

## GERMANY

### Executive Summary

The Basic Law and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. 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, individual reports expressing concerns regarding governmental (federal and state) treatment of some religious minorities, notably Scientologists, Jehovah's Witnesses, and Muslims.

There were reports of societal abuses based on religious affiliation, belief, or practice. Right-wing groups and Muslim youth from immigrant backgrounds committed politically motivated crimes against some minority religious groups. Some Jewish cemeteries were desecrated, and individuals from Muslim communities sometimes suffered societal discrimination. The Roman Catholic and Protestant churches continued to use "sect commissioners" to warn the public of alleged dangers from some minority religious groups such as the Unification Church, Scientologists, Universelles Leben (Universal Life), and Transcendental Meditation practitioners. Scientologists continued to find that "sect filters" were used to discriminate against them in education, employment, and political party membership. A sect filter is defined as a written agreement a new employee has to sign stating that he or she has no contact with Scientology, has not participated in its training courses, and rejects its doctrines. Prominent societal leaders, however, took positive steps to promote religious freedom and tolerance. Many members of civil society, such as members of the Central Council of Muslims in Germany, members of the Turkish community, and members of prominent Jewish organizations, initiated discussions regarding Muslim integration and expressed commitment to that process.

The U.S. government continued to emphasize its support for direct dialogue between representatives of minority religious groups and concerned government officials. The U.S. embassy engaged actively with Muslim communities through public outreach, exchanges, and other programs that promote religious tolerance, diversity, and greater understanding between religious groups.

## **Section I. Religious Demography**

There are no official statistics on religious groups. Unofficial estimates and figures provided by religious organizations indicate the Roman Catholic Church has a membership of approximately 25 million, and the Protestant Church (which is a confederation of the Lutheran, Uniate, and Reformed Protestant denominations) has approximately 24 million members. Together, these two churches account for more than three-fifths of the population. Other Protestant denominations include the New Apostolic Church with approximately 360,000 members, Baptist communities (Evangelical Christian Baptists, International Baptist Convention, Reformed Baptists, Bible Baptists, and others) with approximately 75,000 to 100,000 members, and evangelical nondenominational Baptists with approximately 85,000 members.

Muslims number approximately 4 million, including 2.9 million Sunnis, 500,000 Alevis, and 280,000 Shia. Orthodox Christians number approximately 1.4 million. Buddhists number 245,000 and Hindus 97,500. Other religious groups in the country include Jehovah's Witnesses, the Church of Scientology (COS), and a Jewish community of approximately 200,000 members. Approximately 28 million persons (one-third of the population) either have no religious affiliation or are members of unrecorded religious organizations.

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

### **Legal/Policy Framework**

The Basic Law and other laws and policies protect religious freedom. Discrimination against, and unequal treatment of, some minority religious groups remained a problem at the local level of the federalized government, attributable in part to the legal/constitutional structure of church-state relations.

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

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 it be granted “public law corporation” (PLC) status, which entitles the group to name prison, hospital, and military chaplains, and to levy tithes (averaging 9 percent of income tax) on its members, which are collected on their behalf by the state. PLCs pay fees to the government for the tithing service but not all groups avail themselves of it. PLC status also allows for tax exemptions and certain co-determination rights through representation in supervisory boards of public TV or radio stations. PLC status does not affect the ability of a religious group to have chaplains/religious leaders or to construct houses of worship.

The decision to grant PLC status is made at the state level based on an assurance of the group’s 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 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. Jehovah’s Witnesses have been granted PLC status in 13 federal states. No Muslim communities have been granted PLC status. The government does not consider Scientology a religion, and the organization has not been granted PLC status.

In 2010 the Berlin House of Representatives adopted the first state law to permit burials that fully meet Muslim requirements.

After the Federal Supreme Court ruled in 2003 that banning the wearing of headscarves is within state legislative jurisdiction, eight states enacted headscarf bans (and in some cases any religious symbol) for teachers in public schools and in some places, for all civil servants. Courts have upheld headscarf bans in several cases. In August two female teachers from North Rhineland-Westphalia (NRW) filed a new complaint at the Constitutional Court regarding the ban; the case remained pending at year’s end.

The criminal code contains provisions that address the insulting of faiths, religious societies, and ideological groups. Incitement intended to disturb the public order is punishable by up to three years’ imprisonment and a fine, according to the law.

The government subsidizes some religious organizations 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 support for reconstruction of old synagogues and construction of new ones. State governments also subsidize various institutions affiliated with public law corporations, such as religious schools and hospitals that provide public services.

The 2003 “State Agreement on Cooperation” between the federal government and the Central Council of Jews supplements the funding received by the Jewish community from the states. The Central Council receives approximately 5 million euros (\$6.7 million) in annual funding to help maintain Jewish cultural heritage, restore the Jewish community, and support integration and social work for the community. In addition, the federal government provides financial support for the Hochschule für Jüdische Studien in Heidelberg, the Rabbi Seminar at the University of Potsdam, and the Leo Baeck Institute. The federal government also covers 50 percent of the cost for maintaining former Jewish cemeteries.

Areas remained where the law and Islamic or other traditional practices conflicted, including the call to prayer, halal or kosher ritual slaughtering, and the segregation of older boys and girls during gym classes. Ritual slaughtering conflicted with laws on animal protection, although there were provisions for exemptions.

The legal requirement that children attend school continued to be a problem for some advocates of homeschooling for religious reasons.

There was no resolution of Ministry of Defense efforts 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.

The General Act on Equal Treatment prohibits discrimination on the basis of sex, ethnic origin, race, religion, disability, age, and sexual identity. In 2002 the Federal Constitutional Court, however, ruled that the government can characterize “nontraditional” religions as “sects,” “youth religions,” and “youth sects,” and may report accurate information or warnings about them to the public. The ruling also states the government may not defame these religious groups by using terms such as “destructive,” “pseudo-religious,” or “manipulative.”

The government maintains a position of neutrality in religious matters since there is no official faith or state church. 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 25-country Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

### **Government Practices**

There were no reports of abuses of religious freedom.

Some state governments and federal agencies did not recognize certain belief systems, including Scientology, as religions; however, the absence of recognition did not prevent their adherents from engaging in public and private religious activities.

Jehovah's Witnesses have been granted PLC status in 12 federal states, but Bremen and NRW have denied their requests for PLC status. Attempts by Jehovah's Witnesses to alleviate these states' concerns have been unsuccessful. On January 26, the Administrative Court in Mainz ruled the state of Rhineland-Palatinate must grant PLC status to Jehovah's Witnesses. The Court ruled it saw no sound reasons for denying this status since the community was found to observe fundamental constitutional principles.

No Muslim community has PLC status. The federal government favors, in principle, granting PLC status to Muslim communities, but has suggested Muslims form a single organization that can negotiate directly with states and the federal government. In 2007 the four largest Muslim organizations formed the Muslim Coordination Council (KRM), which claims to represent the country's Muslims. Whether and when this group would meet legal requirements for registration as a PLC remained unclear and was to be decided at the state level.

Comments by the Interior Minister before a March 29 conference on Islam in Berlin exacerbated tensions with the Muslim community. While claiming he was speaking only from his personal perspective, the Minister remarked, "Successful integration requires both knowledge about the societal reality in Germany... and clear awareness of the Christian-occidental origin of our culture." A leader of the country's Turkish community said that the Minister's remarks engendered "great disappointment" among Muslim associations.

Municipal authorities reportedly denied members of the Universal Life Group access to market stands and sales booths in municipal facilities, lecture halls, and information stands in public places.

Scientologists reported instances of societal and governmental discrimination. The Constitutional Court and various courts at the state level have not explicitly ruled that Scientology is a religion, but have left the question unanswered. Various courts at the state and federal level have condemned the improper use of so-called “sect filters” that have been used to blacklist and boycott Scientologists in the public and private sectors.

Federal and some state authorities described Scientology as a potential threat to democratic order, which resulted in discrimination against Scientologists in both the public and private sectors. Several states published pamphlets detailing the church’s ideology and practice, warning of the “dangers” the religion allegedly poses to democracy, the legal system, and human rights. In addition, government agencies at the federal and state levels and some organizations in the private sector established rules and procedures that discriminated against Scientology as an organization and against its members.

The federal and state Offices for the Protection of the Constitution (OPCs) in Baden-Wuerttemberg, Bavaria, Berlin, Bremen, Hamburg, and Lower Saxony continued to monitor the activities of the COS, mainly focusing on evaluating Scientology publications and public activities to determine if they violated the German constitution. The OPCs did not impede the believers’ freedom to practice their religion. In 2010, the OPC report from Baden-Wuerttemberg stated that monitoring by the OPC “creates considerable problems in recruiting new members for Scientology and has limited their ability to expand successfully,” and that trend continued throughout the year. The COS reported during the year that the OPC regularly contacted its members to question them about their organization. The COS also reported the OPC regularly collected names of members from church publications and digitally archived this information to be used in citizenship and employment proceedings.

On November 30 after a review of several lower court decisions, the Federal Administrative Court in Leipzig rejected the claim of a student seeking to perform public midday prayers at his school in Berlin. The court argued the boy must accept restriction of his religious freedom since his public prayers could endanger general peace and harmony at a multiethnic school. The court made clear, however, that his ruling was not a leading decision and only applied to this case.

Sect filters exist at the city and state level as governments advertise job openings and contract tenders; private companies also employ sect filters. On April 5, the state of Brandenburg employed a sect filter for a contract tender (sect filters are also employed by city governments in Berlin, Munich, and across Germany for contracts and job openings). On March 31, the city of Berlin employed a sect filter in its tender for an IT job. On February 9, the city of Munich included an attestation that the applicant is not a member of the COS in application forms for daycare permits.

In response to complaints from Scientologists, the government issued statements which proclaimed all individual members of the Church of Scientology enjoy full religious freedom rights and protection under the German constitution. However, the government stated the Church of Scientology is considered profit-oriented, and as such is not an officially recognized religious group and does not have tax-exempt status.

A number of Muslim organizations were under observation by state and federal OPCs. Some of these organizations profess peaceful activities but are suspected by the OPCs of furthering extremist goals. Examples include the “Islamische Gemeinschaft in Deutschland,” connected with the Muslim Brotherhood, whose ideology (in the OPCs’ view) is considered socially disintegrative. The OPCs also suspect the 30,000-member “Islamische Gemeinschaft Milli Goruse” of spreading Islamist ideologies that advocate the rejection of democracy.

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.

The number of Islamic religion classes in public schools continued to grow. Participants in the Islam Conference sponsored by the federal government agreed in principle that Islamic education should be made widely available. Education is a state responsibility, and because no nationally recognized Islamic organization exists that could assist in developing a curriculum or providing services, the form and content of Islamic instruction varied from state to state. Organizations providing Islamic instruction did not obtain PLC status.

All states offer religious instruction and ethics courses. In most states students who do not wish to participate in religious instruction can substitute ethics courses.

Islamic religious instruction for the estimated 750,000 to 900,000 Muslim students in the public school system remained controversial. Although no Muslim group had PLC status, state governments recognized the demand and worked with local Muslim organizations to establish such courses.

In December, the NRW state parliament announced it would add Islamic religious instruction to the regular public school curriculum. The content would be determined by an advisory board consisting of four members of the Muslim umbrella organization, “Coordination Council of Muslims” (KRM), and four members of the government, chosen with the KRM’s consent. The Bavarian state government’s five-year pilot project for providing school courses in Islam continued. A total of 265 Bavarian schools, most of them elementary schools, offered Islamic instruction for about 10,500 pupils and employed approximately 70 teachers.

Some religious groups expressed opposition to the government’s prohibition of home schooling.

State authorities generally permitted religious groups to establish private schools as long as they met basic curriculum requirements.

### **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 are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

According to the most recent reports provided during the year, in 2010 the federal OPC recorded 15,905 right-wing “politically motivated crimes” (PMCs). The Federal Criminal Investigation Office defines PMCs as offenses related to the victims’ ideology, nationality, ethnicity, race, skin color, religion, worldview, ancestry, sexual orientation, disability status, parents, or social status. The OPC report also indicated in 2010 there were 3,747 left-wing PMCs, 790 PMCs by foreigners, and 369 PMCs of other types.

A degree of anti-Semitism based on religious doctrines and historical anti-Jewish prejudice continued to exist. Far right political organizations claimed Jews were the cause of negative modern social and economic trends and most anti-Semitic acts were attributed to neo-Nazi or other right-wing groups or individuals. NGOs

that monitor anti-Semitism indicated Muslim youth were increasingly involved in attacks on and harassment of Jews. Groups in civil society who monitor and work to counter anti-Semitism reported that anti-Semitism as a trend was on the rise among Muslim youth during the year. 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.

On August 26, a group of teenagers assaulted a Jewish teenager in Stuttgart. The victim was beaten up and kicked in the stomach and head while his assailants shouted anti-Semitic insults. A police investigation is ongoing.

Also in August the Protestant Church of Baden-Wuerttemberg dismissed a vicar for marrying a Muslim man, calling the marriage an “annunciation obstacle.” The church claimed that the spouse of a priest must be a Protestant, and although exceptions are possible for spouses of different Christian denominations, an exception could not be made in the case of marriage to a Muslim.

On July 6, the Berlin county court sentenced a perpetrator who had confessed to a series of 2010 arson attacks to two years and nine months of prison. The court found the perpetrator suffered from a serious mental disorder and it excluded a xenophobic motivation for the attacks, which included four assaults on the Sehlik mosque in Berlin-Tempelhof, and others on the Al-Nur mosque in Berlin-Neukolln and the Islamic Cultural Center of Iranians in Berlin-Brandenburg.

On May 31, a billboard advertising company refused to accept an order for billboards from the COS with the argument that “their customers did not want it.”

In April a Jewish cemetery in Essen was desecrated on the night of Hitler’s birthday. Gravestones were smeared with swastikas and runic characters symbolizing the Nazi regime. More than three months later, police identified three neo-Nazis as perpetrators. Two of them admitted to committing the anti-Semitic acts. In August the Essen state prosecutor indicted the three on charges of “using symbols of anti-constitutional organizations and malicious damage” before a juvenile court. At year’s end, there was no information on the outcome of the case.

On February 19, unknown persons defiled a mosque and a Jewish cemetery in Saarland by painting them with Nazi symbols. Also on February 19 in Saarland, 19 tombstones in the Jewish cemetery were knocked over and destroyed.

The rise of a substantial Muslim minority continued to engender social conflict with religious overtones at times. These conflicts commonly included local resistance to mosque construction, opposition to the leasing of land for Muslim cemeteries, or disagreements over whether Muslims could legally use loudspeakers in residential neighborhoods to call believers to prayer. Authorities argued many disputes were related to compliance with construction and zoning laws, and private groups (with some Interior Ministry financing) sought to better educate Muslim groups about these laws to reduce conflicts. Muslim groups, however, claimed such rules were often abused or that local opposition was motivated by anti-Muslim bias.

The Catholic and Protestant churches continued to oppose Scientology publicly. Additionally, several private organizations continued to issue public warnings about Scientology after school study programs.

Sect commissioners, primarily church officials from the Protestant and Catholic churches, investigated “sects, cults, and psycho groups” and publicized what they considered to be the dangers of these groups to the public. Protestant sect commissioners were especially active in their 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 of the sect commissioners portrayed these groups unfavorably.

Scientists in Hamburg continued to report discrimination due to the use of “sect filters,” stating that the Bundesagentur für Arbeit (Federal Employment Office) continued to use “filters,” as did many small and medium-sized businesses. The Hamburg Chamber of Commerce continued to use the “filter” in its mediation department.

Four of the major political parties (the Christian Democratic Union, Christian Social Union, Social Democratic Party, and Free Democratic Party) have banned Scientologists from party membership. Scientologists unsuccessfully challenged these bans in courts.

The Universal Life group reported that sect commissioner portrayals of the group promoted intolerance and that these portrayals were frequently repeated by media and municipal authorities.

Throughout the year, many civil society groups sought to improve societal respect for religious freedom through tolerance programs, multifaith groups, and open dialogue. For example, 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.

Hesse sponsors and is home to several interreligious federations, including the Interkultureller Rat (Intercultural Council), which promotes dialogue between native and nonnative residents, and the multifaith Religious Council, which seeks to improve sensitivity to religious needs, such as in hospitals.

The Bremen City Hall hosted the organization Peace Prayer of Religions for an event on January 23. Representatives of the following faiths were present: Christians, Muslims, Alevites, Jews, Hindus, Buddhists and Baha'is. Bremen Mayor Jens Bohrsen gave a speech in which he underscored the culture of tolerance in Bremen.

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

The U.S. embassy and consulates met frequently with representatives of religious groups to discuss their concerns 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 that included student and other exchanges, outreach efforts, and guest speakers. As part of the outreach program, mission officials regularly hosted activities and meetings with Muslim and Jewish communities. Members of the embassy 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 Baha'is together.

The embassy and consulates closely followed the government's responses to incidents of anti-Semitism and expressed the U.S. government's concern over anti-Semitic acts. They also maintained close contact with Jewish groups and continued to monitor closely incidents of anti-Semitic activity.

The embassy and consulates met with members of the Baha'i, Alawite, Coptic, and Sufi communities; Iranian Christians; the Konrad Adenauer Foundation; the Central Council of Muslims; the Central Council of Jews; human rights NGOs; and Bundestag staffers to discuss issues of religious freedom. The embassy delivered demarches to the Ministry of Foreign Affairs asking for support of religious

freedom issues in Iran for Baha'i, Sufi and Christian minorities, and facilitated meetings of an official from the Office of International Religious Freedom to meet with Iranian religious minorities and German officials in Berlin.