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Germany

International Religious Freedom Report 2005

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; however, discrimination against certain religious minorities remains 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 free practice of religion. As the country's religious demography grew increasingly complex, the generally amicable relationships among religions in society contributed to religious freedom.

Important religious issues of concern 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 religions and relevant government officials.

Section I. Religious Demography

The country has an area of 137,847 square miles, and its population is approximately 82 million. There are no official statistics on religions; however, unofficial estimates and figures provided by religious organizations give an approximate breakdown of the membership of the country's denominations. The data below were compiled from various sources and are for 2003 unless otherwise noted.

The Roman Catholic Church had a membership of approximately 26.5 million. The Evangelical Church, a confederation of the Lutheran, Uniate, and Reformed Protestant Churches, has approximately 26.2 million members. Together, these two churches account for two thirds of the population.

Other religious communities comprising more than 0.1 percent of the population are Protestant Christian: New Apostolic Church: 400,000; Ethnic German Baptists from the FSU: 300-380,000; Baptist: 85,000. Muslims number 3.3 million (2001), including Sunnis: 2.2 million (2001); Alawites: 340,000 (2000); Shiites: 170,000 (2000). Orthodox Christian number 1.4 million, including Greek Orthodox/ Constantinople Patriarchate: 400,000; Serbian Orthodox: 250,000; Romanian Orthodox: 250,000; Russian Orthodox, Moscow Patriarchate: 100,000.

Buddhists number 210,000, and Jehovah's Witnesses 166,000. Jews number 189,000, including Central Council Affiliated (primarily Orthodox): 105,000 (2004), and non-affiliated: 80,000 (2004). Hindus number 97,500.

Note: Under a liberal immigration policy, more than 199,000 Jews and their dependents from the former Soviet Union (FSU) have come to the country since 1990, with smaller numbers arriving from other countries as well. Not all new arrivals join congregations, resulting in the discrepancy between population and congregation membership. In December 2004 negotiations began between the Government and the Central Council of Jews in Germany that could place new limits on Jewish immigration from the FSU.

An estimated 21 million persons, or a quarter 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; however, discrimination against and unequal treatment of some minority religious groups remain an issue, in part because of the legal/constitutional structure of church-state relations. The structure for managing church-state relations, established in 1949, is gradually adapting to the country's increasingly diverse religious make-up.

Religious organizations are not required to register with the state. 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, that they are a religion and thus contribute socially, spiritually, or materially to society. 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 nine 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. Religious groups that have been granted public law corporation status, in addition to the Evangelical and Catholic Churches, include the Jewish community, Mormons, Seventh-day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army.

The Muslim communities remain an exception. To date, no state has granted any Muslim group public law corporation status, in large measure because of intra-Muslim disputes over which organization can be considered representative of the community as a whole. The federal Government is in principle in favor of granting public law corporation status to Muslim communities but has urged Muslims to agree upon a single organization with which the state and federal governments could deal.

The State provides subsidies 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 the Nazi period. Repairs to and restoration of some Christian churches and monasteries expropriated by the state in 1803 are financed by the Government. Newer buildings do not receive subsidies for maintenance. State governments also subsidize various institutions affiliated with public law corporations, such as religious schools and hospitals, which provide public services.

According to the 2003 "State Agreement on Cooperation" between the federal Government and the Central Council of Jews, 3 million euros (approximately \$3.75 million) is provided annually to the Central Council for maintenance of the Jewish cultural heritage and building 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. However, the German branch of the World Union for Progressive Judaism (WUPJ) has contested the Central Council's management of the funds and has sought the assistance of the Government and of the courts in resolving the dispute. The Government has encouraged the parties to reach an agreement, but, citing separation of church and state, has taken no position on the substance of the dispute. The Government also directly supports Jewish institutions and projects with a liberal orientation, including the establishment of a secretariat for the German chapter of the WUPJ.

Most public schools offer Protestant and Catholic religious instruction in cooperation with those churches, and 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 churches argue 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 on offer in Berlin on a voluntary basis, the churches believe that their teaching would be undermined.

In 2004, providing Islamic education in public schools was a controversial topic nationally. Education is a state responsibility and, because no nation-wide Islamic organization exists that all states recognize as a public law corporation, the form and content of Islamic instruction varies from state to state. Organizations providing Muslim instruction in several states 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 2003-04, a pilot Islamic education program in German in cooperation with the local Muslim community began at one public school.

Baden-Wuerttemberg will offer Islamic religious courses in select public schools in 2006-07. Local Islamic organizations will be responsible for the religious classes, using a curriculum developed by the state.

Following favorable rulings by courts on the status of the Berlin Islamic Federation as a religious community, the Federation began in 2001 to provide 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.

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. The program was tentatively set to be expanded to additional elementary schools in 2005.

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 in 110 schools. 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 new government of Schleswig-Holstein has begun to consider how to introduce Islamic instruction in German. No Islamic instruction is provided in schools in Hamburg as the authorities have suspended an initiative for an interreligious program. In a number of eastern states (Mecklenburg-Western Pomerania, Saxony, Thuringia, and Saxony-Anhalt), the number of Muslim students is 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 continued to contribute to the generally free practice of religion.

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 religions 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) continues in force against the founder of the Unification Church, Reverend Sun Myung Moon, and his wife, Hak Ja Har Moon. The 1995 decision 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 is seeking to overturn the ban in the courts.

A 10-year legal effort by Jehovah's Witnesses to overturn a Berlin state government (Senate) 1995 decision to deny them public law corporation status was still unresolved by the end of the period covered by this report. 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. However, in March 2005, the Berlin Administrative Court ruled for a second time that Berlin had not proven its case and ordered the Senate to grant the status. The Senate advised in April 2005, that it was awaiting the written judgment before making a decision on next steps.

In 2004, the Church of Scientology, which operates 18 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 have also directly approached Scientologists for information, a practice many find intimidating and a form of harassment. More intrusive observation methods are subject to legal checks and would require evidence of involvement in treasonous or terrorist activity.

In November 2004, a Cologne court ruled that such observation was justified and could continue. The Church of Scientology has appealed the decision. In April 2005, a Saarland court ruled that the state OPC could not include Scientology in its annual report if no negative information was found. In practice, over the last three years, an increasing number of state OPCs have opted to stop their observation of Scientology. Policy and practice vary widely among the states and the disparity appears to be increasing as many states move away from the stringent practices still followed in Baden-Wuerttemberg and Bavaria. Nevertheless, the federal OPC's 2005 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 contend that OPC observation is harmful to the Church's reputation and continue to seek redress through the courts.

Several states have published pamphlets about Scientology (and other religions) that detail the Church's ideology and practices. States defend the practice by noting their responsibility to respond to citizens' requests for information about Scientology as well as other issues. While many of the pamphlets are factual and relatively unbiased, some warn of alleged dangers posed by Scientology to the political order, 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 "sect commissioners" 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 have established rules and procedures that discriminate against Scientology as an organization and/or against individual members of the Church. For example, since 2001, the federal government has 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 have adopted variations, in some cases more stringent, of this rule. Private groups have also on occasion required foreign firms that wished to do business in the country to declare any affiliation that they or their employees may have with Scientology.

Since 1996, government employment offices throughout the country have 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 are supposed to warn their clients that they might encounter Scientologists in these workplaces. Some private job centers have also adopted this practice. Scientologists have claimed that the "S" notations violate their right to privacy and interfere with their livelihood.

In 2004, Scientologists continued to report instances of societal discrimination. According to Scientologists, when the Ministry of Trade and Commerce of Baden Wuerttemberg learned in October 2004 that the winner of the "Baden Wuerttemberg Support Prize for Young Companies" had been awarded to a Scientologist, the Ministry withdrew the prize of approximately \$20,250 (15,000 euros). In Hamburg, the city refused to renew a Scientology lease of exhibition space, reportedly following complaints from citizens about the Church's aggressive recruitment activities.

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.

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 January 2005, six states passed such legislation; four states were considering draft laws, and no action had been taken in five states. 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. At least in the case in Baden Wuerttemberg, this legislation is now under judicial review.

In October 2004, a Leipzig court ruled that Christian nuns teaching in public schools (a common practice) must obey a Baden Wuerttemberg law that prohibits the wearing of religious paraphernalia in schools. In November 2004, Bavaria banned headscarves and other religious symbols deemed contrary to constitutional order; however, it did not ban the wearing of crucifixes or nuns' habits, claiming that they were professional uniforms.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

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

The country is becoming increasingly secular and, at the same time, religiously diverse. Regular attendance at religious services is decreasing. Fifteen years after reunification, the eastern part of the country remains far more secular than the west. Only 5 to 10 percent of eastern citizens belong to a religious organization.

A degree of traditional anti-Semitism based on religious doctrines and anti-Jewish prejudices continued to exist.

According to the 2005 report by the Office for the Protection of the Constitution, the total number of registered anti-Semitic crimes rose slightly from 1,199 in 2003 to 1,316 in 2004. Among these, the number of violent crimes increased from 35 to 37, although the number of desecrations of Jewish cemeteries, synagogues, and memorials declined from 113 to 101. Desecration of Jewish cemeteries or other monuments was the most widespread anti-Semitic act. In December 2004, billboards advertising the campaign against forgetting the Holocaust were defaced with anti-Semitic graffiti and slogans supporting a neo-Nazi organization. However, there were reports of personal violence, as in Frankfurt in August 2004, when a member of the Orthodox community was attacked and knocked to the ground by four men shouting, "They forgot to send your parents to the gas chamber."

Frankfurt's Jewish community harshly criticized anti-Semitism on the part of some Islamic representatives at the October 2004 Frankfurt Book Fair. Jewish representatives cited open displays of anti-Semitic texts, such as the book "Terror and Zionist Thinking."

Nine members of the Kameradschaft Sued (Southern Brotherhood), a neo-Nazi gang from the southern part of the country, were charged in an alleged 2003 plot to bomb the site of a planned Jewish community center in downtown Munich. The trial of ringleader Martin Wiese and three members of his inner leadership circle began in November 2004. In May 2005, the defendants were sentenced to between 2-1/2 and 7 (Wiese) years' imprisonment. An earlier trial of three teenage girls and two men began in October 2004. In April 2005, the five were given suspended sentences because of their age and cooperation with the prosecution. The prosecution was unable to conclusively prove the bomb plot plans and the group was convicted on the basis of membership in a terrorist organization and illegal possession of weapons.

While most anti-Semitic acts are attributed to neo-Nazi or other extremist groups or persons, recent anti-Semitic incidents indicate that Arab youths are increasingly behind attacks on and harassment of the Jews. Authorities strongly condemned all anti-Semitic acts and devoted significant resources to investigating incidents and prosecuting perpetrators. Authorities run a variety of tolerance-education programs, many focusing on anti-Semitism and xenophobia. The programs receive input and assistance from Jewish nongovernmental organizations. The state also provides 24-hour police protection at synagogues and many other Jewish institutions.

The rise of a substantial Muslim minority has at times led to social conflict with religious, ethnic, and cultural overtones. Commonly, this includes local resistance to the construction of mosques or disagreements over whether Muslims may use loudspeakers in residential neighborhoods to call the faithful to prayer. Authorities argue that many disputes also appear to be related to compliance with construction and zoning laws; private groups (with some Interior Ministry financing) are seeking to better educate Muslim groups about these laws. Muslim groups, however, argue that such rules are often abused or that local opposition is motivated by anti-Muslim bias. Local opposition in Munich has, for example, delayed plans to build a new mosque there. There was an arson attack against a mosque in the Hessian town of Usingen in December 2004, with \$12,500 (10,000 euros) worth of damage done. Authorities believed the attack was the work of an individual, but no arrests were made and no person or group had claimed responsibility for the attack. Islamic instruction in Turkish or Arabic has also come under criticism from politicians and others who are 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 July 2004 raid on a Frankfurt mosque, triggered accusations of discrimination from members of the mosque. There also remain areas where the law conflicts with Islamic practices, for example with regard to the call to prayer, Muslim ritual slaughtering, or the segregation of older boys and girls during sports classes.

As noted above, the Evangelical Church employs "sect commissioners" to investigate "sects, cults, and psycho-groups" and to publicize what they consider to be the dangers of these groups to the public. Beyond Scientology, Evangelical sect commissioners are especially active in their efforts to warn the public about alleged dangers posed by the Unification Church, Bhagwan-Osho, and Transcendental Meditation. The printed and Internet literature of the sect commissioners has 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 have been characterized in less negative terms but nevertheless are singled out as "sects." The Catholic Church also employs sect commissioners, who generally restrict their activities to providing counsel to individuals who have 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.

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 contacts with Jewish groups and continue to monitor closely the incidence of anti-Semitic activity.

The status of Scientology was the subject of many official discussions. 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. Embassy officers at all levels consistently and repeatedly supported Church of Scientology requests for direct dialogue with government officials.

Released on November 8, 2005

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