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Bureau of Democracy, Human Rights, and Labor
[2008 Country Reports on Human Rights Practices](#)
Report
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Germany

Germany is a constitutional parliamentary democracy with a population of approximately 82 million. Citizens periodically choose their representatives in free and fair multiparty elections. The head of the federal government, the chancellor, is elected by the Bundestag (federal parliament). The second legislative chamber, the Bundesrat (federal council), represents the 16 states at the federal level and is composed of members of the state governments. The Basic Law (constitution) sets forth the powers of the chancellor and of the legislative branch. The most recent national elections for the Bundestag took place in 2005. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. The government limited the freedoms of speech, press, assembly, and association for groups deemed extremist. **There was governmental and societal discrimination against some minority religious groups.** Harassment of racial minorities and foreigners, anti-Semitic acts, violence against women, and trafficking in persons were problems.

RESPECT FOR HUMAN RIGHTS

[..]

c. Freedom of Religion

The Basic Law provides for freedom of religion, and the government respected this right in practice with some exceptions; however, discrimination against certain religious minorities remained a problem.

Religion 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 and size of the organization, and do not demonstrate disloyalty to the State, religious organizations may request "public law corporation" (PLC) status, which, among other things, entitles them to levy taxes on their members, which the State then collects as part of the overall taxes. Organizations pay a fee to the government for this service, and not all PLCs availed themselves of this privilege. The decision to grant PLC status is made at the state level, and there have been cases where states have denied this status to an applicant. For example, to date, only the State of Berlin has granted the Jehovah's Witnesses PLC status.

While the federal government has encouraged the states to grant PLC status to Muslim communities, the federal government preferred that the Muslim community designate a single organization with which federal and state authorities can negotiate. To date few Muslim organizations have applied for PLC status. In some cases intra Muslim disputes prevented organizations from establishing their right to represent that community.

The Muslim Coordination Council, a coalition of the four largest Muslim religious organizations in the country, was in the process of registering as a PLC at year's end despite government reservations that the organization represented only 10 to 15 percent of the Muslim population.

The states of Baden-Wuerttemberg, Bavaria, Berlin, Bremen, Hesse, Lower Saxony, North Rhine-Westphalia, and Saarland prohibit teachers in public schools, but not civil servants in general, from wearing headscarves. The courts have consistently rejected legal challenges to the prohibition.

The government continued to deny recognition of some belief systems, including Scientology, as religions; however, the absence of recognition did not prevent their adherents from engaging in public and private religious activities.

Federal and some state authorities continued to classify Scientology as a potential threat to democratic order, resulting in discrimination against Scientologists in both the public and private sectors. Scientology members reported the use of so-called "sect filters" by many associations and organizations, where eligibility for membership is contingent upon applicants confirming that they do not belong to the Church of Scientology. On June 27, the Hamburg Administrative Court fined the city of Hamburg 5,000 Euros (\$7,000) for violating a 2006 court decision banning the use of "sect filters." The Hamburg Interior Ministry's Working Group on Scientology continued to maintain links to sample filters for use by businesses.

The FOPC and the state-level OPCs in Baden-Wuerttemberg, Bavaria, Berlin, Bremen, Hamburg, and Lower Saxony kept the Church of Scientology under "observation" (surveillance) based on a stated concern that its teachings and practices contravene the democratic constitutional order or violate human rights. The courts have considered but rejected cases brought by the Church of Scientology to force the federal- and state-level domestic intelligence agencies to halt surveillance of the church.

On November 21, the conference of state interior ministers decided not to consider a ban of the Church of Scientology, citing insufficient legal evidence to support such an approach. Nonetheless, in its report the ministers concluded that Scientology had little in common with the country's democratic constitution and that its goals were "incompatible with the essential characteristics of a free and democratic basic order." Therefore, the FOPC also recommended continued observation of the organization's activities.

Scientologists continued to report instances of official and societal discrimination during the year.

In September the Hamburg Interior Ministry's Working Group on Scientology hosted a seminar critical of Scientology entitled "That is Scientology! Reports from the U.S.A." for an audience that included representatives of state ministries of interior, education, and social affairs as well as participants from Belgium and France.

Some religious groups expressed opposition to the government's prohibition of home schooling. During the year local authorities brought criminal charges against some parents who refused to enroll their children in government-licensed schools for religious reasons. In a December case, a Saxony court dropped neglect charges against the Brause family after the children passed government-administered written examinations. State authorities generally permitted groups to establish private schools so long as such schools met basic curriculum requirements.