

# **GERMANY 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The Basic Law and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The trend in the government's respect for religious freedom did not change significantly during the year. The government made efforts to improve the integration of Muslims and other minorities into society, investigated and prosecuted criminal behavior against religious groups, and promoted tolerance education. There were, however, reports of discrimination at the federal and state level against some religious minorities, notably Scientologists, Jehovah's Witnesses, and Muslims.

There were reports of societal abuses based on religious affiliation, belief, or practice, particularly on the part of right-wing groups and Muslim youth from immigrant backgrounds against some minority religious groups. Vandals desecrated some Jewish cemeteries. Muslims sometimes suffered societal discrimination. The Roman Catholic and Protestant churches continued to use "sect commissioners" to warn the public of alleged dangers from some religious groups such as the Unification Church, the Church of Scientology (COS), Universal Life, and Transcendental Meditation practitioners. Some employers used written agreements known as "sect filters," asking potential new employees to confirm they had no contact with Scientology, had not participated in its training courses, and rejected its doctrines. Prominent societal leaders took positive steps to promote religious freedom and tolerance. Many members of civil society, including the Central Council of Muslims in Germany, the Turkish community, and prominent Jewish groups, promoted tolerance programs, interreligious dialogue, and efforts to improve Muslim integration.

The U.S. government emphasized its support for direct dialogue between representatives of minority religious groups and concerned government officials. The U.S. embassy engaged Muslim communities through public outreach, exchanges, and other programs promoting religious tolerance, diversity, and greater understanding among religious groups.

## **Section I. Religious Demography**

According to a 2011 Federal Statistics Office estimate, the population is 81.8 million. There are no official statistics on religious groups. Unofficial estimates and figures provided by religious groups indicate the Roman Catholic Church has

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approximately 25 million members and the Protestant Church (a confederation of the Lutheran, Uniate, and Reformed Protestant denominations) has approximately 24 million members. Together, the two groups account for more than 60 percent of the population. Other Protestant denominations that together account for less than 1 percent of the population include the New Apostolic Church, Baptist communities (Evangelical Christian Baptists, International Baptist Convention, Reformed Baptists, Bible Baptists, and others), and evangelical nondenominational Baptists.

There are approximately 4 million Muslims, including 2.9 million Sunnis, 500,000 Alevis, and 280,000 Shia, together making up 5 percent of the population. Orthodox Christians number approximately 1.4 million. Smaller religious groups include Buddhists, Hindus, Jehovah's Witnesses, and the COS. The Jewish community numbers approximately 200,000. Roughly 28 million persons (33 percent of the population) either have no religious affiliation or are members of unrecorded religious groups.

### **Section II. Status of Government Respect for Religious Freedom**

#### **Legal/Policy Framework**

The Basic Law (the constitution) and other laws and policies protect religious freedom.

Religious groups are not required to register with the state, and groups may organize themselves for private religious purposes without constraint. Religious groups wishing to qualify as nonprofit associations with tax exempt status must register. State-level authorities review registration submissions and routinely grant tax-exempt status; if challenged, their decisions are subject to judicial review. Groups applying for tax-exempt status must provide evidence through their statutes, history, and activities that they are a religious group.

Religion and the state are separate, although a special partnership exists between the state and religious groups with "public law corporation" (PLC) status. Any religious group may request PLC status, which entitles the group to appoint prison, hospital, and military chaplains and to levy tithes (averaging 9 percent of income tax), which the state collects on its behalf. PLCs pay fees to the government for the tithing service, but not all groups use it. PLC status also allows for tax exemptions and representation on supervisory boards of public TV and radio stations.

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The decision to grant PLC status is made at the state level based on an assurance of the group's permanence, its size, and an indication that the group is not hostile to the constitutional order or fundamental rights. An estimated 180 religious groups have PLC status, including the Protestant and Catholic churches, the Jewish community, The Church of Jesus Christ of Latter-day Saints (Mormons), Seventh-day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army. Thirteen of the 16 federal states have granted the Jehovah's Witnesses PLC status. No Muslim communities have PLC status. The government does not consider Scientology a religion, and the COS does not have PLC status.

Islamic or other religious practices including the call to prayer, halal or kosher ritual slaughter, and the segregation of older boys and girls during gym classes sometimes conflict with the law. Ritual slaughter, for instance, conflicts with laws on animal protection, although there are limited exemptions.

Eight states maintain headscarf bans, and in some cases bans of any religious symbol, for teachers in public schools and in some states, for all civil servants. Courts have upheld headscarf bans in several cases.

The criminal code prohibits incitement intended to disturb the public order by insulting faiths, religious societies, and ideological groups. Infractions are punishable by up to three years in prison and a fine.

The government subsidizes some religious groups for historical and cultural reasons. Because of the government's role in the Holocaust, states have accepted as an ongoing duty the obligation to provide financial support to the Jewish community, including renovating old synagogues and constructing new ones. State governments also subsidize religiously affiliated institutions providing public services, such as religious schools and hospitals..

An agreement between the federal government and the Central Council of Jews provides supplemental funding to the Jewish community to help maintain Jewish cultural heritage, restore the Jewish community, and support integration and social work. During the year, the government provided 10 million euros (\$13.4 million). In addition, the federal government provides financial support for the Institute for Jewish Studies in Heidelberg, the Rabbi Seminar at the University of Potsdam, and the Leo Baeck Institute. The federal government also covers 50 percent of maintenance costs for Jewish cemeteries.

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Although the law prohibits discrimination on the basis of religion, a Federal Constitutional Court ruling permits the government to characterize “nontraditional” religious groups as “sects,” “youth religions,” and “youth sects,” and allows the government to provide “accurate information” or warnings about them to the public. The ruling prohibits the government from defaming these religious groups by using terms such as “destructive,” “pseudo-religious,” or “manipulative.”

The status of the Church of Scientology remains in limbo. The Constitutional Court and various courts at the state level have not explicitly ruled that Scientology is a religion. Government agencies at the federal and state level have rules and procedures that discriminate against Scientology as a group and against its members. Four of the major political parties (the Christian Democratic Union, Christian Social Union, Social Democratic Party, and Free Democratic Party) ban Scientologists from party membership.

All states offer religious instruction and ethics courses. 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. In most states, students who do not wish to participate in religious instruction may substitute ethics courses. State authorities generally permit religious groups to establish private schools as long as they meet basic curriculum requirements.

The federal government maintains religious neutrality, and there is no official state religion. It does not declare religious holidays as national holidays. Individual states determine which religious holidays are observed, and these vary from state to state.

The country is an active member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

### **Government Practices**

There were no reports of abuses of religious freedom.

Discrimination against, and unequal treatment of, some religious groups remained a problem at the local levels of the federal government, as well as on the part of some states. Some state governments and federal agencies continued to decline to recognize certain belief systems as religions, making them ineligible for tax

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benefits, although not affecting their ability to engage in public and private religious activities.

The states of Bremen and Baden Wuerttemberg continued to deny PLC status to Jehovah's Witnesses, and the group's application in North Rhineland-Westphalia (NRW), filed in 2006, remained pending. The Jehovah's Witnesses were not able to alleviate these states' concerns, such as the perceived divergence in the views of Jehovah's Witnesses regarding children's blood transfusions, from constitutional principles on the rights of the child. On January 26, the Mainz Administrative Court ruled the state of Rhineland-Palatinate must grant PLC status to Jehovah's Witnesses. The court noted there was no sound reason for denying PLC status because the community observed fundamental constitutional principles.

Scientologists reported instances of governmental discrimination. Although courts at the state and federal level condemned the improper use of so-called "sect filters" to blacklist and boycott Scientologists, they remained in use in the public sector. "Sect filters" typically asked potential new employees to confirm in writing that they had no contact with Scientology, did not participate in its training courses, and rejected its doctrines.

In January the city of Hamburg announced a property for sale, but stipulated that potential buyers must sign a "sect filter" agreement declaring that neither they nor their employees were Scientologists, and that any company operating on the property would not conduct business with any Scientologists, domestic or foreign. In July the Bavarian Ministry for Environment and Health solicited bids for a facility cleaning contract with a similar sect filter.

The federal and state Offices for the Protection of the Constitution (OPCs) in Baden-Wuerttemberg, Bavaria, Berlin, Bremen, Hamburg, Lower Saxony, NRW, and Thuringia monitored the activities of the COS, mainly focusing on evaluating Scientology publications and public activities to determine whether they violated the constitution. The COS reported that OPC representatives regularly contacted Scientologists to question them about the organization. The COS also reported the OPC collected names of members from church publications and archived the information to use in citizenship and employment proceedings.

A number of Muslim groups suspected of furthering extremist goals remained under observation by state and federal OPCs. Examples included the "Islamische Gemeinschaft in Deutschland" (Islamic Community in Germany), connected with the Muslim Brotherhood, whose ideology the OPCs considered "socially

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disintegrative.” The OPCs also suspected the 30,000-member “Islamische Gemeinschaft Milli Goruse” (Milli Goruse Islamic Society) of spreading Islamist ideologies rejecting democracy.

Elected officials objected to Salafist Muslims distributing free copies of the Quran, even though most admitted it was legal. Guenter Krings of the governing Christian Democratic Union stated, “Wherever possible, this aggressive action must be stopped.” The government ordered a branch of the security service to monitor the distribution.

The number of Islamic religion classes in public schools continued to grow. Because education remained a state responsibility and there was no nationally recognized Islamic group to assist in developing a curriculum or providing services, the form and content of Islamic instruction varied from state to state. The Alevite community offered religious lessons in seven federal states, involving roughly 12,000 students. Curricula were usually developed in cooperation with the respective state government. NRW was the first state to offer Alevite religious lessons in secondary schools.

In August two female teachers from NRW filed a complaint in the Constitutional Court challenging the state’s ban on headscarves in public schools; the case remained pending at year’s end.

In March the Berlin labor court ruled against a dentist who in 2011 refused to employ a Muslim woman for a traineeship as a dental assistant, despite being qualified, because she refused to remove her headscarf. The court ruled it an act of religious discrimination and in breach of legislation mandating equal treatment, stating that a headscarf was not an “arbitrary piece of clothing,” but an expression of religious beliefs, and wearing it was part of the right to religious freedom. The court ordered the dentist to pay approximately 1,500 euros (\$1,966) in damages.

In November the mayor of Hamburg signed a first-of-its-kind agreement with the Islamic and Alevite communities committing the city to guarantee the freedom to practice Islam, support Islamic education in public schools, and recognize Islamic holidays and burial customs. In return, all parties agreed on the proscription of violence and discrimination based on ancestry, gender, sexual orientation, faith, and political views.

In August NRW authorities introduced Islamic religious instruction in the regular public school curriculum. The content was determined by an advisory board

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consisting of four members of the Muslim umbrella organization KRM and four members of the government chosen with the KRM's consent. Muslim groups in NRW publicly welcomed the development. In October the education minister opened the Center for Islamic Theology with campuses in Muenster and Osnabrueck. The Bavarian state government's five-year pilot project for providing school courses in Islam continued. A total of 265 schools, most of them elementary schools, offered Islamic instruction for about 10,500 pupils and employed approximately 70 teachers.

Both Jewish and Muslim groups complained vehemently about a June ruling by a district court in Cologne criminalizing as assault the circumcision of boys for non-medical reasons. The federal government responded to Jewish and Muslim concerns by submitting legislation to ensure the continued legality of male circumcision. The issue spurred widespread societal debate before both houses of parliament adopted a new law in December allowing male circumcision for religious reasons, as long as it was conducted in a medically professional manner and without unnecessary pain.

The Ministry of Defense was unable to develop a Muslim chaplaincy because of a failure to reach agreement with multiple Muslim groups on a unified plan of action. The ministry independently developed and implemented a code of conduct to facilitate Islamic practices for an estimated 3,000 Muslim soldiers.

In December Lower Saxony signed agreements with two Muslim groups to select and train Muslim prison chaplains, with the aim of expanding and facilitating religious support for Muslim prisoners.

### **Section III. Status of Societal Respect for Religious Freedom**

There were reports of societal abuses and discrimination based on religious affiliation, belief, and practice. Because ethnicity and religion were often inextricably linked, it was difficult to categorize many incidents specifically as ethnic or religious intolerance.

According to the most recent statistics available, in 2011 the federal OPC recorded 16,873 right-wing "politically motivated crimes" (PMCs), 1,162 of which were recorded as anti-Semitic. Twenty-two of those cases involved violence. The 2011 OPC report also counted 8,687 left-wing PMCs, 1,809 of them violent. The Federal Criminal Investigation Office defines PMCs as offenses related to the

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victims' ideology, nationality, ethnicity, race, skin color, religion, worldview, ancestry, sexual orientation, disability status, parents, or social status.

The authorities and nongovernmental organizations (NGOs) attributed most anti-Semitic acts to neo-Nazi or other right-wing groups or individuals, some of whom claimed Jews were the cause of negative modern social and economic trends. NGOs monitoring and working to counter anti-Semitism reported a rising anti-Semitic trend among Muslim youth, who were increasingly involved in attacks on and harassment of Jews. Federal authorities generally took action against anti-Semitic offenses.

The most common anti-Semitic acts were the desecration of Jewish cemeteries or monuments with graffiti that included the use of swastikas.

In February a group of fans assaulted an Israeli soccer player, who was playing for a German soccer club, in an altercation following a match. The assailants reportedly made Nazi gestures and referred to him as a "filthy Jew." Police were immediately called and the fan association later apologized for the incident.

On August 28, a group of youths attacked Rabbi Daniel Alter and threatened to kill his seven-year-old daughter. Alter, who was walking on the street with his daughter in Berlin, was identifiable as a Jew because he was wearing a yarmulke. The rabbi suffered a broken cheekbone and was hospitalized. At year's end, police had not arrested anyone for the offense. Following the event, up to a thousand mostly Jewish demonstrators protested the incident in Berlin.

The rise of a substantial Muslim minority continued to engender social conflict that sometimes contained religious overtones. On November 13, an Islamic community advisory board purchased a long-vacant church in Hamburg in order to transform it into a multi-faith center. The public and the media reacted to the purchase with skepticism and with undertones of a fear of the "Islamization" of the country. Renovations were under way at year's end.

The Pro NRW party sponsored a cartoon contest on Islamic themes during a May state election campaign. The party displayed winning cartoons in front of mosques and other Islamic facilities. One campaign event in front of the King Fahd Academy in Bonn ended in violence, including injury of 29 police officers who arrested approximately 100 people protesting the cartoons.

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Catholic and Protestant churches continued to oppose Scientology publically, although press reporting and public reactions to Scientology decreased. Several private organizations issued warnings about after-school study programs run by Scientologists.

“Sect commissioners,” primarily Protestant and Catholic Church officials, investigated “sects, cults, and psycho groups” and publicized what they considered to be the dangers of these groups. Protestant “sect commissioners” were especially active in efforts to warn the public about alleged dangers posed by the Unification Church, Scientology, Bhagwan-Osho, Transcendental Meditation, and Universal Life. Print and Internet literature produced by “sect commissioners” portrayed these groups unfavorably.

Many civil society groups sought improved societal respect for religious freedom through tolerance programs, multi-faith groups, and open dialogue. Jewish and Muslim communities in Berlin participated in a Turkish-Jewish roundtable at which participants discussed barriers to integration and ways to promote religious tolerance. Jewish NGOs such as the Central Council of Jews provided input and assistance on a variety of government-sponsored tolerance education programs focusing on anti-Semitism and xenophobia. They often played a significant role in the development of legislation affecting religious group, such as the ritual circumcision law.

### **Section IV. U.S. Government Policy**

The U.S. embassy and consulates closely monitored the government’s responses to incidents of anti-Semitism, and expressed the U.S. government’s concern about anti-Semitic acts.

Embassy and consulate officials met frequently with representatives of religious groups to discuss issues, and engaged in activities to promote positive attitudes toward minority religious groups, including the Muslim community. The embassy and consulates conducted an active Muslim engagement program including exchanges, outreach efforts, and guest speakers. As part of the outreach program, embassy and consulate officials regularly hosted activities and meetings with members of the Muslim and Jewish communities. They also maintained close contact with Jewish groups and continued to monitor anti-Semitic activity. Embassy representatives also engaged with interfaith dialogue groups, such as the House of Religions in Lower Saxony, which regularly brought Protestant, Catholics, Jews, Muslims, Hindus, Buddhists, and Bahais together.

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The embassy and consulates met with members of the Bahai, Alevite, Coptic, and Sufi communities; the Konrad Adenauer Foundation; the Central Council of Muslims; the Central Council of Jews; the Church of Scientology; human rights NGOs; and parliamentary staffers to discuss religious freedom.