consideration. The law is based on-but also goes beyond-European Union requirements and would ban discrimination on grounds of religion. Representatives of various minority religious groups believed the new law, once enacted and enforced, would improve their legal and civil standing.

In 2002, the Federal Constitutional Court defined the Government's "warning" function with respect to nontraditional religions, ruling that the Government could characterize nontraditional religions as "sects," "youth religions," and "youth sects," and is allowed to provide accurate information about them to the public. However, the Government may not defame these religious groups by using terms such as "destructive," "pseudo?religion," or "manipulative."

The Federal Interior Ministry's 1995 immigration exclusion (refusal to issue a visitor's visa) continued in force against the founder of the Unification Church, Reverend Sun Myung Moon, and his wife, Hak Ja Han Moon. The 1995 decision also placed Rev. and Mrs. Moon on the "Schengen" list, which bars their entry into many other European states, and was based on the Government's characterization of Rev. Moon and his wife as leaders of a "cult" that endangers the personal and social development of young persons. The Unification Church was seeking to overturn the ban in the courts.

A ten-year legal effort by Jehovah's Witnesses to overturn a 1995 Berlin state government (Senate) decision to deny them public law corporation status was resolved in May 2006. The Senate had refused to grant the status because the Jehovah's Witnesses' bar on members voting raises questions about its loyalty to the democratic state, and because its use of corporal punishment and separation of members leaving the religion from their families raise human rights concerns. In mid-2005, the Senate accepted a March 2005 Berlin Administrative Court ruling in favor of the Jehovah's Witnesses. Following successful negotiations between the Senate and the Witnesses on implementation of the ruling, the Senate formally granted public law corporation status to the church in May 2006.

The Church of Scientology, which operated eighteen churches and missions, remained under observation (as it has been since 1997) by the federal and seven state Offices for the Protection of the Constitution (OPCs), out of concern that the Church's teachings and practices are opposed to the democratic constitutional order or violate human rights. In deciding whether to observe an organization, OPC officials collect publicly available information, mostly from written materials and from public events, to assess whether a "threat" exists. In addition, OPC staff and law enforcement officials also directly approached Scientologists for information, a practice many find a form of intimidation and harassment. More intrusive observation methods are subject to legal checks and would require evidence of involvement in treasonous or terrorist activity.

The Church of Scientology appeal of a November 2004 Cologne court ruling, which stated that OPC observation was justified and could continue, remained before the Higher Administrative Court in Muenster; a decision was not expected until 2007. In recent years, however, many state OPCs have opted to stop their observations of Scientology; exceptions included Baden-Wuerttemberg, Bavaria, and Hamburg, which remained particularly stringent. Despite this reduced observation, the federal OPC's 2006 annual report concluded that the original reasons for initiating observation of Scientology in 1997 remained valid, although it noted that Scientology had not been involved in any criminal activity. Scientologists contended that OPC observation was harmful to the Church's reputation and continued to seek redress through the courts.

Several states published pamphlets about Scientology (and other religious groups) that detailed the Church's ideology and practices. States defended the practice by noting their responsibility to respond to citizens' requests for information about Scientology as well as other subjects. While many of the pamphlets were factual and relatively unbiased, some warned of alleged dangers posed by Scientology to the political order, to the free market economic system, and to the mental and financial well being of individuals.

Beyond the Government's actions, the Catholic Church and, especially, the Evangelical Church have been public opponents of Scientology. Evangelical "Commissioners for Religious and Ideological Issues" have been particularly active in this regard.

In response to concerns about Scientology's ideology and practices, government agencies at the federal and state level and private sector entities had established rules and procedures that discriminate against Scientology as an organization and/or against individual members of the Church. For example, in 2001, the federal Government had prohibited firms bidding on government training contracts from using the "technology of L. Ron Hubbard" (a proprietary term used by the Church of Scientology) in executing contracts. Firms owned, managed by, or employing Scientologists could, however, bid on contracts. Some states and private business groups adopted variations, in some cases more stringent, of this rule. In addition, since 1996, government

employment offices throughout the country had implemented an Economics and Labor Ministry administrative order directing them to enter an "S" notation next to the names of firms suspected of employing Scientologists. Employment counselors were supposed to warn their clients that they might encounter Scientologists in these workplaces. Some private job centers also adopted this practice. In late 2005, the federal Agency for Labor formally informed the Church of Scientology that this practice was no longer followed.

In 2005, Scientologists continued to report instances of societal and official discrimination. A subcontractor to a Munich branch of a telecommunications company asserted that she had been fired in June 2005 for being a Scientologist after her employer was asked whether she employed Scientologists. Since March 1, 2005, applicants for German citizenship in Bavaria have been required to fill out a questionnaire regarding their affiliation with organizations under observation by the state OPC, including Scientology. The Church documented two cases involving persons whose naturalization requests were denied, allegedly because of membership in the Church. However, in November 2005, the Bavarian Administrative Appeals Court affirmed the right of a Scientology "Celebrity Center" to call itself a "registered association," as a nonprofit social group whose members share a common purpose. In December 2005, the Federal Supreme Administrative Court ruled, on the basis of freedom of religion, that the city-state of Hamburg could no longer distribute forms which companies used to obtain a statement from their business partners that the partner would not use "the technology of L. Ron Hubbard" in its business. Scientology representatives, however, stated that the city-state has not implemented the ruling in good faith, leaving critical material on its website.

Since the 1990s, four of the major political parties- the Christian Democratic Union, the Christian Social Union, the Social Democratic Party (SPD), and the Free Democratic Party (FDP)-have banned Scientologists from party membership. Scientologists have unsuccessfully challenged these bans in courts.

A large number of Muslim organizations, including some which profess to be engaged in specifically and solely peaceful religious, social and/or cultural activities, were under observation by state and federal OPCs. These included, for example, the Cologne-based Association of Islamic Cultural Centers and the Islamic Federation of Berlin. The Islamic Religious Community of Hesse (IRH), that state's largest Muslim umbrella organization, protested its listing in the 2005 Hesse OPC Report. In reply, the Hesse Interior Ministry claimed that IRH activities, such as limiting female participation and promoting Shari'a, contradict basic principles of the constitution. IRH leaders expressed concern that the listing undermines the state's dialogue with the Muslim community and the group's leader announced that he would resign and leave the country in protest. In June 2006, the State Administrative Court ruled that, while OPC observation could continue, the IRH could not appear in the 2007 report unless the OPC presented new information.

After 2003, the Federal Constitutional Court cleared the way for state legislation that would ban female Muslim teachers from wearing headscarves at work; several states indicated their intention to enact laws prohibiting Muslim public servants from wearing headscarves on duty. From April 2004 to June 2006, eight states had passed such legislation. New legislation generally used language that could be applied to wearing any symbol that could be taken as a rejection of constitutional values or as a symbol of oppression. In the case in Baden-Wuerttemberg, this legislation was under judicial review at the end of the reporting period. In October 2005, the state government proposed extending the ban to include kindergarten teachers, a proposal that generated much opposition but remained on the table as of May 2006.

In April 2006, a Bonn high school principal, backed by the regional school authority, suspended two eighteen-year old Muslim students who sought to wear burqas to class. The principal defended his decision on pedagogical grounds, and one student agreed not to wear the burqa; the other dropped out of the public school system.

There were no reports of religious prisoners or detainees in the country.

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.

Anti-Semitism

According to the 2006 report by the OPC, the total number of registered anti-Semitic crimes rose significantly from 1,316 in 2004 to 1,658 in 2005. Among these, the number of violent crimes increased from thirty-seven to forty-nine. Desecration of Jewish cemeteries or other monuments was the most widespread anti-Semitic act. On April 18-19, 2006, the oldest Jewish cemetery in Europe, located in Mainz, was desecrated. The police announced that the act was probably the work of right-wing extremists (although no epithets or political symbols were used), but the actual perpetrators remained unknown.

In January 2005, following criticisms from a member of Parliament, the Hesse criminal office began investigating virulently anti-Semitic reporting by the Istanbul-based newspaper *Vakit*. The interior minister banned the newspaper and its publisher. In August, prosecutors concluded they could not charge the editors since the articles were written abroad.

On March 3, 2005, the radio station SWR Four withdrew its invitation to singer Christian Anders to perform at an event after Anders' Holocaust denial on his private Web site was publicized. Anders had also re-edited and published an anti-Semitic song.

On August 15, 2005, the Electoral Alternative for Social Justice Party in Trier expelled its county chairman, Wolfgang Schmitt, for using anti-Semitic rhetoric.

Section III. Societal Abuses and Discrimination

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

The country was simultaneously becoming increasingly secular and religiously diverse. Regular attendance at religious services decreased. Fifteen years after reunification, the eastern part of the country remained far more secular than the west. Only 5 to 10 percent of eastern citizens belonged to a religious organization.

A degree of anti-Semitism based on religious doctrines and historic anti-Jewish prejudice continued to exist. Far-right political organizations added claims that Jews were behind modern social and economic trends, such as globalization, which some Germans found disorienting or dangerous. While most anti-Semitic acts were attributed to neo-Nazi or other right-wing extremist groups or persons, recent anti-Semitic incidents indicated that Arab youths were increasingly behind attacks on and harassment of Jews.

Authorities strongly condemned all anti-Semitic acts and devoted significant resources to investigating incidents and prosecuting perpetrators. Authorities ran a variety of tolerance-education programs, many focusing on anti-Semitism and xenophobia. The programs received input and assistance from Jewish nongovernmental organizations. The state also provided twenty-four-hour police protection at synagogues and many other Jewish institutions.

The rise of a substantial Muslim minority at times led to social conflict with religious, ethnic, and cultural overtones. Commonly, this included local resistance to the construction of mosques or disagreements over whether Muslims may use loudspeakers in residential neighborhoods to call its adherents to prayer. Authorities argued that many disputes also appeared to be related to compliance with construction and zoning laws; private groups (with some Interior Ministry financing) sought to better educate Muslim groups about these laws. Muslim groups, however, argued that such rules were often abused or that local opposition was motivated by anti-Muslim bias. Nonreligious (e.g. noise and traffic levels) and security concerns were also factors. Local opposition in Munich, for example, delayed plans to build a new mosque there and, in early 2006, efforts to build a new mosque in eastern Berlin prompted widespread community and political opposition, in part because of questions about the sponsoring groups' funding sources and socio-political orientation. Islamic instruction in Turkish or Arabic also came under criticism from politicians and others who were concerned that such classes may convey anti-constitutional or anti-Western messages.

On several occasions, police raided mosques and other Muslim institutions in connection with counter-terrorism investigations. Some raids, such as the September 2005 large-scale raids in Hesse, triggered accusations of discrimination from members of the mosque. Muslim representatives criticized the Hesse raids as an excessive and arbitrary "dragnet." There also remained areas where the law and Islamic practices conflicted with one another, for example, with regard to the call to prayer, Muslim ritual slaughtering, or the segregation of older boys and girls during sports classes. Muslim organizations also criticized various proposals from several states for naturalization tests in early 2006 as reflecting a generalized suspicion of Muslims and rejection of them as potential citizens.

The Evangelical Church employed "Commissioners for Religious and Ideological Issues" (often referred to as "sect commissioners") to investigate "sects, cults, and psycho-groups" and to publicize what they considered to be the dangers of these groups to the public. Evangelical sect commissioners were especially active in their efforts to warn the public about alleged dangers posed by the Unification Church, Scientology, Bhagwan-Osho, and Transcendental Meditation. The print and internet literature of the sect commissioners portrayed these as "totalitarian," "pseudo-religious," and "fraudulent." Mormons, Jehovah's Witnesses, the Church of Christ, Christian Scientists, the New Apostolic Church, and the Johannish Church were characterized in less negative terms, but nevertheless were included in the Church's web-page on "sects." The Catholic Church also employed similar commissioners, who generally restricted their activities to providing counsel to individuals with questions about "sects."

Section IV. U.S. Government Policy

The U.S. government discusses all aspects of religious freedom with the Government as part of its overall policy to promote human rights, including the status of Islamic education and attitudes toward the Muslim community. The U.S. Mission has extensive contact with all religious groups in the country and meets frequently at multiple levels with representatives of religious groups to discuss their situation and concerns.

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

The U.S. government expressed its concerns over infringement of individual rights because of religious affiliation with respect to Scientology and other minority religious groups.

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