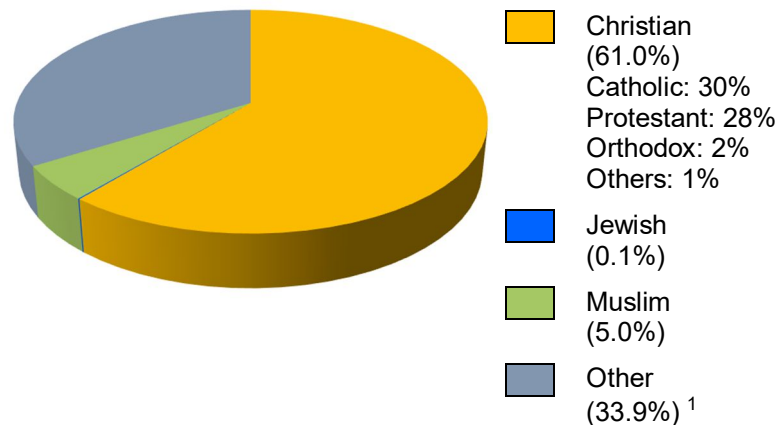


GERMANY



Area²: 357,000 km ²	Population³: 82.0 million	Political system: Democracy	Major Language(s): German ⁴
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Legal framework on freedom of religion and actual application

The Basic Law (the constitutional law for the Federal Republic of Germany) provides for equality before the law, and that no one may be disadvantaged or favoured because of his faith or religious opinion.⁵ Article 4 of the Basic Law protects freedom of faith and of conscience, as well as the freedom to profess a creed and practise religion, and the right to conscientious objection to military service.⁶

The Basic Law prohibits a state church, but religious groups may organise themselves freely and are not required to register with the state. However, to qualify for tax-exempt status, religious groups must register as non-profit associations.⁷ Further, religious societies may apply to organise themselves as public law corporations (PLC) and, if granted this status, may levy church taxes and appoint prison, military, and hospital chaplains.⁸ Decisions as to PLC status are made at a state level. An estimated 180 religious groups have PLC status.⁹

Federal and state Offices for the Protection of the Constitution (OPCs) monitor activities of some religious groups suspected of violating the constitution, including Scientologists and some Muslim groups suspected for their extremist views.¹⁰

Religious instruction (or ethics courses for those who opt-out of religious education) in state schools is available throughout Germany. Religious groups are permitted to establish private schools, provided they meet state curriculum requirements. Home schooling is not permitted, even on religious grounds.¹¹ Parents do not even have the right to opt out for a short period and home school their children in certain areas like sexual education, for religious reasons. Offenders have to pay fines, and occasionally, prison sentences are pronounced. The law was first drafted as the NS-Reichsschulgesetz in 1938. It is now specified in different state laws, with varying fines. The UN special rapporteur on the right to education, Mr Vernor Munez, spoke in his 2006 report on Education in Germany of a “criminalisation” of home schooling. No improvements have since been made.¹²

Laws among states vary regarding halal and kosher ritual slaughter practices and circumcision of males. The Constitutional Court struck down a blanket ban on Islamic headscarves for teachers in March 2015.¹³ Courts have also stated that church institutions do not have to allow their employees to wear the symbols of another faith.¹⁴

For historical and cultural reasons, the government subsidises some religious groups, particularly the Jewish community. Such subsidies include helping to maintain or build cemeteries and synagogues. Synagogues and other Jewish institutions receive police protection.

Incidents

With respect to reports of anti-Semitism and anti-Muslim activity, it should be noted that because ethnicity and religion are often closely linked, it might be difficult to determine whether an incident is motivated by racism or by religious intolerance.

Related to Christianity

Official figures relating to hate crimes motivated by anti-Christian sentiments are not available, as the police do not disaggregate data beyond a “bias against religion”, which may include any religion, including – but not limited to – Christianity.¹⁵ The most significant incidents of violence or discrimination against Christians were linked to the “refugee crisis”, which started in 2015. Due to the severe situation and ongoing injustice against Christian minorities in overloaded German asylum centres, in May 2016 Open Doors Germany (with the cooperation of various charitable organisations) published a survey to help cast light on the circumstances people were living in. According to the report, up to 40,000 Christian refugees have been harassed, insulted and attacked.¹⁶

231 Christian migrants (69 percent from Iran, 13 percent from Afghanistan, five percent from Syria) participated in the survey. 88 percent of the interviewed refugees had been discriminated against by other migrants, whereas 49 percent of them were also harassed by guards. Those numbers were even higher in asylum centres in Berlin, where 69 percent (of 124 people) had been subjected to discrimination by guards and 92 percent by other migrants.

42 percent reported discriminatory insults from Muslim migrants, 37 percent were physically injured, and 32 percent received death threats because of their religion. Others had been the victims of theft, or been threatened or disturbed during the night.

Only about 20 percent of the cases were reported to the police and every third victim had filed a complaint with the corresponding administrator. However, the majority of respondents choose to withhold their statements because they were afraid of becoming a victim of repeated offenses or further aggravating the situation. According to the report, the authorities seemed to give little support and understanding to Christians and they comprised a small minority in centres where Muslim migrants and guards were the vast majority. Victims and witnesses often refused to give statements because they were afraid of the consequences. Complaints often got counter-reported by the offenders and were usually dismissed due to a lack of evidence. This reflected badly on the victims, who were then considered troublemakers, which could cause repercussions in their asylum applications.¹⁷

Anti-religion groups have created a climate hostile to frank discourse in the public sphere. Besides defamation campaigns and negative stereotyping, the number of hate incidents has increased since 2013. Examples of these incidents include the disruption of a peaceful gathering by 4,500 supporters of “Demo für Alle” by counter demonstrators. The “Demo für Alle” organisation is backed by various faith groups, and has been protesting against a proposed school curriculum that would emphasise “gender ideology” and “sexual diversity”. This resulted in clashes between counter demonstrators and police: 18 people were injured, including three policemen. Three buses carrying “Demo für Alle” participants were attacked with stones and two suspects were arrested.¹⁸

Growing numbers of burglaries and attacks against religious buildings reflect another aspect of a societal climate hostile to Christian communities. As there are no general statistics including any anti-Christian bias as a motive, we are forced to rely on regional surveys such as a report from North Rhine-Westphalia, which recorded more than 3,500 of such incidents since 2010.¹⁹ There is evidence of a similar growing tendency of anti-Christian vandalism in other parts of Germany.²⁰

Related to Judaism

According to the Organisation for Security and Co-operation in Europe and the Office for Democratic Institutions and Human Rights (OSCE/ODIHR) 2014 hate crime report (the most recent available at time of writing), officials recorded 413 anti-Semitic hate crimes (39 involving physical assaults) and civil society sources reported 30 physical assaults (including two against rabbis); four threats; and 76 incidents of attacks against property.²¹

One example of physical violence is the 2014 attack on a man wearing Jewish symbols in a Berlin park. Officials described this as a religiously motivated right-wing hate crime. The assailants punched him repeatedly and he had to be treated in hospital.²²

Examples of attacks against property include the theft of the iron gate bearing the words "Arbeit Macht Frei" ("Work sets you free") at the former Nazi concentration camp at Dachau and multiple attempts to set fire to synagogues across Germany. The most common acts involved the use of graffiti with swastikas and anti-Semitic slogans.²³

A sharp increase in societal anti-Semitism was witnessed as part of demonstrations against the Israeli military bombardment of Gaza during the summer of 2014. Examples include demonstrators chanting "Hamas, Hamas, Jude ab ins Gas" ("Hamas, Hamas, Jews to the gas"). In September 2014, governmental, as well as religious leaders, gathered at Berlin's Brandenburg Gate to protest against such views. Chancellor Angela Merkel said, "Jewish life is part of us, of our identity and culture."²⁴

In early 2015, in the wake of an increase in anti-Semitic incidents, the German government established a new commission on anti-Semitism, but was criticised for not including a Jewish person.²⁵

Although authorities and NGOs mostly attribute anti-Semitic acts to neo-Nazism or other right wing groups, they have also noted a rising anti-Semitic trend among Muslim youth.²⁶ In December 2015, a German court convicted an imam for incitement to hatred for calling for the extermination of Jews during the Gaza conflict earlier in the year.²⁷

In March 2015, the Jewish Youth Congress indicated that bullying of Jewish students in schools, primarily by Arab children, has caused some students to leave state schools for Jewish institutions. And the president of the Central Council of Jews in Germany said that in some areas of German cities, wearing Jewish symbols or clothing is seen as a "provocation."²⁸

Related to Islam

Of the one million migrants and refugees who arrived in Germany in 2015²⁹, at least 80 percent (or 800,000) were believed to be Muslim, according to estimates by the Central Council of Muslims in Germany (ZMD), an Islamic umbrella group based in Cologne.³⁰ It is difficult to determine, in many cases, whether an incident is specifically motivated by an anti-Muslim bias or a general xenophobia.

In November and December 2014, a movement known as PEGIDA ("Patriotic Europeans against the Islamisation of the Occident") began to hold weekly demonstrations in Dresden. Some rallies attracted as many as 17,000 demonstrators as well as thousands of counter-demonstrators from political parties, churches, NGOs, and trade union groups. Similar but smaller protests and counter-protests were held in other cities.³¹ A January 2015 Forsa poll revealed that one in eight respondents would join an anti-Muslim march if PEGIDA organised one in their town and 13 percent would attend one nearby. While two-thirds of the respondents said that the idea of the "Islamisation of Germany" was exaggerated, 29 percent believed that Islam was having enough of an influence on Germany that these marches were justified.³²

As already mentioned above, official figures relating to hate crimes with an anti-Muslim motivation are not available, as the police do not disaggregate data beyond a general "bias against religion". This has been the subject of criticism.³³

In the OSCE/ODHIR hate crime report for 2014, civil society reporter NSSAN reported two physical assaults against Muslim women, two incidents of threats, six arson attacks against Mosques or places of worship, one incident of the desecration of a mosque and three incidents of damage to property. World Without Nazism reported two physical assaults against Muslim women, one arson attack and one incident of damage to a mosque.³⁴

On 10th August, 2014, an unknown person entered the prayer room of the Süleymaniye Mosque in Bielefeld and set several Qur'ans and other literature on fire.³⁵ The next day, a fire broke out in the Melvana Mosque in the Kreuzberg district of Berlin, known as "Little Istanbul" because of its high population of Turks. On 28th August, officials confirmed that this was an arson attack.³⁶ On 30th August, a security camera at the Haci Bayram Mosque filmed unknown perpetrators throwing two Molotov cocktails at the mosque.³⁷

In September 2014, small groups of Salafists wearing jackets labelled "Shari'a Police" staged patrols in Wuppertal, Aachen, and Bonn. They carried notices proclaiming a "Shari'a Controlled Zone" and declaring a prohibition on alcohol, gambling, smoking, and concerts. They also called on young people to convert to Islam. The Central Council of Muslims in Germany condemned the action. Nine were arrested for an infringement of the police's legal and authorised monopoly on the legitimate use of force. In December 2015, a court ruled that the group had not violated the law, and prosecutors lodged an appeal.³⁸

On 5th May, 2015 German police arrested four alleged right-wing extremists suspected of planning attacks on mosques and asylum seekers in Germany. According to the Federal Prosecutor's office, the four suspects intended to carry out terrorist attacks on targets including mosques, accommodation for asylum seekers, and well-known Salafis.³⁹

After the Paris attacks in November 2015, Aiman Mazyek, head of the Central Council of Muslims (ZMD), said that attacks against Muslims were on the rise in Germany. Mazyek gave an example of the words "murderers and pigs" written on the entrance of a mosque in Saarbrücken on 17th November.⁴⁰

On 31st December, 2015, men with "migrant backgrounds" reportedly committed widespread assaults on women in several German cities. According to police most of the attackers in Cologne were from countries in Northern Africa or Arab countries. These incidents led to a rise in anti-Muslim sentiments. ZMD said that since the New Year's Eve attacks "it had been forced to cut off all phone lines after being inundated with abusive and racist calls and emails". ZMD's Aiman Mazyek said, "We are experiencing a new dimension of hatred," he said, "The far-right mob sees its prejudices confirmed and an opportunity to give free rein to hatred of Muslims and foreigners."⁴¹

Prospects for freedom of religion

While it appears that there were no significant increased governmental restrictions on religious freedom during the period under review, there appears to be an increased risk of societal intolerance against both majority and minority religions, some of which may be a backlash to global terrorism or geopolitical conflicts attributed to religious groups, as well as anti-immigration sentiments in Germany. There is also the new phenomenon of bullying and physical threats against Christian refugees by other asylum seekers and Muslim security staff.

¹ http://www.dbk.de/fileadmin/redaktion/diverse_downloads/presse_2015/AH_275_DBK_Zahlen-und-Fakten_final.pdf, page 6

² <http://www.bbc.com/news/world-europe-17299607>

³ <http://www.bbc.com/news/world-europe-17299607>

⁴ <https://www.cia.gov/library/publications/the-world-factbook/geos/gm.html>

⁵ https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf

⁶ https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf

⁷ https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf

⁸ https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf

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- ⁹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
- ¹⁰ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
- ¹¹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
- ¹² Shadow Report Germany by the Observatory on Intolerance Against Christians 2012;
http://www.intoleranceagainsthchristians.eu/fileadmin/user_upload/UPR_Submission_Germany__Oct_2__2012.pdf
- ¹³ <http://www.bbc.com/news/world-europe-31867732>
- ¹⁴ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
- ¹⁵ <http://hatecrime.osce.org/germany>
- ¹⁶ <http://www.faz.net/aktuell/politik/fluechtlingskrise/christliche-fluechtlinge-bis-zu-40-000-nicht-muslime-im-fluechtlingsheim-drangsaliert-14223089.html>
- ¹⁷ Bericht von Opendoors Deutschland im Mai 2016
https://www.opendooors.de/verfolgung/christenverfolgung_heute/christenverfolgung_in_deutschland/kurzbericht_zur_lage_christlicher_fluechtlinge_in_deutschland/
- Regina Mönch, Flüchtlingspolitik: Vergesst die Christen nicht, FAZ 10.5.2016
<https://www.washingtonpost.com/news/worldviews/wp/2016/05/10/christian-refugees-in-germany-fear-violence-by-other-migrants-report-says/>
- ¹⁸ Stuttgarter-Zeitung 28.2.2016
<http://www.intoleranceagainsthchristians.eu/case/peaceful-protest-in-stuttgart-disrupted-by-counter-demonstrators.html>;
see also <http://www.intoleranceagainsthchristians.eu/case/antifa-admits-attack-on-demo-fuer-alle.html> and
<http://www.intoleranceagainsthchristians.eu/case/serious-arson-attack-against-demo-fuer-alle.html>
- ¹⁹ <http://kath.net/news/49462>
- ²⁰ [http://www.intoleranceagainsthchristians.eu/cases-searchresults.html?user_extmininews_pi1\[found\]=fcases&user_extmininews_pi1\[page\]=13](http://www.intoleranceagainsthchristians.eu/cases-searchresults.html?user_extmininews_pi1[found]=fcases&user_extmininews_pi1[page]=13)
- ²¹ <http://hatecrime.osce.org/germany>
- ²² <http://www.timesofisrael.com/man-wearing-star-of-david-attacked-in-berlin-park/>
- ²³ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
- ²⁴ <http://www.economist.com/news/europe/21618844-tricky-balance-responsibility-towards-jews-and-other-minorities-who-other-now>
- ²⁵ <http://www.theguardian.com/world/2015/feb/10/germany-anti-semitism-commission-no-jews>
- ²⁶ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
- ²⁷ <http://www.eurojewcong.org/Germany/14255-berlin-court-convicts-danish-imam-for-antisemitic-incitement.html>
- ²⁸ http://www.huffingtonpost.com/2015/03/04/antisemitism-germany_n_6794928.html
- ²⁹ <http://www.bbc.com/news/world-europe-34131911>
- ³⁰ <http://www.tagesspiegel.de/politik/fluechtlinge-und-religion-die-zahl-der-muslime-wird-signifikant-wachsen/12242898.html>
- ³¹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
- ³² <http://www.reuters.com/article/us-germany-immigration-idUSKBN0KA1KZ20150101>
- ³³ <http://www.osce.org/odihr/124654?download=true>
- ³⁴ <http://hatecrime.osce.org/germany?year=2014>
- ³⁵ <http://www.dailysabah.com/nation/2014/08/26/mosque-fires-in-germany-trigger-concerns-of-islamophobia>
- ³⁶ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
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- ³⁸ <http://www.bbc.com/news/world-europe-35059488> and
<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238384>
- ³⁹ <http://www.wsj.com/articles/german-police-arrest-four-suspected-of-planning-mosque-attacks-1430904522>
- ⁴⁰ <http://www.dw.com/en/attacks-against-muslims-on-the-rise-after-paris-strikes/a-18878424>
- ⁴¹ <http://www.independent.co.uk/news/world/europe/cologne-sex-attacks-refugees-living-in-fear-of-backlash-as-justice-minister-warns-of-anti-foreigner-a6806681.html>